



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

*Tuesday, 25 May 2004.*

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## DÁIL ÉIREANN

*Dé Máirt, 25 Bealtaine 2004.  
Tuesday, 25 May 2004.*

Chuaigh an Ceann Comhairle i gceannas ar 2.30 p.m.

*Paidir.  
Prayer.*

### Ceisteanna — Questions.

#### Northern Ireland Issues.

1. **Mr. Kenny** asked the Taoiseach if he will report on his meeting with the British Prime Minister to discuss the Northern Ireland peace process on 2 May 2004; and if he will make a statement on the matter. [12555/04]

2. **Mr. Rabbitte** asked the Taoiseach the matters discussed and conclusions reached at his meeting with the British Prime Minister in Dublin on 2 May 2004. [12593/04]

3. **Mr. Kenny** asked the Taoiseach if he will report on his meeting in Dublin on 30 April 2004 with the SDLP leader, Mr. Mark Durkan; and if he will make a statement on the matter. [13272/04]

4. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on his meeting with the British Prime Minister, Tony Blair, in Dublin on 2 May 2004; and if he will make a statement on the matter. [13335/04]

5. **Mr. Sargent** asked the Taoiseach the contents of the new road map for Northern Ireland that he discussed with the British Prime Minister, Tony Blair, in early May 2004; and if he will make a statement on the matter. [13458/04]

6. **Mr. G. Mitchell** asked the Taoiseach if he will report on recent talks held in Dublin with the British Prime Minister, Tony Blair; and if he will make a statement on the matter. [14502/04]

7. **Mr. J. Higgins** asked the Taoiseach the matters discussed and conclusions reached at his recent meeting with the British Prime Minister, Mr. Tony Blair; and if he will make a statement on the matter. [15382/04]

8. **Mr. J. Higgins** asked the Taoiseach if he will report on his recent contacts with the political parties in Northern Ireland. [15383/04]

**The Taoiseach:** I propose to take Questions Nos. 1 to 8, inclusive, together.

I met an SDLP delegation led by Mark Durkan on 30 April when we discussed a number of issues focusing particularly on the prospects for political progress in Northern Ireland. My discussions with Prime Minister Blair on Sunday, 2 May focused primarily on Northern Ireland but we also had an opportunity to discuss European matters. The Prime Minister and I are determined to achieve a basis for the restoration of devolved Government in Northern Ireland as soon as possible.

The issues that must be addressed are clear. We will continue to explore all opportunities of making progress. We are intensifying our efforts and contacts with the parties. Those parties in Northern Ireland now in a position of leadership in their communities must play their part. With sufficient political will, leadership and courage, the culture of paramilitarism can be ended, trust and confidence can be restored and a democratic accommodation between Unionists and Nationalists can be secured and sustained.

I raised the Pat Finucane case with the Prime Minister. Judge Cory said that this is one of the rare cases where a public inquiry takes precedence over a prosecution. I agree with Judge Cory's views and the Government will continue to press for a public inquiry in this case as soon as possible. My discussions with the Prime Minister also touched on the report of Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights on the Barron report.

The joint statement issued after the meeting with the Prime Minister has been laid before the House. The two Governments are agreed that our shared objective is the restoration of devolved inclusive government in Northern Ireland. Over the coming weeks and months, we will work with the parties to this end and endeavour to secure delivery on the commitments needed to restore trust and confidence.

We would like to make progress in as many areas as possible before the summer break which would provide the basis on which we can resume with a positive foundation in the autumn. As I have said, the issues involved are clear. However, it is at this time premature to speculate about what may be achievable and the timeframe within which it can be achieved. In recent weeks, there have been worrying reports of an upsurge in sectarian attacks. It is important that everyone with influence in their communities does everything possible to ensure these attacks stop and tensions are reduced. Everyone appreciated the work done last year which ensured we had the most peaceful summer in many years. This work must continue and contacts be maintained at interface areas. There can be no greater confidence building between communities than people working to ensure we have peace on the streets and another peaceful summer. This would

[The Taoiseach.]  
also provide a very positive context for the political process in the period ahead.

**Mr. Kenny:** I thank the Taoiseach for that reply. Following recent questions the Taoiseach admitted the release of the killers of Detective Garda McCabe would have taken place if circumstances had permitted last year. I have some questions on this issue, as the people of the country and the McCabe family deserve openness and straight answers.

Did the deal the Government attempted to make with the IRA last October involve the ending of all criminal activity as well as paramilitary activity? The Taoiseach will be only too aware that Detective Garda McCabe was killed during a bank robbery and that the report of the Independent Monitoring Commission detailed numerous criminal activities involving paramilitary groups. Is the deal done last October with the Provisional IRA irrevocable now as we move through the summer to further discussions on the peace process? If the leader of the Ulster Unionist Party, David Trimble, had not backed away from the agreement at the 11th hour last October, does the Taoiseach consider the killers of Detective Garda McCabe would now be free?

**The Taoiseach:** Obviously we will continue to try to build on the deal of last April and October. It did not change much, frankly, between April and October, as the basis of the arrangement was very much the same. Paragraph 13 referred to the end of paramilitarism in all its forms under the definition in that paragraph. As far as we are concerned that includes the effective ending of the IRA as an organisation that has anything to do with criminality, paramilitarism or anything else. The IRA would say it is not involved in crime but as far as we are concerned everything in paragraph 13 would end.

If we had achieved total completion of the deal we would have honoured it, as I have told Deputy Kenny in the last two weeks. Unfortunately we did not get near that, and it was not just a matter of the David Trimble issue. A number of things went wrong at the very end and my views were very clear even before we went to Hillsborough on the day in question. Our verification process, and those of everyone else, had been built into that agreement. Those processes would have applied to us, the British Government, the Ulster Unionist Party, Sinn Féin and other parties to a lesser extent.

Going forward, the reason we put so much effort into that conclusion last year was that it was before the elections. Now the structures and parties have changed and we have a different set of negotiations. It is not the same so it is not a matter of everything from last year moving forward into this year. The agenda and dynamic are different, as are the policy documents, given that parties won and lost in last year's elections as a result of various manifestos. The format for

negotiations this year is different but we hope the end result will be the same, namely, the end of paramilitarism in all its forms, the initiation of inclusive institutions and the verification of whatever is agreed. The International Monitoring Commission and the independent international Decommissioning Body are the two main mechanisms to arbitrate on what is delivered. We are trying to construct a new arrangement and, as Deputy Kenny will appreciate, that will be a slow process because there is no direct engagement and the talks are not at a stage where the DUP and Sinn Féin negotiators deal with each other. Part of the process will be to achieve that.

**Mr. Kenny:** The Taoiseach will be aware that, as Leader of the Fine Gael Party, I was given a number of confidential briefings on the Northern Ireland peace process last year, for which I was very grateful. There was no reference in any of those briefings to the release of the killers of Detective Garda McCabe. In that context, in March 2003 when the Minister for Foreign Affairs met Gerry Adams, President of Sinn Féin, in an attempt to agree a range of measures to restore the Assembly and the Executive, is he aware whether the possible release of the McCabe killers was part of those discussions or was mentioned to Mr. Adams by the Minister for Foreign Affairs on behalf of the Government? Was the Minister for Justice, Equality and Law Reform aware the release of the McCabe killers was part of the settlement towards which the Government was working? Did he agree at that stage that the killers of Detective Garda McCabe were eligible for release? I want to make that perfectly clear because in my recent travels around the country the public expressed its concern about this issue, having voted for the Good Friday Agreement in large numbers, on the strict understanding the release of these persons was not part of that Agreement?

**The Taoiseach:** I accept Deputy Kenny would not have been briefed on all the matters. I do not think he would have been briefed on OTRs or the McCabe issues. I reiterate — I understand people can be uncomfortable with these issues — over the years in many of these circumstances I have had to give clearance at Christmas time and other times for the release of republican prisoners. The Christmas before the Good Friday Agreement I approved the release of the whole group, approximately 20, over the Christmas period. At all times our goal is to try to convince those who have been involved in violence and paramilitarism to move away from that. Not all the issues raised in this context are comfortable issues. The issue was raised in this House and elsewhere in 1998 that there was an inconsistency in our view in the South that we had negotiated an agreement in the North where people were being released who recently had been engaged in all kinds of horrendous activities. We made that point clear at the time. We claimed that, whether

it was inconsistent, this was an act of criminality. We claimed that when this crime happened there was a doubt about who did it — the Deputy will be aware that at first there were denials — and for that reason we said we would not deal with it.

The Sinn Féin leadership made it clear at all times that it believed this was inconsistent. It fought through the High Court and the Supreme Court and lost on those grounds. Equally, it made clear that, at the end of the negotiations, which we are seeking, it would expect this issue to be completed and dealt with. We have moved on a considerable number of years — it is seven years since some of these prisoners were released. One of the original five was released and obviously others will be in prison for up to another five years. I know it is difficult for the families, but if we are to get an end to paramilitarism and violence and to work towards a constructive beginning, we must deal with this issue. Quite frankly, we must deal with this issue as part of the end game. It is not something to give away or trade off, but in the end this is where we would come to ultimately. I have made this clear to the Garda representative bodies, I know the families are aware of our position as well and I understand the reason they would not agree with it. The OTRs, persons on the run, are part of this arrangement. If one deals with the issue of OTRs without dealing with the persons charged with the manslaughter of Detective Jerry McCabe, one would find oneself in a situation where somebody, perhaps a person on the run who may have been involved in murder, would have gone through the certification process of declaring himself or herself an OTR, obtained clearance and would not serve a day while others who would have gone through due process would have served seven or eight years. That is the rationale in bringing this to an end.

I cannot be sure who has OTR status. I have explained before, but people did not focus on it, that I understand from what is known by the Garda Síochána that there would not be that many cases of OTRs, persons on the run, but who can be certain of who is living in the jurisdiction. I have no doubt that somebody who had been involved in a horrendous event could come forwards as an OTR and under that system, he or she would get clearance. The same would happen in the United Kingdom. If we are to bring the matter to completion, we must face up to these issues. We are endeavouring to end paramilitarism, and deal with all the issues outlined in paragraph 13 and which I have outlined time and again. We are seeking an inclusive working executive and we are moving towards having everything verified.

I do not wish to duck any of the issues. If one states that one is not prepared to consider issues such as OTRs and the Oireachtas report, another issue which I am anxious to progress and on which I have answered questions recently, one will not achieve the end of the IRA as we know it. That is not to say the disbandment of the IRA,

because it may become an old veterans group or whatever role it may play in the future. Mr. David Trimble came up with some imaginative ideas on this a few years ago, but we will not come to the end of it until we deal with them.

We have a decision to make on whether we get to the end of this. I do. I am prepared to take the heat on these issues and explain them because I think it is worth it, even if some issues are difficult. We do not have that many difficult issues compared with the number the people in Northern Ireland have had to face.

**Mr. Rabbitte:** Do the continuing statements in recent months by the Minister for Justice, Equality and Law Reform indicate a change in the Government's assessment of the republican movement?

**The Taoiseach:** The Government has been assessing the republican movement. I may be wrong but I think even since last October, people are facing up to moving towards the end position. That will come to fruition only when matters are completed. The issues in the Joint Declaration, such as equality, policing and so on are very difficult.

To answer Deputy Rabbitte's question, I think republican thinking is coming to terms with trying to deal with these issues. To give a balanced view on this, it is not easy for them when they are not engaged directly with the DUP in talks. It is difficult for the DUP because of the history of the situation, but I increasingly detect from both sides a willingness to try. It will not happen overnight or over the next few weeks, but there is a willingness to do this. That is the belief of Government. Some of my colleagues would perhaps try to force that more than I would. In the end, I believe these matters can only really be done by negotiation.

**Mr. Rabbitte:** I welcome the remarks made by the Taoiseach that he detects — I forget the phrase he used — in terms of the republican movement——

**The Taoiseach:** A willingness.

**Mr. Rabbitte:** ——making the final move. Will the Taoiseach be a little more forthcoming with the House in terms of how the average person watching or reading this debate would reconcile that with the remarks of the Minister for Justice, Equality and Law Reform or with the findings of the Independent Monitoring Commission? Will he say something on that? Is he saying the movement away from paramilitarism has not been stalled and that progress is still being made? Will he be a little more forthcoming on why he assesses that to be the position?

**The Taoiseach:** The Independent Monitoring Commission has given its report and we have seen what it has said, including what it said about the ten killings last year, practically all of which



[The Taoiseach.]  
were loyalist. There are issues. It is for me to give a fair position. There were a large number of events in Northern Ireland this weekend to which little or no attention was given. I will not give a blow-by-blow account but there were attacks on Catholic homes, gas-propelled bearings were shot at the home of a member of the SDLP, there were attacks on members of the Nationalist community and there has been considerable trouble in some of the interface areas. There are ongoing events, many of them emanating from loyalism.

As Deputy Rabbitte knows, I have taken an even hand in this and have also engaged in trying to work with the loyalists groups. If one can ease the pressure in regard to those matters, one does not get as much heat in the republican areas.

Obviously, the IRA still exists, recruits and engages in some training but compared with the situation a year or two ago, it has de-escalated. As Deputy Rabbitte knows, we had problems last year with criminality. The Minister for Justice, Equality and Law Reform's position on that, whether people liked it or not, helped to break some of those links. There was a debate about whether former IRA people were engaged in criminal activity for their own benefit or for that of the IRA. I do not know. I think that is an open question, but the Minister for Justice, Equality and Law Reform highlighted and put the heat on that. Some people were engaged in it; if not current republicans, then former republicans. Heat was put on them. I do not want to go into what happened and the security information but the Minister highlighted things that were going on in the port of Dublin city. They were not imaginary and there was real criminal involvement. It has been necessary to press that case and to speak about it.

I mentioned some of the remarks made by Dr. Paisley recently. Reading that full speech, some of the things he said were perhaps not too complimentary, including some of the things said about Archbishop Brady. However, behind that is a willingness to try to find a way forward, and many people are trying hard to engage. We know that it is not happening quickly enough, and I continually make the point to the republican movement that, in these modern times — ten years since the first ceasefires, not to mention earlier events — it should not have taken so long. However, that it has taken that long is the position in which we find ourselves. If people are sincere and genuine, we can make progress.

Otherwise, the Independent International Commission on Decommissioning and the International Monitoring Commission will tell it as they see it in their next reports. People will dispute their views and say that some board members are not fair. Despite all those arguments, the bodies are seen internationally as being international bodies. If we do not achieve progress, that is what we will see. They are determined to tell the story as it is. People are

realising that it might be an uncomfortable position come October.

I assure Deputy Rabbitte that there are people in the commission and working with it who would be very happy with that. Either people correct their ways, or we will read a great deal more about it. That is not a threat from the commission or me, but a question of putting the facts in the public domain. The process of moving away from paramilitarism and related criminality, the existence of which is disputed, and the question of how people come by their money, will continue to come to the fore if people do not bring matters to a conclusion. All that brings pressure.

I know how everything that we say during questions on Northern Ireland is analysed much more widely than most other things. As we come into the autumn, if we have not moved to devolved government and an administration, someone must start answering for that to the people of Northern Ireland. I will not be slow in highlighting our efforts. However, people will have to answer for their positions. People stood for election and put forward their manifestos last November. The British and Irish Governments are doing all that they can to accommodate dialogue and make it happen. I do not believe we will have devolved government before the summer; that is not possible. However, I certainly hope we will have it by early autumn, or late autumn at the latest — well before the anniversary. It is very clear what is necessary. I need not go into all the detail here in reply to Deputy Rabbitte. I have said in detail what I mean by that and what steps must be taken to achieve that. We must make that progress. People will analyse that. People in all parties and groupings need to help us to bring matters to a conclusion.

**Caoimhghn Ó Caoláin:** Will the Taoiseach revisit his claim that the Castlereagh prisoners lost their case in the Supreme Court, given that that is factually false? I invite the

3 o'clock Taoiseach to correct the record, since anyone will know that that is not the case, no matter how often it is repeated or how hard the Taoiseach tries to peddle it. Is the Taoiseach aware that his utterances, today and previously, are not always helpful, particularly his position regarding the IMC, which is a body not catered to, recognised or established under the terms of the Good Friday Agreement but outside it, and imposed against the will of the party representing the largest body of Nationalist opinion in the North of Ireland not to mention the extent of its representation throughout the island. Is the Taoiseach aware, or has he forgotten when he talks about parties elected last November, that the Assembly has been collapsed on a number of occasions, not by the hand of Sinn Féin, but as a unilateral action on the part of the British Government, with which this Government is supposed to be an equal partner in overseeing the implementation of the Good Friday

Agreement. Clearly the Irish Government is a junior partner and at that, too often unprepared——

**An Ceann Comhairle:** Questions.

**Caoimhghín Ó Caoláin:** ——to properly flex its position as the voice representing the Irish people, not only in this State but recognised and acknowledged by nationalist opinion throughout the island of Ireland. The situation is serious. As regards the Taoiseach's meeting of 2 May with the British Prime Minister here in Dublin, how exactly did he press the issue of the Dublin-Monaghan bombings, and the Oireachtas committee's report based on Mr. Justice Barron's findings? This is the month that records the 30th anniversary of the tragedies visited on this city and on my home town. Did the Taoiseach demand in clear unequivocal terms that the British Government fully co-operate in the release of all the information it has? Did he indicate that one of the recommendations and the clear demand of the families is for a full cross-jurisdictional public inquiry? Did he press that and if he did what was Mr. Blair's response, aside from the Taoiseach's statement after the meeting, which gives no solace to those who want to see the establishment of truth and justice as regards that case? The Taoiseach has acknowledged and I would like to ask him about the events of the recent past: for months we have seen the continual efforts of some — including the Minister for Justice, Equality and Law Reform, Deputy McDowell and his friends in the Independent Newspapers network — to lay the blame for obstacles to progress at the door of Sinn Féin. Is it not the case that there is a collective responsibility on all parties including the Taoiseach's and this Government, to ensure that the current difficulties are overcome?

**Mr. N. Dempsey:** Is that a question or a lecture?

**Caoimhghín Ó Caoláin:** What is the Taoiseach's position as regards the escalating loyalist activities in the North of Ireland? He has alluded to the fact that these have increased in the recent past. We have seen the murder of a man, only a week ago, in the LVF-UVF feud.

**An Ceann Comhairle:** The Deputy must confine himself to questions. Two other Deputies wish to contribute and the House would like to facilitate them.

**Caoimhghín Ó Caoláin:** These are questions. They may not be the ones the Ceann Comhairle wants to hear, but these are questions and I will ask them in this House. We have been listening——

**An Ceann Comhairle:** No one is stopping the Deputy from asking questions, but he is not allowed to make statements.

**Caoimhghín Ó Caoláin:** We have been listening to plenty of talk in every other regard. Is the Taoiseach aware — or the Ceann Comhairle, if he wants to answer it — that there are loyalist attacks, including ongoing threats, on the homes of Sinn Féin and SDLP elected representatives? He was happy to mention an SDLP member earlier, but what about attacks on the homes of Sinn Féin elected representatives? Is he aware that this has included attempted abductions of nationalists, pipe bombs left at the home of a Sinn Féin member in Ballymena and attacks on a number of nationalist homes, including one in Portadown? Will the Taoiseach call on Unionist politicians to work actively and publicly to oppose these sectarian attacks by Unionist paramilitaries, particularly as we move towards the most sensitive time of the political year north of the Border? We do not want to see all of the hard work invested in recent years unravelled. We want to see a peaceful summer.

**The Taoiseach:** I could give an equally long answer. The answer to most of those issues is "yes". I have answered some of them already, in my reply to Deputy Rabbitte, about loyalist activities. I mentioned the SDLP because that incident happened this weekend. It is the latest in a series of issues which I have also mentioned. I would prefer to expend my energy in moving on. If we keep going back on these issues we will not get very far. We all want to see an end to the stopping and starting of the institutions. Deputy Ó Caoláin is correct to say we have seen many of them but he is incorrect when he says they were all unilateral acts that had nothing to do with anyone or anything. He knows himself——

**Caoimhghín Ó Caoláin:** Indeed I am not wrong. Was the Taoiseach's hand involved in the collapse of the institutions?

**An Ceann Comhairle:** It took Deputy Ó Caoláin six minutes to ask questions and he should now allow the Taoiseach to answer without interruption please.

**Caoimhghín Ó Caoláin:** The Ceann Comhairle should not get too rushed. He is always issuing health warnings now I will give one to him. Will the Taoiseach answer the question?

**An Ceann Comhairle:** The Deputy will leave the House if he does not allow the Taoiseach to answer his question.

**The Taoiseach:** I will answer Deputy Ó Caoláin's question. If I had managed to convince the Prime Minister — the Deputy said I did not do so actively enough — to get things up and running just after Christmas it would have come back down again through the actions of people associated with the Deputy and his party.

**Caoimhghín Ó Caoláin:** The Taoiseach should withdraw that remark.

**The Taoiseach:** It would have done.

**Caoimhghín Ó Caoláin:** Nobody associated with——

**The Taoiseach:** Deputy Ó Caoláin asked me a question but he did not like the answer.

**An Ceann Comhairle:** The Taoiseach should address his remarks through the Chair please.

**The Taoiseach:** I am sorry. I apologise.

**An Ceann Comhairle:** Deputy Ó Caoláin will leave the House if he does not allow the Taoiseach to answer. Deputies Sargent and O'Higgins have submitted questions and they are entitled to answers so Deputy Ó Caoláin may not take up the rest of the time.

**Mr. Kenny:** The Taoiseach should give us more.

**Caoimhghín Ó Caoláin:** I am entitled to an answer.

**An Ceann Comhairle:** The Deputy may not take up the time until 3.15 p.m.

**Mr. N. Dempsey:** The Deputy is not entitled to dictate an answer.

**Caoimhghín Ó Caoláin:** I should not have to listen to abuse continuously.

**The Taoiseach:** The Government continues at every level to make progress on the issue of the Dublin and Monaghan bombings. I have raised this again with the Prime Minister and will try to make as much progress as possible on this. He is aware of the recommendations of the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights, which I support. We must see what progress we can achieve on this issue. It comes down to whether we will have an inquiry similar to the Cory inquiry, either in the United Kingdom or in Northern Ireland, or in both under the one jurisdiction. We have made our position clear on the question of having that kind of investigation, as we have on the Finucane case. I have already answered the other issues raised by the Deputy.

**Mr. Sargent:** Has the Taoiseach had time to think about the suggestion put by the SDLP, the Green Party and others about an interim arrangement to get the institutions in Northern Ireland up and running again? The suggestion is for a ten-member commission appointed by the two Governments to replace the Executive in the interim. Does the Taoiseach agree such an arrangement would allow the Assembly to get back up and running and that it would be an improvement on direct rule, given that the commission would be accountable to the Assembly?

Does he agree that the drift in policy is playing into the hands of anti-Agreement parties? In light of that and other constructive proposals and suggestions coming from other parties, including those in the Opposition, has the Taoiseach had an opportunity to think about his promise to involve Opposition parties in the review of the Good Friday Agreement? Has anything been done to develop that idea and to facilitate that process? In his discussions with the UK Prime Minister, Mr. Blair, has the Taoiseach discussed the implications of the forthcoming referendum on citizenship in the context of the Good Friday Agreement and, if so, has there been any outcome to those discussions?

**The Taoiseach:** The SDLP plan for the restoration of the Assembly, the North-South ministerial bodies and the British-Irish Council through the appointment of an administrative panel to run the Departments is being raised in the review. The party will pursue it further when the discussions resume. There are several other constructive suggestions and proposals. Every party has put forward comprehensive suggestions and positions which are now part of the review process. Some have been tabled, some have already been discussed and some are continuing.

Ultimately, in any deal, elements of those plans put forward by parties will be taken on board. There are some very good ideas, not only to devolve the institutions, but to give sustainability to them. We do not want to continue with a stop-start process, we want to achieve something that is sustainable, bedded down and will hold. Many of the proposals put forward by all parties are useful and would constructively help to do that.

In terms of the review, the parties do not meet often enough collectively. They meet separately, but I would rather we had more round table discussions. Perhaps when we clear some of the other more fundamental issues we will get to a position where people are able to sit down and deal with each other. We may then be able to get more parties around the table. We would make far more progress if it were a round table process because we would have to table papers and get everybody's collective view on them. That has not happened for one reason or another. The UUP pulled out of that process which creates a difficulty and the DUP and Sinn Féin are not yet dealing directly with each other. I think there is engagement on the papers and that we can make progress.

Some of the suggestions made here have also been feeding in to other parties and are reflected in their position papers. If we can support a review process, I expect that after the election, there will be at least three or four weeks of work on the review prior to the summer and then it will start up again two days a week. That is probably the best way of moving things forward.

There is no difficulty on citizenship in regard to Northern Ireland. We have that worked out and we made a joint declaration with the British.



It does not create any problem whatsoever in the North or for people in the United Kingdom.

**Mr. J. Higgins:** Did the Taoiseach discuss the situation in Iraq with the British Prime Minister? Did the Prime Minister throw any light on the disaster that has followed the invasion of Iraq of which he was a prime mover? Did the British Prime Minister apologise to the Taoiseach for misleading him and his Government in claims he made to justify the invasion of Iraq on the definite presence of weapons of mass destruction, and also apologise for convincing the Taoiseach that he should lend assistance to that invasion and be an auxiliary to it by providing logistical support at Shannon?

Did they raise the issue of the abuse of Iraqi prisoners by British soldiers and the abuse and deaths of Iraqi prisoners at the hands of both British and American soldiers? Since the credibility of any claim to moral or democratic standards advanced by the British Prime Minister, Mr. Blair, and the British and US occupiers now lie in the gutters of Abu Ghraib following the prisoner scandal, how does the Taoiseach propose to deal with the British Prime Minister in regard to these matters?

**The Taoiseach:** I answered questions on this issue the week before last. As I said in my earlier reply, we discussed Northern Ireland and European matters at this meeting. We did not discuss Iraq, but when I previously answered questions on this matter I stated that we formally and officially condemned and signalled our outrage at what had happened in the prisons to the UK and US authorities. The Deputy knows our position on the other issues. The Minister for Foreign Affairs, Deputy Cowen, attended the General Affairs Council yesterday and, as at any such meeting he encouraged the formulation of a new and clear resolution that will be satisfactory to everybody so that the international community can endeavour to bring stability and a successful hand-over to the interim administration at the end of June that will appoint a president, vice-president and prime minister. It will also have the resources to allow it to deal with this issue and will have access to an international force that will have the credibility to allow it to operate. It is into this crucial matter that we are investing all our efforts and energy. The most important aspect is to protect the sovereignty and integrity of Iraq and its people in order that direct elections can be held in the spring of next year.

### Priority Questions.

#### Abbey Theatre.

29. **Mr. Deenihan** asked the Minister for Arts, Sport and Tourism the position regarding the acquisition of a new location for the Abbey

Theatre; and if he will make a statement on the matter. [15396/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The Government, on 29 January 2003, authorised me to invite expressions of interest by way of public invitation from the private sector in participating, on the basis of a PPP, in the capital redevelopment of the Abbey Theatre in and/or around the vicinity of the site of the existing theatre. My Department, with the Department of Finance and the Office of Public Works, has been working to implement that decision.

In order to be compatible with the functions, profile and status of a national theatre and to address the acknowledged defects with the existing theatre a re-developed premises requires: to be a signature development, representative of a national theatre in the 21st century; to be in an appropriate civic setting and form part of the overall urban regeneration represented by the O'Connell Street integrated area plan and the north-east inner city plan; three significant enlarged auditoria, namely, the Abbey, the Peacock and a third multi-purpose space; a dedicated education and outreach facility; a publicly accessible archive; a restaurant-bar; improved public areas; disabled access for audiences and artists; and best practice theatre production facilities.

For the Abbey and the Peacock to function efficiently, effectively and without compromise, their basic functioning must not depend on movement of goods and people by mechanical lift. In essence, this means that the stages of both the Abbey and Peacock theatres must be positioned at ground level. In addition, both theatres must have easy access, also at the same level, to the scenery store and the prop store. It is agreed between the management of the Abbey and the OPW that there is a requirement for a ground floor footprint that is considerably larger than now exists. For the theatre to remain in its existing location, it will, therefore, be necessary to acquire properties adjacent to the existing premises.

Indications are that such acquisition will prove very costly and problematic in respect of timescale. My Department and the OPW are carefully examining all of the issues now arising and I intend to present my conclusions to Government in the near future. My personal preference, in common with that of many other cities around the world, would be for the theatre to be re-developed at its existing location but I cannot ignore the realities of price and design. I assure Deputy Deenihan of my determination to have decisions taken on the redevelopment of the Abbey Theatre in this its centenary year.

**Mr. Deenihan:** Will the Minister rule out of the equation, once and for all, the current site of the theatre? His reply seems to suggest it has not yet been fully ruled out, which is creating confusion.



[Mr. Deenihan.]

In view of the fact that the High Court judgment in the case involving the Carlton cinema site, which was held two months ago, is imminent, is the Minister of the opinion that it would be opportune for the OPW, Dublin City Council and officials from his Department to consider the site to which I refer to see if it would meet the necessary criteria, particularly that relating to the fact that development would have to take place at ground floor level? Have discussions or consultations taken place between the people and bodies to which I refer? If so and if the judge rules in favour of Dublin City Council, does the Minister believe the Carlton cinema site is now the preferred option?

**Mr. O'Donoghue:** The current site has not yet been ruled out. We need further information but there is no doubt that a serious problem exists regarding the acquisition of properties. The Carlton cinema site offers one alternative. We have not yet examined that site. However, if the Office of Public Works reports a definite view to me, I will take a view on the matter. At this point it is too early to say. Indications are there are significant difficulties with the current site. There is no point in denying or hiding from that. I would be disposed towards the Carlton site or any other in the city centre which would provide a location for the theatre. It should be in the city centre if possible, as is the position for national theatres in other countries.

**Mr. Deenihan:** If the current site is unsuitable, the Carlton seems to be the only alternative if the new theatre is to be located in the city centre. As the centenary of the Abbey Theatre is on 27 December would it not be prudent to make an announcement by then to celebrate that event? To ensure a speedy decision, will the Minister request his Department to engage with the OPW and Dublin City Council and examine the Carlton site to see if it meets the criteria for suitability. When the judgment is publicised the site can then be deemed suitable or unsuitable and we will not have to go through the same scenario we are going through with the Abbey Theatre site over the past two years.

**Mr. O'Donoghue:** I am aware it is the centenary year of the Abbey Theatre and naturally because of that I am anxious to provide an answer to the problem faced by the theatre. I will do everything I can to come to an early conclusion.

### **Sports Capital Programme.**

30. **Mr. O'Shea** asked the Minister for Arts, Sport and Tourism if he is considering establishing an independent body to monitor grant aid to sporting organisations awarded funds under the sports capital programme; his views on whether the criteria for allocating these funds needs to be reviewed in order to achieve an

equitable spread of money to sporting organisations across the country; and if he will make a statement on the matter. [15368/04]

**Mr. O'Donoghue:** I have no plans to establish an independent body to monitor grant aid to sporting organisations allocated funding under my Department's sports capital programme. The current arrangements for administering the scheme which have been applied by successive Governments over many years have been extremely successful in ensuring the programme is responsive to local needs. It is entirely appropriate that the Minister for sport should be in a position to use this important instrument of sporting policy to achieve objectives such as supporting projects of particular local or regional significance or encouraging the development of minority sports. Over the six-year period 1999-2004, inclusive, €313.5 million has been allocated to over 4,000 projects. This massive investment in the creation of a local sporting infrastructure is now yielding benefits both in terms of local community developments and increased participation in sport. The scheme is administered in accordance with pre-determined eligibility criteria, all of which must be satisfied before projects may access funding allocated to them.

I remind the Deputy that as Minister for Arts, Sport and Tourism, I am directly accountable to Dáil Éireann for the operation of the sports capital programme. This accountability is ongoing and finds expression, for example, through parliamentary questions, Adjournment debates, Estimates debates and engagement with Dáil committees. This is a feature which would be notably absent were the administration of the sports capital programme to be made the responsibility of an independent board. Apart from the obvious issue of how one determines "independence", experience elsewhere has shown that decisions by independent boards do not always receive universal acceptance. Where a grant scheme attracts a level of applications well in excess of available funding as is the case with the sports capital programme, unsuccessful applicants will always experience an understandable sense of disappointment, whatever the decision-making process.

Given the massive investment of public funding in sports facilities since 1999, which apart from the sports capital programme also includes other significant national facilities and the local authority swimming pool programme, the Government committed in An Agreed Programme for Government to develop a strategic plan for the future provision of sports facilities. This plan will include a national audit of sports facilities and will also review the eligibility criteria for the sports capital programme. The current criteria were adopted following a review of the programme carried out in 1998.

I am satisfied the development of the long-term strategic plan, building on the advances made in recent years in the area of facility provision, will ensure continued good value for money, effective

use of resources, an equitable distribution of available funding for a wide range of sports and the availability of high-quality, sustainable facilities for all levels and types of sport across the country.

**Mr. O'Shea:** Does the Minister agree the sports capital programme has operated as something of a slush fund? When Deputy McDaid was the Minister with responsibility for sport did the current Minister intervene to ask him to look favourably at the funding application of the Killorglin rowing club, which is in the Minister's constituency? Is it the case that the club had scored 63 points when the approval rate was 70 points and that funding followed the current Minister's intervention?

Does the Minister agree the Government made a decision recently whereby the funding from the Dormant Accounts Disbursement Board will no longer be disbursed by the independent board but by the Government? Is it now the case that where we have more than one slush fund operating a new one will come into operation soon?

**Mr. O'Donoghue:** I do not accept it is a slush fund. The current criteria which apply to lottery funding are much stricter than the criteria which applied, if any, when the Deputy's party was in office. There were no calls for a change in procedures then.

It is a matter of public record that I made representations on behalf of the Killorglin rowing club, by writing two letters to the then Minister with responsibility for sport, Deputy McDaid. My understanding of the position is that after the score was originally awarded, the Minister was informed the amount he would have available for distribution would be €20 million greater than he had anticipated at the time the score was awarded. To be quite honest and to the best of my knowledge, I did not know what score the project had been awarded. It is going back a few years now.

I did what any Deputy would do in the normal course of events, whether on the Government or Opposition benches. I made representations on behalf of my constituents. That is what I am elected to do and it is my constitutional function. If I did not make such representations, I would not be here this afternoon to reply to the Deputy.

**Mr. O'Shea:** I take the Minister's word for it that he did not know what points had been allocated to the particular project. However, has he subsequently learned that the score of 63 points, which was below approval level, was used to bring this grant to the club in Killorglin? Does he agree this is an argument in favour of having an independent board to disburse these funds?

**Mr. O'Donoghue:** I do not know the exact position with regard to the scores and to the best of my recollection I did not know then. I made representations in the same way every other

Deputy makes them. Every day of the week I receive representations from Deputies on various projects.

None of the projects which are awarded provisional grant allocations under the sports capital programme can access any of the allocated funding unless it has demonstrated full compliance with the terms and conditions as communicated to it by the Department. These conditions include, compliance with public tendering processes, legal and tax clearance requirements and the submission of invoices in respect of completed work on the project. In other words, unless a project fulfils all of the criteria, it cannot qualify.

It is important that we have political accountability in the Dáil and that is what I am doing here. It is also important that Deputies are politically accountable to their constituents.

31. **Mr. Connolly** asked the Minister for Arts, Sport and Tourism the level of grant aid allocated to applicants under the sports capital programme in County Monaghan and County Cavan on a yearly basis since 2000; the way this funding compares with the overall annual sports capital programme allocation in each year since 2000; and if he will make a statement on the matter. [15395/04]

**Mr. O'Donoghue:** The national lottery funded sports capital programme allocates funding to sporting, voluntary and community organisations at local, regional and national level. The programme is advertised on an annual basis. In regard to the 2004 sports capital programme, I announced funding allocations, totalling €50.8 million, to 717 projects on 7 May last.

I set out in the following tabular form the specific data requested by the Deputy for the funding allocated for each year to counties Cavan and Monaghan from 2000 to 2004 and how this relates to the overall level of funding in those years.

The overall total of the allocations made in that period under the programme was €284.6 million. Of that amount, 64 projects located in County Cavan received grants totalling over €3.2 million or 1.14% of the total allocation. If the funding were allocated on a strict *per capita* basis only, the county would be entitled to 1.17% of the total allocation. Some 72 projects located in County Monaghan have been allocated over €3.8 million in the period in question or 1.35% of the overall total. Again, if the funding were allocated on a strict *per capita* basis only, Monaghan should receive 1.34% of the total allocation. On the basis of these figures, the level of funding received by the counties is very much in line with what might be expected.

Those projects which receive funding under the 2004 programme, which are located in areas covered by either of the Government's CLÁR or RAPID schemes for prioritising disadvantaged areas are in line for additional funding from the Department of Community, Rural and Gaeltacht

[Mr. O'Donoghue.]

Affairs, which administers those schemes. A statement will issue in due course from my colleague, the Minister at that Department, Deputy Ó Cuív, regarding top-up funding allocations under these programmes.

Of the projects which have received provisional grant allocations to date in 2004 in County Cavan, eight are located in either CLÁR or RAPID

areas, while in County Monaghan, two projects are located in CLÁR areas.

I am satisfied that projects in counties Cavan and Monaghan have been treated fairly in the administration of the programme and I expect that the Deputy will agree with me that the funding provided has made a major difference to the range and quality of the sports facilities in counties Cavan and Monaghan since 1998.

Year	Allocations to County Cavan	Allocations to County Monaghan	Overall Allocation
	€	€	€
2000	452,027	502,181	45,496,874
2001	591,698	615,823	56,179,561
2002	691,200	1,233,000	78,779,400
2003	580,000	485,000	53,352,500
2004	925,000	996,000	50,800,000

**Mr. Connolly:** My question refers to the spread of grant aid allocations. People in counties Cavan and Monaghan are not receiving their fair share of grant aid. This is a frequent bone of contention. At times, the way some grants are allocated smacks of political patronage. I will refer to some allocations for 2003, but not to the most recent ones because they have been well bandied about. Three concerns in the south Kerry area received more grant aid more than allocated to eight counties, namely, counties Cavan, Monaghan, Laois, Sligo, Carlow, Limerick, Longford and Westmeath. All I am seeking is that the people in my area get their fair share of grant aid allocations. Two clubs to which the Minister for Finance belongs were given more grant aid allocations than those given counties Cavan and Monaghan in 2003. There is an element of unfairness in such allocations.

I will refer to two clubs which submitted grant applications which are in difficulties.

**An Leas-Cheann Comhairle:** The Deputy should put a question to the Minister.

**Mr. Connolly:** Some 17 people have worked voluntary on a scheme under the Ballybay Development Association and have provided interest-free loans. They have attracted participation from schools and universities from Northern Ireland. Its counterpart body in the North, the Wildlife, Fowl and Wetland Trust in Belfast will receive funding of £2 million sterling to help its development, yet the Ballybay Development Association, which cost €868,000 to establish, submitted an application for grant aid for €180,000 which is not forthcoming.

There is also a lakeshore heritage development in Concra Wood, the core activity of which is golf. That development has been refused funding on the grounds that golf is not one of those activities that attracts funding despite that in some local economies, especially a local economy such as Castleblaney, such recreational sport would

attract the provision of additional bed and breakfast accommodation and tourists. Does the Minister agree that it would be beneficial to the economy for these types of clubs to gain from the sports capital grant?

**Mr. O'Donoghue:** In terms of Government aid, the Deputy should not focus on my Department in isolation. He should consider the entire spectrum of Government and he would note that there have been substantial transfers of resources to his constituency since 1997. That is a fact. For example, I travelled to Monaghan earlier this year to examine the swimming pool in Monaghan town and there is no question but that the people of Monaghan require a new swimming pool. I did everything I possibly could to advance the cause of the swimming pool, as everyone in County Monaghan knows. I sincerely hope that a new pool will be built there soon. That funding would be included under the swimming pool programme and not under the sports capital programme. Therefore, one cannot be selective in this regard.

It is also the case, and little can be done about this, that in many circumstances the people living in the county from where I come submit many applications for funding under sports capital programme and often the proportion of applicants can be higher than the number in other counties. The percentage of funding awarded to counties Cavan and Monaghan was reflective of the population and other grants for other projects have been and will be sanctioned for those counties. The Deputy need have no concern about that.

**Mr. Connolly:** Will the Minister consider allocating each constituency a sum of €1.2 million for such funding per annum? That would be a much fairer system of allocation, given that counties in the centre of the country cannot benefit from such tourist attractions from which coastal towns would benefit.



**Mr. O'Donoghue:** The difficulty that would arise in that regard is that criteria are laid down against which every project is benchmarked. Under the tourist development scheme in my Department, which is overseen by a committee, Killarney in my constituency is not included while the Deputy's constituency is included. Therefore, one cannot be selective and one must view this matter in an overall context.

### **National Conference Centre.**

32. **Mr. Deenihan** asked the Minister for Arts, Sport and Tourism the status of the proposed national convention centre; the expected timetable for delivery of this project; and if he will make a statement on the matter. [15397/04]

**Mr. O'Donoghue:** As the Deputy is aware, the Office of Public Works received four submissions for the provision of a national conference centre following its advertisement for expressions of interest on 11 November 2003. The closing date for the receipt of submissions was 21 January 2004.

Those submissions have undergone detailed evaluation by an assessment panel representative of my Department, the Office of Public Works and its advisers, the Department of Finance, Fáilte Ireland and the National Development Finance Agency. I understand that submission of the assessment panel's report to the chairman of the national conference centre steering group is imminent. A separate assessment panel has evaluated the site proposals that candidates were also asked to put forward. I am informed that as soon as that report has been finalised, both reports will be considered by the steering group with a view to deciding on the candidates to go forward to the next stage of the process.

In the meantime, I am informed that the Office of Public Works and its advisers continue to work on the preparation of the detailed documentation required before that next stage can be initiated. In addition, consultants have been engaged by the OPW to undertake a public sector benchmarking exercise, as required by the Department of Finance's interim guidelines for the provision of infrastructure and capital investments through public private partnerships. I am told that this is likely to take some weeks to complete.

The timeframe prepared following the Government's decision to secure the provision of a national conference centre, and which envisaged that a final decision from Government could be secured in the autumn, was an indicative timeframe based on the information and assumptions available at the time. The procurement process that was subsequently undertaken is, as one would expect for a project of this scale, necessarily complex. In addition to the procedural requirements of the PPP process, the development of the detailed design and contract documentation is demanding, with

details requiring careful scrutiny and consideration.

As a result, I am now advised that it is unlikely that the procurement process will be sufficiently advanced to facilitate a Government decision in the autumn. While I hope to be in that position before the end of the year, I am, given the complexity of the process, reluctant to be categorical. My priority is to have this project brought to a conclusion at the earliest possible date. However, it is important that the relevant procedures and guidelines pertaining to the process are closely observed and that nothing is done that might jeopardise its successful conclusion.

**Mr. Deenihan:** I hope this project will not be long-fingered. The tone of the Minister's reply seems to indicate that the urgency associated with this project has abated. I am sure he is aware that Ireland is losing about €50 million every year because we do not have an international conference centre. Ireland is not even ranked among the leading conference destinations in Europe and Dublin is ranked only about twenty-fifth in that regard. When it comes to conferences, we are just not at the races. The debate on providing a national conference centre has been ongoing for approximately 15 years. Does the Minister agree that there is a need for urgency about the provision of such a centre? The Government's two main priorities in this area should be the national conference centre and the Abbey Theatre project, which I asked about in Question No. 29. The Minister, who is probably halfway through his term of office, should prioritise these projects. Will he assure the House and the tourism industry that there will be no further delays? Will a decision on the successful partner will be taken before the end of the year?

**Mr. O'Donoghue:** The procurement of the national conference centre is a particularly complex and lengthy undertaking. While I hope to take the matter to the Cabinet for a decision later in the year, I cannot rule out the possibility that deliberations and negotiations will continue into next year. I assure Deputy Deenihan that I am fully committed to delivering the project at the earliest possible opportunity, subject to the acceptance of proposals.

It is true that conference business is being lost to Ireland. Fáilte Ireland estimates that approximately 120,000 people come to this country, mainly to Dublin, to participate in conferences each year. The construction of a dedicated conference centre would lead to an increase in the figure to at least 150,000. Many cities that have dedicated conference centres have been visited on many occasions by certain organisations that would like a change. We could expect a high level of business in the centre's first ten years of operations. It is immensely important that we provide a dedicated conference centre. I regard it as a priority.



[Mr. O'Donoghue.]

I would like to make progress with the Abbey Theatre project this year so that those involved with the theatre can be told where they stand. We should also consider the development of a new national concert hall. I have said on a number of occasions that the current generation of Irish people is one of the most imaginative and creative generations there has been. None of that creativity or imagination has yet been given expression in our public architecture.

**Mr. Deenihan:** Is the Minister concerned by BUPA's recent decision, inspired by the smoking ban, not to bring an international conference to Dublin? Does the Minister believe that the ban will affect conferences in the future? Has Tourism Ireland offered any counter-arguments to allay the fears of people coming here who have similar concerns?

**Mr. O'Donoghue:** When the decision on the smoking ban was being made, I asked Tourism Ireland's officials throughout the world to report on the likely effect of the ban on tourism numbers. The response I received was the effect would be negligible. It was argued that the smoking ban would help to increase the number of visitors coming to the country from the United States. I understand that Norway followed Ireland by introducing a smoking ban today. A precedent has been set that will be followed in other countries, including countries that will be in competition with Ireland for conferences.

#### **Tourism Promotion.**

33. **Mr. O'Shea** asked the Minister for Arts, Sport and Tourism his views on the fact that following the successful enlargement of the European Union, increased competition from eastern European states as tourist destinations will impact significantly on the Irish tourism market; his further views that having been thus far unable to develop fully a foothold in the continental European market, competition from eastern European countries will further prevent Ireland being marketed throughout Europe; and if he will make a statement on the matter.  
[15394/04]

**Mr. O'Donoghue:** I welcome the enlargement of the European Union, which was celebrated so warmly by people throughout this island on 1 May last. I consider it as a great opportunity and not as a threat. I disagree with the Deputy's assertion that we have been unable "to develop fully a foothold in the continental European market" so far. We had 6.3 million visitors to our shores last year, of which 1.5 million or almost one in four came from continental Europe. We continue to see strong growth from Latin countries in particular. Visits from continental Europe were at record levels in 2003. Central Statistics Office figures for the first two months of 2004 indicate a growth of 11.5% in visitor

numbers from continental Europe over the same period in 2003.

I accept that the delivery of value for money is a common concern across all markets. If there is a specific inhibiting factor in developing our mainland European business, however, it does not relate to marketing or the fashionability of Ireland. It is more likely to relate to access, in my view, as there is still quite a way to go in developing additional routes from mainland Europe to Ireland.

The international tourism market is fiercely competitive and will become more so. I do not doubt that the new EU member states will add to the intensity of that competition, but they have been competitors for some years. Ireland has had to work in tough and competitive tourism markets for decades. It has had to compete with the strongest players and to pitch for business against long-established destinations with natural climatic advantages or cosmopolitan architectural heritage that may have outshone those of Ireland. This country has taken on this competition and succeeded in selling its unique proposition. Tourism Ireland, which is a professional and well-organised marketing organisation, is a great North-South success story. It is delivering for both parts of the island. The marketing of Irish tourism is recognised internationally as a highly sophisticated and successful operation.

If we maintain the key pillars of the Irish tourism proposition, deliver value for money and continue our high-quality marketing, we will not have much to fear from our new EU partners. We may have much to gain over time, however, given that the accession countries represent a population increase to the EU of nearly 20%. The outbound travel spending of the ten new member states came to €8.2 billion last year, suggesting that a market is available for Irish tourism. Ireland has experienced steady growth in visitor numbers from eastern Europe over the past four years, albeit from a low base, most notably from Poland, the Czech Republic and Hungary.

**Mr. O'Shea:** Ireland has not developed the foothold it needs in continental Europe if it is to get its full share of the tourism business from that region. The Minister's figures have indicated that fewer than 25% of tourists who visit this country come from continental Europe. It is obvious that if the new member states have great capacity in their tourism product, they will develop it with the assistance of the EU. They will improve access and other tourist facilities. Is it not the case that Ireland's tourism industry faces a monumental problem? There is a perception that one will not get value for money here by comparison with low-cost countries, more of which will market their products. Even if such countries do not operate in opposition to Ireland *per se*, we will compete for the same sort of market.

**Mr. O'Donoghue:** Ireland's share of the continental European market has not been as high as one might have wished. That 1.5 million people from that region came to this country last year shows that we are making significant gains. It is quite encouraging that we are making gains in markets as diverse as Germany, Italy, France and Spain. The tourism authorities are engaging in an aggressive marketing campaign in Germany, a country which is often seen as the litmus test of the continental market. We will face a greater degree of competition from the new accession states than we have before. Costs are lower in many such countries than they are here, as Deputy O'Shea said, and the holiday experience is cheaper as a result. It is important to point out, however, that Ireland has never been a low-cost mass destination and never will be. The opposite is the case. Ireland has successfully been a holiday destination for discerning visitors for many decades.

New opportunities will emerge for Ireland to gain a greater tourism market share as the accession states progress within the European Union and as their economies improve. We will closely monitor all markets to ensure that we increase the opportunity to gain market share. It is encouraging that 2003 was a peak year for tourism, outstripping the previous record year of 2000. I am confident that 2004 will be the best year Irish tourism has had.

**Mr. O'Shea:** The Minister has agreed the entry of ten new countries into the European Union will put some pressure on the market but have his Department or its agencies taken any specific marketing measures to cope with the new level of tourism product now available within the EU?

**Mr. O'Donoghue:** Yes. The amount of funding that has been made available for marketing Ireland abroad is at its highest ever level. We are spending record sums of money in all our main markets, as well as in other markets that do not offer as many visitors as we would like. The marketing is ongoing and between the public and private sectors it is quite considerable. I am satisfied, as is Tourism Ireland, that the available resources are sufficient to take on all comers. Naturally, we would all like to have more resources but that question is for another day. As of now, however, Tourism Ireland is in a position to take on all comers and is doing so extremely successfully.

The World Tourism Organisation estimated the number of tourists fell by 1.2% last year and Europe's performance was, at best, flat. Ireland, however, has growth rates in the order of 5% so it is clear the number of visitors coming here is increasing in a marketplace that is more competitive than ever before. Tourism Ireland deserves great credit for that good news.

## Other Questions.

### Swimming Pool Programme.

34. **Mr. Stanton** asked the Minister for Arts, Sport and Tourism the funding available for the development of public swimming pools in 2004; the number of new pools he intends to sanction; when he plans to make funding available; and if he will make a statement on the matter.  
[15364/04]

**Mr. O'Donoghue:** A provision of €15 million has been made in my Department's Estimates for this year to meet costs associated with the local authority swimming pool programme. This provision represents an increase of 67% on the provision for 2003. So far this year, I have approved grant aid to projects located in Tuam, County Galway, Churchfield in Cork city and Ballymun in Dublin. The likely grant drawdown for these three new projects, when added to commitments from previous years, is expected to come to some €12 million in 2004. There are a number of other projects at an advanced stage in the process and under consideration in my Department. However, the Deputy will appreciate from the figures mentioned above that there is limited scope for further significant expenditure under the scheme this year.

**Mr. Stanton:** I thank the Minister for his reply. Given what he has said, does it mean there is approximately €3 million left to be spent this year on the swimming pool programme? Will the Minister say whether this money will be spent on new pools or on the maintenance and refurbishment of older pools, or both? Will the Minister provide some information on the expenditure review currently under way in his Department associated with the swimming pool programme? When did the review begin, who initiated it, who is carrying it out, and when does he expect it to be completed?

**Mr. O'Donoghue:** I will answer the last question first. To assist the Department in formulating future policy on swimming pools we have commenced an expenditure review of the local authority swimming pool programme. Among other things, the review is examining how the programme has worked to date, the benefits that have accrued to areas where pools have been built through the existing programme, and what amendments, if any, are required to ensure the effective and efficient delivery of the programme. I anticipate the review should be completed by mid-year.

It is true there is only a limited amount of funds left for pools this year. As I have already indicated, we have approved grant aid for projects in Tuam, County Galway, Churchfield in Cork city and Ballymun in Dublin. There is a crying need for pools in many towns around the

[Mr. O'Donoghue.]

country and I will be discussing the allocation later in the year with the Minister for Finance in respect of 2005, to see if we can get him to increase the amount of funding available for pools. The Minister for Finance understands there is a necessity to increase the allocation. Having said that, a number of steps must be taken in the provision of a swimming pool. We should be able to advance some pools to the next stage in the process this year. However, the amount of funding currently left for expenditure on pools is limited.

**Mr. Stanton:** How much money is currently left in the programme? Is the Minister saying projects that were at tender stage last March will not now go ahead, such as those in Cobh and Youghal in County Cork, Letterkenny in County Donegal and Drogheda in County Louth? I understand the maximum grant for each of those is approximately €3.8 million. Is the Minister now saying the money is not available? How much is left in the kitty for new pools this year?

**Mr. O'Donoghue:** It is difficult to answer that question because some commitments have been recognised, while others have not yet arrived. Refurbishments and new projects total about 13.

**Mr. Stanton:** Out of 15.

**Mr. O'Donoghue:** Five are at construction stage, four are at tender stage, 18 are at contract document stage and 15 are at the preliminary stage. We have initiated an expenditure review and I have outlined the reasons for that. I will be seeking to advance the cause of other pools—

**Mr. Stanton:** We will support the Minister in that regard.

**Mr. O'Donoghue:** —including Cobh and Youghal, if I can. However, I cannot give any cast-iron guarantees at this stage. All I can do is to try to advance the pools that are at tender stage, as well as advancing the others to the next stage. I am currently examining those aspects.

**Mr. Stanton:** Will the Minister indicate how much money is left? Perhaps he can let me know later.

**Mr. O'Donoghue:** It will be difficult to do that, but I will try to communicate to Deputy Stanton how much money is left.

**Mr. Deenihan:** In view of the fact that the Ballybunion pool in County Kerry is now ready to go to tender, will the Minister allow it to proceed to tender stage, in lieu of extra money being made available to his Department in 2005?

**An Leas-Cheann Comhairle:** The question relates to pools in general. The Deputy's question could be submitted as a separate question.

**Mr. O'Donoghue:** Ballybunion pool is currently at contract document stage. My understanding is the contract documents have been with the experts at the Office of Public Works for three or four weeks. I sincerely hope there are no technical difficulties. If there are none, the next stage would be to approve the contract documents. However, to the best of my knowledge, we have not yet received the report back from the OPW. It is anticipated it will arrive in the not too distant future. As I have indicated, I will be trying to advance as many pool projects as possible to the next stage, within the context of the resources available to me at the moment.

### Tourism Costs.

35. **Mr. Sargent** asked the Minister for Arts, Sport and Tourism if a strategy exists to counteract the effect of high oil prices on tourism. [15351/04]

43. **Mr. R. Bruton** asked the Minister for Arts, Sport and Tourism if his attention has been drawn to the recent media reports on the competitiveness of Irish tourism; the actions the Government is taking to improve our competitiveness; and if he will make a statement on the matter. [15357/04]

44. **Mr. Sherlock** asked the Minister for Arts, Sport and Tourism if his attention has been drawn to recent comments from the chief executives of Fáilte Ireland and Tourism Ireland that the high price of alcohol and poor travel links out of Ireland's cities are two of the main challenges facing the tourism industry; and if he will make a statement on the matter. [15381/04]

58. **Mr. S. Ryan** asked the Minister for Arts, Sport and Tourism if his attention has been drawn to the new American Express foreign exchange holiday cost of living survey which found that the cost of eating and drinking makes Irish holidays among the most expensive in the world; his views on the fact that high prices are a deterrent to people visiting here. [15380/04]

251. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism if he has identified any price hikes as an obstacle to the development and growth of the tourism industry; and if he will make a statement on the matter. [15687/04]

**Mr. O'Donoghue:** I propose to take Questions Nos. 35, 43, 44, 58 and 251 together.

Since my appointment as Minister for Arts, Sport and Tourism in June 2002, I have spoken of my concern regarding the increasing levels of dissatisfaction evident in visitor attitude surveys about the value for money offered by the overall tourism experience in Ireland. I welcomed the fact, therefore, that one of the strongest messages

4 o'clock



from the tourism policy review group, in its report entitled *New Horizons for Irish Tourism* — an Agenda for Action, was that restoring competitiveness is the major challenge facing the tourism sector, and that the industry itself must offer better value to its customers if it is to maximise the opportunities for future growth.

It is too early to say what impact, if any, the current oil price levels will have on Irish tourism. A short-term hike may have little significance. However, if it is sustained over a longer period it could possibly generate inflationary pressures in economies generally. In regard to competitiveness, it must be borne in mind that competitor destinations are also affected by oil price increases.

Increases in oil costs impact on travel costs. However, our petrol prices have for several years tended to be at a lower level than those in many other western European countries. We are in an era of intense competition in which air fares dropped to unprecedented levels, which may in turn help to temper the impact of fuel price increases somewhat.

In recent years the tourism industry in Ireland has had to deal with a series of external shocks. We have successfully reacted to these shocks in a calm and measured way. The tourism agencies monitor the effects of these shocks on consumer psychology and travel behaviour and work with the trade to ensure that there are appropriate product and marketing responses. The oil price scenario will be approached in a similar manner.

There is no immediate single or easy solution to address concerns about value for money which I have stressed is not exclusively about pricing. Ireland has never been marketed as a low cost destination but during the years of significant growth in the 1990s it was competitive and was seen to be offering holidaymakers value for money. It has long been the case that inexpensive holidays have been available in other European destinations at certain times of the year. This may always be the case but it does not compare like with like. Competitiveness must be a function of the overall Irish tourism experience for customers relative to other competing locations, beginning with their initial inquiries about visiting Ireland through to their travelling here, where they go when they arrive, where they stay, who they meet, what they do and see, and their perceptions about price and quality.

In chapter 4 of its report, the review group assessed tourism in Ireland today and confirmed that there is no immediate, single or easy solution to address concerns about competitiveness. The group listed ten specific actions that require responses from both the private and public sectors, including proposals on taking responsibility for restoring competitiveness, inflation, benchmarking, customer relationship management, management capability, high standards for competitive advantage and training. None of the ten listed actions is directed to me or

my Department. However, my role is to work, in so far as it lies within my power, towards ensuring that a coherent action plan is implemented quickly and effectively. To this end, I have established the high level implementation group to advise and assist in driving forward and monitoring the recommended actions set out in the report.

The first report of the implementation group is due in August and we will have to wait for it before we can assess the impact of the action plan on competitiveness and value for money and progress on other recommendations, including internal travel links. In the meantime, I am pleased to acknowledge certain developments in recent months that should result in tangible benefits for the tourism sector and make a difference to competitiveness and value for money such as minimal increases in the budget in indirect taxation and excise duties on products that are part and parcel of the tourism experience; the Fáilte Ireland initiative, in co-operation with the industry, to address the high cost of insurance for the sector and the accelerated implementation of the Government's insurance reform package which is bringing tangible benefits in the form of reduced premiums; the fall in the cost of accommodation as reported by the CSO; the significant drop in the average annual rate of inflation — at 3.5% in 2003, it was down from 4.6% in 2002 and it is forecast to fall further to 2.5% in 2004.

**Mr. Gogarty:** Is the Minister aware that numerous experts, including Dr. M. King Hubbert, predicted that US oil production would peak in 1970 — he was just a year out — and he also predicted that world oil production would peak between 2006 and 2013, which suggests that oil prices are on an upward trend, notwithstanding the current position? From this we must create an opportunity for our tourism industry.

If, as Dr. Hubbert stated, every country will have to face rising fuel prices, a study of the impact of oil prices on tourism is required. If we use our natural potential by producing fuel cells from wind energy, by using rape seed oil in public vehicles, providing subsidies for taxi drivers who use bio-fuels and transferring taxes on to energy and off employers' PRSI, we can create jobs and become more competitive as a quality tourist destination.

Does the Minister agree it is high time the tourism policy review group specifically examined the long-term impact of energy price increases? Rather than looking at the negative aspects, we should examine the positive aspects of how we can be a cost-effective quality tourist destination by producing as much of our own energy as possible.

**Mr. O'Donoghue:** Naturally, I would like to see us producing as much of our own energy as possible, as Deputy Gogarty suggests. However,



[Mr. O'Donoghue.]

issues regarding oil and oil prices come under the remit of the Department of Communications, Marine and Natural Resources. If the Deputy tabled a question to the Minister, Deputy Dermot Ahern, I am sure he would deal with the issues raised by him.

My understanding is that oil prices have been decontrolled for some time to encourage competition in the sector. Irish companies obtain most of their supplies on term contracts and there is nothing to suggest they are experiencing shortages. The holding of strategic oil stocks is a hedge against world oil supply disruption and it is not a mechanism for the EU to attempt to play the oil markets. I studied the figures published in *Holiday Which — Winter 2004* and they seem to suggest that Ireland compares relatively well with other countries in terms of petrol prices which, hard pressed consumers may be surprised to learn, are 8% below the average.

**Mr. Deenihan:** Ireland seems to rank high in respect of food and drink prices — two essentials for tourists visiting this country — and recent media reports have suggested we are now almost the most expensive in Europe. The Minister's Department will soon prepare its Estimates for 2005 and I understand the expert group is examining the issue of VAT and excise duty. In that context, will the Government give serious consideration to reducing excise duty and the VAT rate which, at 13.5%, is one of the highest in Europe?

**An Leas-Cheann Comhairle:** These are matters for the Minister for Finance.

**Mr. Deenihan:** These questions form part of the main issue.

**An Leas-Cheann Comhairle:** The Minister has no responsibility for VAT.

**Mr. Deenihan:** If the expert group recommended a reduction along these lines, would the proposals be accepted by the Government?

**Mr. O'Donoghue:** As the Leas-Cheann Comhairle pointed out, it is not possible for me to express a view on behalf of the Minister for Finance whose remit it is to introduce next year's budget to the House in December. However, in the context of value for money it is important to point out that there are very good packages on offer in regard to access and accommodation, or both. As Deputy Deenihan stated, the price of food and drink remains a cause for concern. In that context, I welcome the initiative of the Irish restaurants association which has again this year produced a value for money menu for visitors to the country. It was spectacularly successful last year and will be very successful again this year.

The basic starting point in advancing any new strategy for tourism is to place it in the clear context of the value and strategic importance of the tourism sector to national and regional economic development and wealth creation, as identified in the report of the review group. I welcome that in his most recent budget, the Minister for Finance took account of submissions made on behalf of the industry. He has in the past been responsive to such submissions made by the industry and will continue to be. It should be remembered that the Minister for Finance, Deputy McCreevy, served with distinction as Minister for Tourism.

**Mr. O'Shea:** Fuel prices have a major impact on the tourism industry about which the Government can do little. Has a study been undertaken of the impact which increasing fuel prices can have on transport access to Ireland? It is important we have the means to get tourists here and that the costs of travelling here should not be prohibitive. Oil is \$40 a barrel at present but there are forecasts that it may go as high as \$100 a barrel. There is no guarantee that the price of oil will come down. Has there been any study of the impact of high oil prices on our access transport?

**Mr. O'Donoghue:** We are conscious of the need to maintain the low cost access to Ireland and we do everything we possibly can to encourage low cost access. I am not aware of any such report in my Department—

**Mr. Gogarty:** Is it time for such a report?

**Mr. O'Donoghue:** —but it would not come within the remit of my Department. Without being short with Deputies, they should put down a question to the Minister with responsibility for this, the Minister for Communications, Marine and Natural Resources.

### St. Patrick's Festival.

36. **Ms Lynch** asked the Minister for Arts, Sport and Tourism if he will clarify his comments reported in a newspaper (details supplied) to the effect that tourists tend to avoid like the plague occasions such as the scenes of public drunkenness that occurred in central Dublin on Saint Patrick's Day in 2004; the efforts being made by his Department to ensure that this image of Ireland does not become the norm; and if he will make a statement on the matter. [15374/04]

**Mr. O'Donoghue:** I refer the Deputy to my reply to Question No. 143 of 6 April 2004, which referred to the disturbances which occurred in the aftermath of the St. Patrick's Festival last March. In the newspaper article to which the Deputy refers, I referred to the scenes of public drunkenness, saying visitors tend to avoid such occasions, but I qualified my remarks by indicating that Ireland compared favourably with

most other European destinations "in terms of the individual coming in and having a peaceful time."

It goes without saying that the kind of unacceptable behaviour and conduct we witnessed after the St. Patrick's Day Festival was unhelpful and could tarnish the festival's good international reputation. I was also seriously concerned that it could undermine the efforts of the State tourism agencies in promoting Ireland as an attractive tourist destination, as it was certainly not in keeping with the welcoming image being portrayed in our tourism promotional literature and, in particular, attendance at festivals and other cultural events here in Ireland.

I have already raised my concerns with the chairperson of the St. Patrick's Festival Company, who has overall responsibility for the organisation and promotion of the festival. I have been assured that the Company will liaise closely with the Garda Síochána, the City Council and the other relevant authorities with regard to all aspects of their planning for 2005 and beyond, with a view to minimising the possibility of a recurrence of this kind of behaviour on the streets.

**Mr. O'Shea:** I take the point the Minister makes but St. Patrick's Day is the day we celebrate our Irishness. What happened in central Dublin on that occasion was no credit to us. There was a high level of drunkenness among some participants and surely there is some way to curtail drinking on the scale which occurred then. We have had other incidents of violence and robbery also and it is time to nip this behaviour in the bud, as such behaviour tends to grow if it is not stopped.

**Mr. O'Donoghue:** The festival company will liaise closely with the Garda to ensure incidents similar to the thuggish incidents which occurred during and after the festival do not occur. I understand the position will be closely monitored and I assure the Deputy that every effort will be made to ensure that disruption is eliminated.

**Mr. Deenihan:** Does the Minister agree that what happened on St. Patrick's Day happens on most weekends of the year in many flash points in the country? The action he proposes to take for St. Patrick's Day could surely be applied to other flash points like Temple Bar, Limerick and elsewhere.

**Mr. Gogarty:** I acknowledge the Minister cannot take responsibility for the anti-social behaviour which takes place throughout the year. The Minister for Justice, Equality and Law Reform should deal with that, though he does not. Has the Minister ever realistically considered the possibility of changing St. Patrick's Day to some time in the summer, when the days are longer and the day would be more family-friendly

and more easily policed? I know this idea was touted during the foot and mouth disease crisis and it is an option that would be within the remit of the Minister's Department.

**Mr. O'Donoghue:** St. Patrick's Day has traditionally been on 17 March and I would no more attempt to change that date than change the date of Christmas Day.

On Deputy Deenihan's question, there has been a fairly significant fall-off in public order offences. Naturally the Government is anxious that such offences are stamped out completely.

*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 Sargent — that the Government indicate how it expects schools to take seriously the promotion of 2004 as Year of Sport in Education when schools are denied necessary grant aid for temporary accommodation; (2) Deputy Michael Moynihan — the proposed amalgamation of the national schools in Kanturk, County Cork; (3) Deputy Connaughton — the downgrading of a post office (details supplied); (4) Deputy Burton — the possible closure of suburban Dublin Legal Aid Centres (details supplied); (5) Deputy Cowley — to ask the Minister whether he is aware of the terrible plight of hill farmers who are being threatened with up to 40% reduction in REPS payments; (6) Deputy Michael D. Higgins — the circumstances in which a family (details supplied) have been deprived of rent allowance, food allowance and necessary medical benefit; (7) Deputy Costello — the need for the Minister for Education and Science to retain the present level of staffing of a primary school (details supplied); (8) Deputy Blaney — that the Minister revisit the exorbitant interest and penalty imposed on owners of non-resident accounts in the Republic of Ireland; and (9) Deputy Ó Caoláin — the need for the Minister for the Environment and Local Government to carry out an immediate assessment of the environmental damage to flora, fauna and landscape in the massive fire which broke out on 23 May at Bragan, County Monaghan. The matters raised by Deputies Cowley, Moynihan, Costello and Higgins have been selected for discussion.

### **Leaders' Questions.**

**Mr. Kenny:** The Taoiseach will recall that last Tuesday he informed the House that a motion would be presented today to set up a joint committee to examine the position of Judge Brian Curtin. It now appears this motion will be delayed. Will the Taoiseach explain the reasons

[Mr. Kenny.] for this delay? What has happened in recent days to upset the Government's timetable? Also, will he respond to the remarks of the Minister for Justice, Equality and Law Reform over the weekend, when he refused to rule out the negotiation of a settlement package for Judge Curtin? On the face of it that appears to contradict the repeated, firm assertions to the contrary by the Taoiseach in the Dáil and elsewhere. In light of those confusing signals, can the Taoiseach confirm that no financial settlement of any kind to Judge Curtin is being contemplated by the Government?

**The Taoiseach:** I will take the last question first. Yes, I can give that confirmation. The Minister for Justice, Equality and Law Reform feels the comments he made were not taken in context. The Tánaiste made it clear today that there will not be any compensation.

On Deputy Kenny's first question, last Tuesday I indicated my intention to propose a motion or motions today regarding Judge Curtin in the context of Article 35.4 of the Constitution. That arose from the Government's deliberations on a letter received the previous Thursday from Judge Curtin's solicitors. In that letter the solicitors indicated that Judge Curtin would respond appropriately to requests made of him by the Houses of the Oireachtas. Thus it seemed clear that this matter would proceed before the Houses of the Oireachtas today and to that end a motion permitting the Houses to adopt the procedures I outlined last week was drafted. It is ready.

However, at 5.05 p.m. — someone said it was 5.55 p.m. but it is 5.05 p.m. according to my note — on Friday 21 May a letter from Judge Curtin's solicitors was received by my office. They sought an opportunity to consider the procedure it is intended to adopt concerning Judge Curtin so that submissions on behalf of Judge Curtin can be brought to the attention of the Dáil and Seanad.

In light of last Friday's letter and to ensure fairness in procedures it has been decided to give this opportunity to Judge Curtin's solicitors before any motion is moved. All submissions and correspondence with Judge Curtin's representatives will be made available to Deputies and Senators before they consider the motion and vote on it. Given the importance and solemnity of the process, Members will agree on the necessity to act fairly. Judge Curtin's solicitors, therefore, will be informed of the proposed procedures in detail.

They will also be offered an opportunity to make submissions in writing which are to be received by me not later than 2.30 p.m. on Monday, 31 May 2004, so that the motion can be tabled next week.

I am conscious that Judge Curtin was first written to on 27 April and was given in total a three week period within which to reply to the letter from the Secretary to the Government. This House is aware the reply received on 13 May did

not contain any substantive response but in the letter of 21 May, Judge Curtin's solicitors stated to the Government for the first time that they were at all times instructed that Judge Curtin "had not been involved in impropriety of the type alleged against him". However, no other details were furnished by Judge Curtin's solicitors on the circumstances to which I have previously referred.

I bring this statement to the attention of the House, in reply to Deputy Kenny because it justifies and underscores the necessity for and the caution with which we have proceeded on this matter. We will continue to proceed in that manner until this process has reached a conclusion.

I understand the House, tomorrow, and the Committee on Procedure and Privileges will discuss the other matters which are ready. As this resolution will now be given by letter to the solicitor, the resolution will be given by the Minister to the representatives of the parties in the House. I understand that will be done later today.

**An Ceann Comhairle:** I remind the House of the statement I made on the two previous occasions when this matter came before the House.

**Mr. Kenny:** I have no intention of breaking your ruling, Sir. In respect of the letter received by the Government at 5.05 p.m., did it refer specifically to the process to be followed because we are concerned about due and fair process for everybody, or did it contain any reference to newspaper reports today that the person concerned may have a psychiatric condition? On 26 April, when I asked the Taoiseach about the appointment of Judge Curtin in the first instance, he indicated that a detailed check would have to be carried out as to whether members of the Cabinet were in possession of any information that might lead the Cabinet to consider an appointment such as this inappropriate. I understand that persons wishing to be appointed as judges apply to the judicial advisory board. Thereafter they are interviewed, recommendations are made to Government and some discussion takes place between the Attorney General, the Taoiseach and the Minister for Justice, Equality and Law Reform and a memorandum is prepared for Government. The law states clearly that for every vacancy occurring up to seven names can be forwarded. Did the Taoiseach carry out a detailed check in respect of my question of 26 April? Is he aware or did he have any discussions with the Attorney General about any information that may have been given to him in respect of conduct unbecoming or inappropriate behaviour in respect of this or other appointments considered at that time?



**The Taoiseach:** In reply to the first question, the letter refers to the present state of health of Judge Curtin. That letter and all the correspondence will be given to the House before any vote on this issue. The issue is about the solicitors being allowed to give their views on the process that will be adopted. The procedure is that I have given until 2.30 p.m. on next Monday afternoon to receive submissions. The solicitors will get the detail of the motion, which has been drafted by the Attorney General, and the Minister for Justice, Equality and Law Reform will give it to the Leaders or their representatives in the House later today. This will give them a chance to comment on it, as they have requested. The resolution will be moved next week. All of those issues are ready. The issues for tomorrow, in so far as they involve the Government, are also ready.

In regard to the second question, I gave an undertaking to Deputy Kenny to raise that matter and I have done so. Following my inquiries I shall give a short extract of what was reported to me. There was no foundation whatever to suggest——

**An Ceann Comhairle:** The time has concluded but if the House is agreeable the Taoiseach may continue? Agreed.

**The Taoiseach:** There is nothing to suggest the Minister made any inquiries or received any representations on the appointment of Judge Curtin. Judge Curtin was one of a list of persons approved for appointment to a vacancy in the Circuit Court by the judicial appointments advisory committee. At the time of Judge Curtin's appointment, the Minister, who was then the Attorney General, was aware of no matter which could adversely affect the suitability for appointment to the Bench. Judge Brian Curtin was appointed to the Circuit Court in accordance with the terms of the Courts and Court Officers Act 1995. That established the judicial appointments advisory board which is comprised of the Chief Justice, the Presidents of the High Court, Circuit Court, District Court, the Attorney General, two representatives of the legal profession and up to three representatives of the public interest appointed by the Minister for Justice, Equality and Law Reform and wherever a judicial vacancy arises the board may advertise for applicants.

Applicants for judicial appointments require officers to complete applications forms, consult persons concerning the suitability of applicants for the board, invite persons identified by the board to submit their names for consideration by the board, arrange for the interviewing of applicants who wish to be considered by the board for appointments to judicial office and do such other things as the board considers necessary to enable it to discharge its functions under the Act. Persons who are not already judges and who wish to apply for appointment to

the Bench apply to the board. The board assesses the applicants and recommends at least seven names to the Government in respect of each vacancy. In the normal course, the Government chooses from among the recommended names the one person who will fill any given vacancy. In this case Brian Curtin was recommended by the board for appointment to a vacancy in the Circuit Court in 2001. He was later appointed to fill that vacancy. At that time he was a very successful barrister at the Munster Circuit Court and to my knowledge neither the board nor the Government was at any time aware of any reason he should not have been appointed.

**Mr. Rabbitte:** On the last point, given that the judge in question when a practising barrister had political affiliations is the Taoiseach saying no representations were made concerning his appointment to the Bench? Had the investigation been completed at the time of his appointment to the Bench and was certain information in the possession of the prosecutorial authorities at that time? Is the Taoiseach saying to the House, given that the Bar Library is a particularly incestuous place, that no information was communicated to Government about what might be considered inappropriate behaviour for a prospective member of the Bench or that the Government ought to have known?

I refer to the Taoiseach's statement on 27 April when he said that removal from office is the only option where there is stated misbehaviour. He said: "There are no alternatives. Moreover, monetary compensation simply does not arise. There is no provision for this and no justification for it on such removal." Can the Taoiseach dismiss the remarks of the Minister for Justice, Equality and Law Reform, Deputy McDowell, in Kerry to the effect that he would not rule out a negotiated monetary settlement? Can the Taoiseach dismiss that as simply saying he was taken out of context? How could he be taken out of context on something as particular and specific as this? What the Minister said was that he would not rule out such a settlement. Is it fair for the Taoiseach to hope to enlist the support of the Opposition parties to co-operate in a process down which road we have not gone before if, in fact, it is the intention that a settlement can be negotiated after 11 June 2004? Which route is the Government taking? Is the Minister for Justice, Equality and Law Reform correct when he states he does not rule out a settlement or is the Government firmly minded to bring the motion before the House and see this process through to the end. It is unfair to hope to enlist the support of the Oireachtas as a bargaining chip in negotiations that may be contemplated by the Government.

**The Taoiseach:** In response to the question regarding the Minister for Justice, Equality and Law Reform, an issue which Deputy Kenny raised with me, I stated that there was no



[The Taoiseach.]

foundation to the suggestion that the Minister made any inquiries or received any representation on the appointment of Judge Curtin. I have outlined the procedure. Mr. Brian Curtin was recommended for a vacancy which he was later appointed to fill. He was at that time a successful barrister. The Minister for Justice, Equality and Law Reform inquired into the matter and it is known that neither the board nor the Government was at that time aware of any reason that he should not have been appointed. I also asked the then Minister for Justice, Equality and Law Reform, Deputy O'Donoghue, if he had any knowledge at that time why he should not be appointed, and he had no such information at that time. Both the present and former Ministers for Justice, Equality and Law Reform have confirmed there was no such knowledge about Judge Curtin.

The Tánaiste reiterated today what the Deputy correctly read out and his interpretation of our position is correct: there is no question of compensation. The Deputy referred to the Government enlisting the support of the Opposition parties. The removal of a judge from office is a serious constitutional process. The power derives from the Constitution and it must be devoid of party political interest. It must never yield to anything other than that. What we said both inside and outside the House makes it clear that it is not a trivial matter. The process of removal from office is a matter for this House and the Seanad, is exclusively within the constitutional sphere and is not a matter for Government. Our Constitution is clear that the Houses of Oireachtas have exclusive control of the process and nothing can happen to the process with the approval of the House. That is the way it will remain.

It would be unreasonable for the Government to negotiate on one front while going through the process on the other front. The Government will not and should not do that. We should be very clear on that position. Once we take this process, which is a process for the Houses of the Oireachtas, we cannot take any other process.

**Mr. Rabbitte:** It is believed around the House that the Taoiseach gave a somewhat different presentation to his parliamentary party. He will understand why we on this side of the House are anxious that if we are taken into his confidence in terms of what material is in his possession in this regard and if we play our full part responsibly in a situation that we have not confronted before, we do not find ourselves subsequently taking a very different route, which is the purpose of my questioning.

It has been suggested in newspaper coverage that the evidence secured on a spent warrant that would not be admissible in a court of law would be admissible as evidence before a committee of the Oireachtas. Is that the view of the Taoiseach? Is it a correct interpretation of what he said that

the letter he received from the solicitor acting on behalf of Judge Curtin refers to the fact that he is regrettably suffering from a psychological disorder. I understand that is what the Taoiseach has said. I raise that in the context of Article 35 4 where removal is on the basis of either stated misbehaviour or incapacity. The Taoiseach may have heard a senior lecturer and professor of law in Trinity College and others argue that "incapacity" may have a wider meaning than the physical incapacity suggested by the Attorney General and others. The word in Irish is "míthreorach", which I am advised means perhaps more a mental rather than a physical incapacity. Given the current circumstances, would it be possible to proceed on that basis?

**The Taoiseach:** The Attorney General has given his views on what would be considered as incapacity. The Deputy is correct that the letter mentions the state of health of Judge Curtin, but it gives no evidence. The Attorney General has given his view that there would have to be evidence of incapacity and it could not be taken in a general form. There is no sustainable medical case. Whether that will come eventually is another matter. We are not making a judgment on the term "incapacity", as it is correctly termed in the Constitution.

**Mr. Rabbitte:** If the judge is disabled, is he not disabled from discharging his functions as a judge?

**An Ceann Comhairle:** There is no provision for further supplementary questions.

**The Taoiseach:** They are hypothetical issues. I do not claim to be either a legal or medical expert but it could be of a short duration which would hardly be what the Constitution regarded as a permanent incapacity. One could argue either way and I do not think the solicitor has argued it in a way that shows the ultimate argument. That will be brought forward in due course. The Deputy asked me another question.

**Mr. Rabbitte:** I asked if evidence that is inadmissible before a court can be put in evidence to a committee of the Oireachtas.

**The Taoiseach:** The Oireachtas must conduct its own examination. There are legal issues involved and the Deputy will appreciate that, in my position, I have heard of some of the issues but am precluded from referring to them. The Deputy is correct that I was asked about these issues, but I refused to give the evidence to my party or to the media. If I were to be asked as a lay person whether substantial evidence that is available but ruled inadmissible because of the date of a warrant should be used in making a decision, while I must refer to the legal advice, as a lay person, it is not an unreasonable position. I have no doubt that great legal minds will argue

out that issue. If there are issues of substance, it is for the House to examine those.

**Mr. Rabbitte:** Unlike the Minister for Justice, Equality and Law Reform, the Taoiseach rules out a monetary settlement.

**The Taoiseach:** Yes.

**Caoimhghín Ó Caoláin:** Last week in the Taoiseach's absence, the Minister for Defence advised the House that the Hanly report had been changed and that the threat to accident and emergency services at Nenagh and Ennis hospitals had been lifted. Will the Taoiseach spell out exactly in what way the Hanly report has been changed, as the Minister claimed? Will he advise the House of the present status of the report? When David Hanly addressed the Oireachtas Joint Committee on Health and Children, he advised that 60% to 70% of cases presenting at accident and emergency units at local hospitals were of a non-urgent variety. Does the Taoiseach not accept, therefore, that 30% to 40% of cases presenting are of an urgent variety and require accident and emergency attention at the local hospitals closest to where the patients might present?

Do the changes to which the Minister referred mean that the Government has now taken on board that there is a risk in terms of urgent cases presenting at hospital sites throughout the State and that the Hanly report has been altered to meet that need? If that is the case and there is no threat to accident and emergency services at Nenagh and Ennis, will the Taoiseach advise if the same formula will be applied to Monaghan General Hospital and the Louth Hospital at Dundalk and that we will see the restoration of on-call status at both these hospitals for all accident and emergency requirements?

Today, the National Cancer Registry of Ireland published a study which, in its own words, provides strong evidence that cancer treatment and survival can depend on where one lives. It points out that the Eastern Regional Health Authority has a significantly better chance of delivering the required supports and people have a better chance of living with cancer than they do if they live in the North Eastern Health Board area, on which I depend, and in the Southern Health Board area. Is this not indicative that there is not only a two-tier health system in regard to people's ability to pay but also geographically?

**The Taoiseach:** The report on the communication process undertaken following the Government's decision on health service reform was published last November and I gave all the details on this issue. At that stage, we were requested to broaden the team and the scope and to listen to the concerns. The case was made that in the evening, it would be a nurse-led service and the demand was for a medical-led service. A team

of 15 of the health service employers joined the health reform project office within the Department to work with it. The board of the interim health service executive was appointed in November. The first meeting took place early in the year. The national steering committee to oversee the implementation reform programme has been appointed. The implementation groups in respect of the Hanly report, the specific issue the Deputy raised, in the east coast area and in the North Western Health Board were also announced. The acute hospital network was announced at the end of January.

As part of the above, the Minister clarified that both in Ennis and in Nenagh, there would be a doctor-led service. Subsequently, that demand extended to other areas. He also clarified that there would be a doctor-led service in Dundalk and Monaghan. Obviously, that does not cover the highly specialist areas people want, but at least it deals with the accident and emergency-type or more local services provided by having a doctor on site. That dealt with the issue. That is now the policy and the Minister has stated that in a number of the health board areas he has visited. He has given letters and has stated the position clearly.

In regard to cancer, there is no doubt that if one lives near major hospitals and if something goes wrong, one is in a more advantageous position. I will not argue with Deputy Ó Caoláin on that basis. If one lives, as I do, a short distance from Beaumont and the Mater hospitals and if something goes wrong, one is more fortunate than if one lived on the Dingle peninsula, the Inishowen peninsula——

**Caoimhghín Ó Caoláin:** Monaghan.

**The Taoiseach:** ——or perhaps in other parts of the country. However, that does not take away from what has been done for cancer services and, in recent years, we have spent money on them and have resourced them by providing staff, equipment and beds.

In regard to oncology services, somewhere of the order of €550 million has gone into building on the cancer strategy and providing the necessary resources. That applies to this year. Nearly 90 consultants deal with that and there is the relevant back-up staff. There has been a substantial increase everywhere in the country. As the Deputy knows, cancer patients come to the main centres for various aspects of their operative and post-operative care where the specialties are located. That is the way it is with all our main services, including heart, liver and other services. That is what the medical people believe is the best way to deal with people who are ill, the best way they can give them the service and the best way of getting people who are seriously ill back to full health. They do that for good reason, and not only in this country.

**Caoimhghín Ó Caoláin:** The Taoiseach has not offered any reprieve nor has he confirmed the Minister's view that Hanly has been sufficiently tweaked to guarantee the future of accident and emergency services. Does he not recognise that when he talks about a doctor, he is talking about a general practitioner? When he talks about medical, he is talking about people with medical problems and not people presenting as a result of accident and emergency who may need surgery or stabilisation prior to redirection to another major site. These are important services that our local hospital network should be able to provide.

I am sure the people of Ennis and Nenagh will be mindful of the detail of the Taoiseach's response because he has not given them the solace they believe they have received. In regard to Monaghan and Dundalk, a dark cloud still hangs over all our lives. Does the Taoiseach accept that all elected opinion has pressed for a change in this regard and for accident and emergency on-call services to be provided? Does he not recognise that in the radiation oncology service recommended network of radiotherapy centres in Dublin, Cork and Galway—

**An Ceann Comhairle:** The Deputy's time has concluded. The question on cancer services is really a second question. He is allowed one question on a topical issue.

**Caoimhghín Ó Caoláin:** —there is a failure to address a real need and that the North Eastern Health Board clearly is an area that is not being addressed and which has a high cancer rate and a serious rate of mortality and morbidity services?

**The Taoiseach:** The radiotherapy report has been published and the Minister has stated his position. I hope that in the coming years, improvements made in the last decade will continue because there is a much better service. The more resources that can be invested, the more it will improve in time to come. This year an additional €15 million or so has gone into improving the service on top of the base that has been created in recent years.

On the Hanly report issue, the Deputy asked me if the nurse service after a particular hour had been changed. I said "yes" and that there would be medical cover.

**Ms McManus:** What does that mean?

**An Ceann Comhairle:** This is a Sinn Féin question.

**The Taoiseach:** Instead of a nurse, there would be a doctor. That is what is means. That is why it is not easy to understand.

*(Interruptions).*

**An Ceann Comhairle:** Will the Taoiseach confine himself to answering Deputy Ó Caoláin?

Deputy McManus was out of order in asking a supplementary question.

**The Taoiseach:** The Deputy is confused as between a nurse and a doctor.

**An Ceann Comhairle:** Deputy Ó Caoláin's question.

**The Taoiseach:** That is what we stated. We listened to the case and responded to it.

**Mr. Rabbitte:** Next the Taoiseach will tell us that the Minister for Defence, Deputy Michael Smith, will go around the wards.

**An Ceann Comhairle:** Deputy Rabbitte has had his opportunity.

**The Taoiseach:** We said that we would provide a medical service in local hospitals, and that was the change we made.

**Ms McManus:** There must be an election coming up.

#### **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 propose to deal with those topics separately and I will call on Deputies in the order in which they submitted their notices to my office. I call Deputy Connaughton.

*(Interruptions).*

**An Ceann Comhairle:** I am sorry, Deputy Ó Caoláin. Please allow Deputy Connaughton to speak without interruption.

**Mr. Connaughton:** I seek the adjournment of the Dáil under Standing Order 31 to raise the widespread downgrading of post offices in rural Ireland. The recent decision of An Post to downgrade the post office at Newbridge, Ballinasloe, County Galway, is nothing short of a disgrace following the downgrading of other post offices in County Galway, such as Clonburren and Kiltormer. I ask the Minister for Communications, Marine and Natural Resources, Deputy Dermot Ahern, to intervene regarding Newbridge to allow the new proprietors sufficient time to build up the business, which would in turn benefit An Post and in particular would be most beneficial to a small, rural parish such as Newbridge, to whose social and economic well-being the full facilities of a post office are vital.

**Dr. Cowley:** I seek the adjournment of the Dáil under Standing Order 31 to debate a matter of major concern, namely, the terrible plight of hill farmers, who are being threatened with up to 40% reductions in REPS payments, and the

threat that it poses to all farmers with commonage and SAC land under area 8 application, who are forced to be in either REPS or the national compensation scheme. That is discrimination of the highest order, since the new REPS in non-designated areas increased REPS payments by up to 30%, whereas farmers in commonages and SACs are facing a reduction of up to 40% and are not eligible for extra measures. The net loss to 2,500 County Mayo farmers will be €6.1 million, which will result in many more farmers leaving the land.

**Mr. McHugh:** I seek the adjournment of the Dáil under Standing Order 31 to discuss the following issue of national importance, namely, the need for the Government, specifically the Minister for Finance, Deputy McCreevy, to address the serious effect of the high cost of fuel on hauliers nationally; its effect on competitiveness; the fear that the increase in prices will drive heretofore legitimate users of road diesel to the black economy; the plans the Government is pursuing with its EU partners to find alternative sources of fuel; the Government's plans, while holding the EU Presidency, to introduce proposals to bring more certainty to fuel prices and regulate oil companies; in the interests of transparency, the need to have oil prices quoted in euro as well as dollars; and, as an emergency measure, the need for the Government to reduce excise duty on fuel, reversing the 5 cent increase imposed in the last budget.

**Mr. Naughten:** I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of urgent importance, namely, in light of the virtual collapse of the penalty points system following the recent court decision on the use of Garda speed detection equipment, the urgent need for the Minister for Justice, Equality and Law Reform, Deputy McDowell, to explain why such equipment was purchased without a print-out facility, and for the Minister for Transport, Deputy Brennan, to state categorically how he intends to address that loophole; the impact it will have on penalty points issued to date; and the time scale for addressing the matter.

**Mr. R. Bruton:** I seek the adjournment of the Dáil under Standing Order 31 to discuss the failure of the air traffic control system in use at Dublin Airport last Sunday and to draw lessons necessary from that incident to ensure best practice in protecting passenger safety.

**Mr. Sargent:** I seek the adjournment of the Dáil under Standing Order 31 to examine media reports that Bord na gCon is set to give €250,000 of taxpayers' money to the Irish Coursing Club and, given the lack of awareness regarding the Government proposal to utilise State funding to promote that cruel activity, ask that the

Government intervene to ensure that taxpayers' money is not misused in such a manner.

**An Ceann Comhairle:** Having given the matters full consideration, I do not consider them to be in order under Standing Order 31.

### Order of Business.

**The Taoiseach:** The Order of Business today shall be No. 8, motion re referral to joint committee of proposed approval by Dáil Éireann of a Council framework decision on attacks against information systems; No. 9, motion re proposed approval by Dáil Éireann of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation 1988; No. 10, motion re ministerial rota for parliamentary questions; No. 18, Health (Amendment) Bill 2004 — Order for Report, Report and Final Stages; and No. 29, International Development Association (Amendment) Bill 2003 — Second Stage (resumed).

It is proposed, notwithstanding anything in Standing Orders, that Nos. 8 to 10, inclusive, shall be decided without debate, Report and Final Stages of No. 18 shall be taken today and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 7 p.m. tonight by one question to be put from the Chair, which shall, in relation to amendments, include only those set down or accepted by the Minister for Health and Children, Deputy Martin. Private Members' Business shall be No. 41, motion re housing.

**An Ceann Comhairle:** There are two proposals to be put to the House, the first being that for dealing with Nos. 8 to 10, inclusive, without debate.

**Mr. Sargent:** The Green Party is opposed to motion No. 9 if it does not include naval vessels from whichever country regarding unlawful acts against the safety of maritime navigation. I see that the Minister for Communications, Marine and Natural Resources, Deputy Dermot Ahern, is with the Taoiseach. Perhaps he will clarify the matter. It is totally unacceptable to many fishermen around the coast that submarines snag nets, yet that is not seen as coming under the definition of an unlawful act against the safety of maritime navigation unless it includes naval vessels. That should be registered.

**Caoimhghín Ó Caoláin:** I object to No. 8 being referred to committee without debate. It arises from an EU proposal of which the Government has been aware since 25 March. There has been adequate time to address that properly on the floor of the House. It involves the harmonisation of criminal law, something we have not properly debated in the Dáil. Accordingly, its passage



[Caoimhghín Ó Caoláin.]

would be without the due scrutiny that it deserves. That should have been addressed here.

**The Taoiseach:** No. 8 has been referred to a committee and those points can be taken up in it. No. 9 is a motion regarding terrorist acts and would not cover an act caused by negligence. It is designed to deal with unlawful acts of criminality and terror.

Question, “That the proposal for dealing with Nos. 8 to 10, inclusive, without debate be agreed”, put and declared carried.

**An Ceann Comhairle:** The second proposal is that for dealing with No. 18, conclusion of Report and Final Stages of the Health (Amendment) Bill 2004.

**Ms McManus:** I am conscious that time is very limited, but I ask that this matter not be guillotined. This legislation is disturbingly retrogressive. It eliminates all public scrutiny and accountability from the activities of health boards and has not been properly debated in this House. On Committee Stage, amendments were found not to be in order by a chairman who was clearly not fully informed regarding his role in striking them down. We did not have a proper debate on Committee Stage. This matter is of public interest. If this Bill is passed as it stands, CEOs of health boards will be like despots, they will be able to make decisions on behalf of boards that no longer exist. They will be able to buy and sell land, deal with property and implement the Hanly report without democratic accountability. We have one amendment on Report Stage, which has been introduced by the Minister for Health and Children, Deputy Martin, and it is likely that it will not be reached. This is a very “milk and water” response to the serious complaints and issues that have been raised by Opposition Deputies, including myself, about the ending of the democratic input into our health services.

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

**Ms McManus:** Will the Taoiseach undertake to lift the guillotine so we can pursue this matter in a way that is appropriate to parliamentary structures?

**Mr. Boyle:** The Green Party is opposed to the Bill. It has had a short Second Stage and a less than adequate Committee Stage, and there is a proposed short Report Stage. Given that we see yet another Minister introducing amendments on Report Stage that will not be debated, which will have tremendous consequences for the Bill, we cannot agree to the guillotine.

**Ms O. Mitchell:** I support the request from my colleagues not to impose a guillotine because it is a critical Bill that is being introduced by the Minister to abolish the representation of county councillors on health boards. We are approaching a local election and the Government is effectively saying that not alone are councillors superfluous, but it is denigrating the role they have played over the years. It now sees the opportunity to circle the wagons, to make decisions behind closed doors, including the implementation of the Hanly report, where no questions can be asked in the next critical six months, when all decisions about the health services will be made.

**Caoimhghín Ó Caoláin:** The Sinn Féin Deputies are not prepared to support the guillotine in this case or indeed the passage of the health amendment Bill. The Bill seeks to abolish democratic accountability in the delivery of health services. It proposes to abolish health boards in their current form and to place all the power in the hands of the CEOs and, indeed, the Minister for Health and Children, who cannot be divorced from that. An important point that needs to be emphasised in this regard is that there is no time limit on this. The Minister has stated that “it is indicated”, “it is hoped for” and “it is intended to”, but there is no definitive timelapse as regards the CEOs’ hold. The date 31 December this year is signalled, but nothing the Minister has said guarantees that this period of time is set in stone — far from it. There is real concern as to how long after that date the CEOs will continue to exercise such major powers. We strongly object to this. In addition, we have yet to see the roll-out of the alternative structures because the health Bill——

**An Ceann Comhairle:** That does not arise on the motion before the House at present.

**Caoimhghín Ó Caoláin:** ——has yet to be presented to this House to inform us of what will replace health boards.

Question put: “That the proposal for dealing with No. 18 be agreed.”

## The Dáil divided: Tá, 60; Níl, 34.

## Tá

Ahern, Bertie.  
 Ahern, Dermot.  
 Ahern, Michael.  
 Ahern, Noel.  
 Andrews, Barry.  
 Ardagh, Seán.  
 Brady, Johnny.  
 Brady, Martin.  
 Brennan, Seamus.  
 Callanan, Joe.  
 Carey, Pat.  
 Carty, John.  
 Cassidy, Donie.  
 Cooper-Flynn, Beverley.  
 Coughlan, Mary.  
 Cregan, John.  
 Curran, John.  
 de Valera, Síle.  
 Dempsey, Noel.  
 Dempsey, Tony.  
 Dennehy, John.  
 Devins, Jimmy.  
 Finneran, Michael.  
 Fitzpatrick, Dermot.  
 Glennon, Jim.  
 Hanafin, Mary.  
 Harney, Mary.  
 Haughey, Seán.  
 Hoctor, Máire.  
 Jacob, Joe.

Keaveney, Cecilia.  
 Kelleher, Billy.  
 Kelly, Peter.  
 Killeen, Tony.  
 Lenihan, Brian.  
 Lenihan, Conor.  
 McDowell, Michael.  
 McEllistram, Thomas.  
 McGuinness, John.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M. J.  
 Ó Fearghaíl, Seán.  
 O'Connor, Charlie.  
 O'Dea, Willie.  
 O'Donnell, Liz.  
 O'Donoghue, John.  
 O'Donovan, Denis.  
 O'Malley, Fiona.  
 Parlon, Tom.  
 Power, Seán.  
 Roche, Dick.  
 Sexton, Mae.  
 Smith, Brendan.  
 Smith, Michael.  
 Treacy, Noel.  
 Wallace, Dan.  
 Walsh, Joe.  
 Wilkinson, Ollie.  
 Wright, G. V.

## Níl

Allen, Bernard.  
 Boyle, Dan.  
 Bruton, Richard.  
 Burton, Joan.  
 Connaughton, Paul.  
 Connolly, Paudge.  
 Cowley, Jerry.  
 Crawford, Seymour.  
 Crowe, Seán.  
 Cuffe, Ciarán.  
 Deenihan, Jimmy.  
 Durkan, Bernard J.  
 Ferris, Martin.  
 Gormley, John.  
 Higgins, Joe.  
 Hogan, Phil.  
 Kenny, Enda.

Lynch, Kathleen.  
 McGrath, Finian.  
 McGrath, Paul.  
 McHugh, Paddy.  
 McManus, Liz.  
 Mitchell, Olivia.  
 Naughten, Denis.  
 Ó Caoláin, Caoimhghín.  
 O'Keeffe, Jim.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Pattison, Seamus.  
 Sargent, Trevor.  
 Shortall, Róisín.  
 Stanton, David.  
 Twomey, Liam.  
 Upton, Mary.

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

Question declared carried.

**Mr. Kenny:** Now that the Minister for Agriculture and Food is present, will the Taoiseach say whether it is proposed to seek an updating of the nitrates directive while we hold the Presidency of the European Union in view of the serious concerns it is causing for thousands of farmers? Commissioner Fischler said that it is out of date. I understand the Government wants to seek a derogation about what should be an updating of the directive, which affects 14 countries.

**The Taoiseach:** The Minister said that discussions with the farming organisations on this have been ongoing for some time. The aim is to work towards achieving a derogation in the future.

**Mr. Kenny:** It should be updated.

**Mr. Crawford:** It has been there since 1991.

**Ms Shortall:** With regard to the long-promised State airports Bill does the Taoiseach intend to adhere to the undertaking that he gave to allow time for the workers to consider the information

[Ms Shortall.]  
made available and to respond to it before the legislation is finalised?

**The Taoiseach:** The legislation is under preparation and the issue is that the workers want to make their submissions but cannot. I intend to honour my commitment to give them time to make them.

**Mr. Sargent:** The Electoral Amendment Act, which has been signed into law, is a matter of great concern to many people. Has the commencement order which accompanies the Act been signed as the Minister reported? It is not in the current issue of *Iris Oifigiúil*, which would be expected in the normal course of events.

**An Ceann Comhairle:** I suggest the Deputy submit a question to the Minister. I call Deputy Crawford.

**Mr. Sargent:** It is promised legislation and my question is to do with the implementation of that legislation. Is the Taoiseach not aware of this?

**An Ceann Comhairle:** We must move on to the Health (Amendment) Bill. We cannot discuss matters extraneous to the Order of Business.

**Mr. Sargent:** I am not trying to delay the debate, I am trying to elicit an answer.

**Mr. M. Smith:** That is not a matter for the Order of Business.

**Mr. Sargent:** The Commission on Electronic Voting cannot publish its report until that commencement order is signed. Will the Taoiseach not publish the commission's report? I can understand his embarrassment but it is not right.

**Mr. Crawford:** When will the transport reform Bill and the transport companies Bill be brought into the House? Will there be a—

**The Taoiseach:** The transport reform Bill will be introduced this year.

**Ms O'Sullivan:** Has the disability Bill been agreed and finalised?

**The Taoiseach:** The disability Bill, the Comhairle Bill and the sectoral plans are close to completion. I do not think they will be ready in the next week or two but they should be ready shortly.

**Mr. Naughten:** Not before 11 June.

**The Taoiseach:** We continue to discuss the issues with the disabilities groups.

**Mr. M. Smith:** The Deputy should wait until he sees the package inside, he will be sorry he was not in earlier.

**Caoimhghín Ó Caoláin:** Does the Taoiseach agree with the Minister of State, Deputy McDaid, that the Minister for Justice, Equality and Law Reform tends to become wired to the moon at election time?

**An Ceann Comhairle:** That matter does not arise.

**Caoimhghín Ó Caoláin:** What is the result of that incident? Will a new electoral Bill be required—

**Mr. J. O'Keeffe:** Is there a proposal to introduce to amending legislation to the Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) Act 1997 regarding any proposed moves under Article 35 of the Constitution or otherwise?

**The Taoiseach:** Yes, it has been recommended that a short amendment be made. That is being considered and will be discussed at a meeting later this evening.

**Mr. J. O'Keeffe:** Can the Taoiseach give an indication of when we might see that legislation?

**The Taoiseach:** With the agreement of the House, it could be done this week.

### **Council Framework Decision on Attacks against Information Systems: 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 Attacks against Information Systems,

a copy of which proposed measure was laid before Dáil Éireann on 24th 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 2nd 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.

**Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation: Motion.**

**Minister for Agriculture and Food (Mr. Walsh):** I move:

That Dáil Éireann, pursuant to Article 29.5.2° of Bunreacht na hÉireann, approves the terms of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10th March, 1988, and the Protocol thereto for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on 10th March, 1988, the text of which was laid before Dáil Éireann on 11th November, 2003.

Question put and agreed to.

**Ministerial Rota for Parliamentary Questions: Motion.**

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

That, notwithstanding anything in the Resolution of the Dáil of 6th June, 2002, setting out the rota in which Questions to members of the Government are to be asked, Questions for oral answer, following those next set down to the Minister for Social and Family Affairs, shall be set down to Ministers in the following temporary sequence:

Minister for Defence

Tánaiste and Minister for Enterprise, Trade and Employment

whereupon the sequence established by the Resolution of 6th June, 2002, shall continue with Questions to the Minister for Agriculture and Food.

Question put and agreed to.

**Health (Amendment) Bill 2004: Motion to Recommit.**

**Ms McManus:** I move:

That Dáil Éireann, pursuant to Standing Order 128(1) of the Standing Orders Relative to Public Business, directs that the Health (Amendment) Bill 2004 in whole be recommitted to a Committee of the whole House.

I propose that the Bill be recommitted because what has happened here is grossly unsatisfactory. Important democratic accountability is being withdrawn in legislation without any alternative being provided, despite the fact that the Minister promised accountability would be retained in the system. The legislation will have an extraordinary impact in terms of decisions being made by

unelected persons who will also now be unaccountable. Despite the fact that the Minister continues to make assurances, he has not brought forward any system of accountability in the Bill, either as published, or as amended on Committee Stage, commensurate with what is in place.

I brought forward a Committee Stage amendment seeking that this alternative be presented to us but it was ruled out of order. We now have a Report Stage amendment being tabled by the Minister which may not be discussed as it is last in the list of amendments. It should have been tabled on Committee Stage.

I do not believe the issue of democratic accountability has been adequately dealt with by Parliament. For many years people have depended on the fact that there was accountability in the system to protect their interests. The protection provided for the people, not just by their public representatives being members of health boards, but also through professional representation is being withdrawn without proper consideration or debate. The Government is pursuing an intensely contentious set of reforms. We have been told doctors will replace nurses. Frankly——

**An Ceann Comhairle:** This is a very narrow motion. We cannot have a widescale debate on the issue.

**Ms McManus:** I accept that.

**An Ceann Comhairle:** We are merely discussing whether the Bill should be recommitted.

**Ms McManus:** I accept that but it is a good example of how decisions will be made after 11 June, which we will not be able either to know about or comment on as they will be done in secret. The Minister does not even bother to come to the House. I urge the Minister of State, Deputy Brian Lenihan, to recognise the problems we have on this side of the House which reflect those in the wider community.

**Ms O. Mitchell:** I agree with what my colleague said. We are appalled at the prospect of a low turnout in the local elections but should not be surprised when at every turn accountability at local level is being eroded. Not alone have we declared councillors superfluous to the whole system but we have used them as scapegoats for everything that is wrong in the health service.

The reality is that the health service and the health boards functioned well up to the arrival of the Government. Only a couple of years ago the trend in reform was to break up health boards and make them smaller to allow for greater local accountability. This year the approach is to have no local accountability whatsoever. What faith can anybody have in a system like this? This is a matter that needs to be discussed before we wipe



[Ms O. Mitchell.]

away everything that has been tried and trusted over the years.

**Mr. Gormley:** I made the point on Committee Stage that the decentralised model of health care was the one that worked most effectively in other countries that have a health service we would envy. The Government claims to be decentralising but what it means by decentralisation is the movement of civil servants who do not want to be moved down the country.

**An Ceann Comhairle:** We have not yet reached Fifth Stage. We are discussing the recommitment of the Bill, to which the Deputy should confine his brief remarks.

**Mr. Gormley:** I am taking up points made by previous speakers. It is extremely important that we discuss the proposed change in far greater detail. I believe we are making a false turning here and introducing retrograde changes that will result in less accountability and a worse health service.

I spoke last night to a staunch Fianna Fáil supporter who will not be voting for the party on this occasion because of the terrible crisis in the health service. The legislation will make a bad situation far worse. There will be less accountability, less democracy——

**An Ceann Comhairle:** The Deputy will have an opportunity to make those points in the course of the debate on the Bill. As I pointed out, this is a very narrow motion.

**Mr. Gormley:** I made a contribution on a similar motion last week when Deputy Richard Bruton wanted to recommit a Bill. We should recommit this Bill as it is important that we have a far more thorough investigation.

**Caoimhghín Ó Caoláin:** I support the proposal to recommit. The Bill is designed to remove democratic accountability from the delivery of the health service. As a former member of a health board, I can say that for all their faults the health boards had at least some semblance of democratic accountability in terms of the nominees of the respective county council participants.

As stated on Second Stage, at the very least this Bill should not have come before the Dáil except in tandem with the health Bill in order that we would be able to see what we are facing in terms of the future configuration of health service delivery in the State. What we are being presented with is a perpetuation of the bureaucracy of the health boards without any democratic accountability and with CEOs who will hold most elevated positions and who will not be open to question. There is no guarantee this will all come to an end on 31 December because the Bill does not contain a sunset clause.

I received notification from the Ceann Comhairle that five of my amendments have been ruled out of order. I wish to refer to one because it relates directly——

**An Ceann Comhairle:** That matter does not arise at this stage. We will come to it later.

**Caoimhghín Ó Caoláin:** ——to the reason for recommitment. The communication I received from the Ceann Comhairle's office states that amendment No. 3 is outside the scope of the Bill. However, it merely seeks that the Minister be accountable to the Dáil for all matters relating to his functions as provided for under the Bill. That is incredible and we should recommit.

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** The motion tabled by Deputy McManus seeks to recommit the Bill to a committee of the entire House. The Bill was approved by the House, in principle, on Second Stage and it was considered in detail by the Select Committee on Health and Children.

**Ms O. Mitchell:** It was not. The Minister of State was present at that meeting. It was a farce.

**Mr. B. Lenihan:** The time allocated for consideration of the Bill on Committee Stage was not used up.

On a motion to recommit, the fundamental issue is that some grave defect of detail has been identified on Committee Stage which would justify the Dáil not proceeding with Report Stage and recommitting the Bill to a committee of the entire House. No basis exists for such a motion. I commend Deputy McManus on her technical ingenuity in tabling the motion which other Deputies have used to try to rehearse the issues that were already decided upon by the House on Second Stage.

This is a transitional measure. The House has debated the principle of the Bill and the wider issues concerning the health service reform programme. The select committee dealt with the Bill when it considered the amendments tabled on Committee Stage. On Second Stage, the Minister indicated this is an interim measure which is being put in place pending the completion of legislation, later this year, that will establish the health service executive which will replace the health boards and the Eastern Regional Health Authority.

Deputy Olivia Mitchell canvassed the question of the local government elections and the issue of accountability. I do not want to re-enter the Second Stage debate but accountability and financial responsibility must be linked. Funding for the health service is voted through this House and not through local authorities.

Deputy Gormley referred to decentralisation and the question of less democracy. The same issue applies. Democracy involves responsibilities as well as powers. We take the responsibility of

raising moneys for the health service. Opposition Deputies, understandably in my opinion, continually raise pertinent questions about the administration of the health service in the House but they appear to harbour grave reluctance about a measure which will make the health service accountable to the House.

Question put and declared lost.

### **Health (Amendment) Bill 2004: Report and Final Stages.**

**An Ceann Comhairle:** Amendments Nos. 1, 2 and 6 are related and may be discussed together.

**Caoimhghín Ó Caoláin:** Would it be possible to have circulated the list showing the grouping of amendments? I have not yet been supplied with a copy.

**An Ceann Comhairle:** The list will be circulated.

**Ms McManus:** I move amendment No. 1:

In page 3, between lines 31 and 32, to insert the following:

“(3) Notwithstanding *subsection (4)*, insofar as this Act provides for the removal of elected representatives from membership of health boards, area health boards, or the Eastern Regional Health Authority, this Act shall not come into force until meaningful new arrangements to ensure democratic accountability are in place.”.

I agree it would be helpful if, in terms of the grouping of amendments, we knew the position. However, this is all part of a grand stratagem. If we are issuing compliments, I commend the Government on teaching us how to railroad legislation through. I presume that the next move will be to railroad through legislation to get rid of local authority members. What do we need them for, if county managers can make all the decisions? The latter is the tenor of much of what the Government has been doing. Matters would be much neater if we removed any local accountability.

I wish to make the case in respect of this amendment for some understanding about what is important in terms of the operation of the health service. If there is no input from local communities, we will not end up with a better health service. Instead, we will create a service that will not appreciate or understand the needs of those communities. It is disturbing that, at a time when the Government has adopted a solely top-down approach, we are seeing the dismantling of a framework that was designed to serve local communities, particularly in terms of the provision of community and local hospital services. This is not being done for want of a reason.

The Government's intention is clear and is set out in the Hanly report. Regardless of the mumbo jumbo uttered by the Taoiseach on Leaders' Questions, it is clearly stated in the Hanly report that local hospitals will be downgraded and that accident and emergency services will be located in 12 centres. That agenda will be driven by CEOs in health boards who will be accountable to no one. These people will have significant powers and will be similar to despots. They will not be obliged to answer to anybody apart from the Minister for Health and Children regarding the disposal of property or the changing of services within their remits.

Everyone is aware that the existing system is not perfect. It is far from it. However, even Professor Brennan argued for the retention of democratically-elected public representatives on reformed health boards. However, the Government is not interested in that. Fianna Fáil and the Progressive Democrats are not concerned with democratic accountability because it gets in the way of their plan to ensure that the health service will operate on a centralised model that will be about value for money — a matter about which nobody argues — and because the agenda is being driven by the Minister for Finance, particularly regarding reducing funding. Never has the Department of Finance had an input into the management of the health service such as that envisaged under the health reform programme. There will be a great deal of accounting but no accountability.

The Labour Party is proposing, in the form of the amendment, to ensure the change will not come about until an alternative democratic framework is put in place. Such a framework has been outlined, in theory, by the Minister but he has never actually explained what is involved. A later amendment tabled in the Minister's name refers to CEOs presenting themselves in front of Oireachtas committees as if this somehow represents accountability. It is simply not tenable. Local democracy is about local communities, intensive scrutiny and the delivery of information and services at local level. No Oireachtas committee can deal with that kind of detail about local services in the same way that health boards can do so.

Everyone on the Opposition benches would agree that reform of the health boards is required. The Bill, however, does not represent reform. It will lead to the wiping out of an entire tier of democracy and local government which has sustained the health service, despite the various restrictions and limitations put in place by a Government which told many stories during the general election campaign but which, following the election, began to systematically cut back on services, to set embargoes on staffing and, by means of the ridiculous ELS requirement implemented by the Minister for Finance, to ensure that even where health boards were

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providing new services and facilities, they could not commission them.

We are losing something of value here. Something is being taken from the people by a Fianna Fáil Minister and the matter is not being dealt with in any satisfactory manner by an eleventh hour proposal by the Minister of Health and Children on Report Stage with regard to CEOs. As far as I can see, the Minister's proposal is all about let-out clauses for a CEO.

A CEO will be able to buy and sell property. On a daily basis a CEO will make decisions and determine the shape of the services the health board provides, but there will be no health board. It is like the Cheshire cat. The cat disappears and all that is left is the smile. The board disappears and all that is left is the name and the seal. This is nonsense, yet what is being proposed here is that somehow there will be an idea of a health board even though there will be no substance to the idea.

Local accountability and democracy are not easy and should not be treated with disrespect. They are about ensuring that where people do not have power at central level or influence in the higher echelons of Government, they can go to their local representative and tell him or her that their mother is dying because she cannot access care when she needs it, or that their grandfather needs services close to home but cannot access them because he lives in a rural area, or that children in a local school need dental services.

Whatever the issue, the rich, open access people had to representatives is being wiped out in a crude way by a Government which is bereft of ideas as to how to manage the health service, apart from presuming that, somehow, if financial accountants operate the system, everything else will fall into place. It will not. We may end up with good accounts but there is no guarantee that we will end up with a good health service. The likelihood is otherwise. The evidence is clear elsewhere, particularly in the example of New Zealand, which ended up returning to more health boards than ever with politicians and public representatives on them.

I urge the Minister, even at this hour, to take into account the concerns people have in communities about their health service and board and how they can ensure it is responsive to their needs.

**Dr. Cowley:** I am upset about the situation with regard to this Bill. On Committee Stage, I discovered a worthwhile amendment was ruled out of order without any apparent reason as to why this should happen, which was a waste of time.

Amendments Nos. 1 and 2 seek to ensure that the democracy being removed from the health services through the abolition of the health boards is returned and that whatever part of the democratic system the Bill has removed is restored. It is like throwing out the baby with the

bath water as there is no point in having a service that does not represent what the people want. People want to have a service they can access. However, we have seen our current service totally destroyed.

It seems we are now taking this road and the Bill seems to be the tool to allow a total dictatorship in our health services, where the Minister will decide what he wants and all opposition will be finished with. We will have to accept the Hanly report, the radiotherapy report and all Department of Health and Children-speak.

I am concerned about this Minister. He is a "Yes" Minister who has no mind of his own. He is taken over by his officials who make all decisions as to what he does or does not do. The zeal with which he took on the smoking ban was welcome. However, to me it smacks of being the good boy and doing what was needed, although I agree it was needed.

We also need a proper funding service but the Minister is not providing that. Instead, he is introducing a new audit system to ensure he can cut back even more. The problem we have had with our health system is its lack of finance and proper capacity. While we all agree reform is necessary, the proposed change is from over representation to gross under representation. This cannot be tolerated. The health strategy talks about equality and fairness. Where is the equality in this? It does not exist. The proposed structure is a complete audit structure to ensure that more money is saved and that we have less money for health services. It can only end in disaster.

The health strategy talks about, as the Minister mentioned on Second Stage, better health for everyone, fair access, responsible and appropriate care delivery and high performance. These amendments are necessary because we do not have fair access, as can be seen from the trolley situation. My locum received a letter yesterday from Mayo General Hospital asking him not to send any more patients to the hospital because there were already 13 patients on trolleys and there was unlikely to be a resolution of the situation. Where are equality, equity and fairness in this? This is health apartheid, which will be further reinforced by the new system.

We all agreed that there were too many agencies and gross duplication in the system. However, what is happening now is a total about change. It is a change to a dictatorship or quango. Yesterday when I asked when the orthopaedic unit would open in Mayo General Hospital, which was supposed to begin on 1 July, I was told it was a matter for the Western Health Board. At least I will get an answer from the board, however, where will such questions be passed from now on? Where will accountability rest?

The Bill proposes a complaints system but that will be of no use. A complaints system for people unhappy with their treatment in the health



service has been mooted as an alternative. Previously people could make their complaints to elected representatives. However, the proposed complaints service seems to just provide a session where people will be able to state their gripes on four or six occasions a year. People with a grievance will not get a proper return on any complaint they make. The Minister will end up with people from all sides pressing him.

The proposed system will be another quango which will be as undemocratic as the NRA or any other such body. It is time we ended health apartheid. The confusion over the next six months when all the power of elected representatives goes to CEOs is not good enough. My fear is that in that context we will see full implementation of every wish list held by Department officials. We will see the Hanly report being pushed through and the end of any local service which would give a semblance of a proper health service to which people would have access.

The Minister could have put some money into the primary care strategy this year but he has not done so. Where is the fairness in that or does it show any attempt to improve the situation? The Bill's proposals smack of a Department agenda of centralisation. I cannot understand how the Minister can stand over it. It is regrettable that the Minister of State does not support and will not accept this amendment.

**Ms O. Mitchell:** I also support the amendment. Deputy Cowley was not the only one who had an amendment ruled out of order on Committee Stage. We all had similar experiences. Minor changes were accepted as being legitimate but when proposed as amendments they were not accepted. There has been no real debate of the issues. If one was opposed to the principle of the Bill, which is what the Opposition should be doing, one was ruled out of order.

No Member would say that the health service is without problem or that it does not need to be reformed. Of course, it does. The question is why is this being done now by way of this legislation? From where did this proposal come? There was no indication this legislation would be necessary at the early stages when the three reports were issued and the Government's reform programme was published. It is not necessary.

I understand the local elections are coming up and the Minister did not want to reappoint people to health boards, but there is no reason he should not do so. Surely some continuity and certainty in this regard in the health system is essential until we know what will be put in its place. As I said on Second Stage, we are being asked to take a leap of faith but we have no reason to do so, knowing that in the next number of months critical decisions on the health service, which will dictate how it will develop over the next 20 years, will be taken. We want to be able to monitor those decisions. They may be wonderful decisions

or they may not be, but nobody will know. That is the objection we have to what is proposed.

We must proceed carefully and slowly and with certainty that every step taken will be monitored and observed closely before we wipe away a health service system that is costing €11 billion a year and sacrifice the scrutinising function councillors performed on behalf of us all over the years. I do not know on what altar that function is being wiped away. Is it the altar of securing value of money? I doubt it. Nobody doubts that there is a need to secure value for money and perhaps we were not getting it. It was not being secured in every aspect of the health service. However, the reality is that there is no guarantee we will get it from faceless bureaucrats.

The basis of good governance is accountability which must be embedded, otherwise we will get inefficiencies, no matter how good the people are who deliver the service. I know a number of the CEOs of the health boards and their officials and I have the highest regard for them. They are wonderful people whose work goes unsung. However, the reality is that in any system where there is no accountability, particularly in one as vast, all-embracing and as critical to people as the health service, we will get inefficiencies, scandals, a lesser quality of health service and a disaffected workforce. Systems such as this, which do not have embedded in them democratic accountability, will eventually end up being self-serving systems. No matter how good these people are or how hard they try, they will end up being part of a self-serving system with the result that they cannot serve the patient, the taxpayer and the public interest. In view of this, I support the amendment.

**Mr. Gormley:** I add my voice to the voices of those supporting this amendment. The intention behind this legislation is to centralise "quangoise" and ultimately privatise the health service. This is something to which Maurice Nelligan referred recently and I agree with his analysis.

**Mr. B. Lenihan:** Did the Deputy say "incentivise"?

**Mr. Gormley:** No, I did not.

**Ms O. Mitchell:** That was a nice try.

**Mr. Gormley:** I said "centralise" and "quangoise", a word that probably is not in the *Oxford Dictionary*, but that is applicable in this case.

We are seeing a velvet purge of the democratically elected representatives on the health boards, people who have served us well, whose work in that regard did not cost the State a great deal of money despite the propaganda that they were going on junkets here, there and everywhere and being paid huge salaries. Niamh Brennan showed this was not the case. She put forward the idea of retaining those who are



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democratically elected because they know their communities best and can make representations on their behalf. It is precisely because they can become troublesome to the Government that they are being eliminated. That is the intention behind this legislation to enable the Government to proceed with the reforms.

We have heard of the Government railroading legislation through these Houses, but in this instance it is railroading through radical and retrograde reforms of our health service. There is considerable evidence to show that those countries which follow a decentralised model are the ones with the most successful health service. I am thinking in particular of the Scandinavian countries. This is the model we ought to be emulating. Instead, I find what is proposed reprehensible in many ways. What we are getting is a health service that currently cannot cope with the demands placed on it. Those of us who have been canvassing at the doorsteps can testify that the issue that is raised most often is the terrible state of the health service.

People from the Fianna Fáil Party who served on health boards going back many years and who served that party well have made representations to me because they are disgusted with the way the party is treating the health service. What the Government is proposing in this legislation will remove the accountability we want in place.

The Minister of State said there will be more accountability in the system and that we will be able to put questions in this regard across the floor of this House. I do not believe that. It will be stated in the House that this is not a matter for the Minister but one for the health executive. Therefore, more accountability will pass from this House. We have been told that the members of the health executive will be answerable to the Oireachtas Joint Committee on Health and Children. How often will they appear before that committee, how long will those meetings last and how many questions will we be able to ask them? That will be a particularly frustrating and futile exercise.

When the history of our health service will be written and updated, this legislation will be considered as being particularly retrograde. It will lead to further reforms of a kind I find incomprehensible. I am out of the loop in terms of Progressive Democrats and Fianna Fáil thinking because I believe in a public health service but, clearly, many elements in Fianna Fáil and the Progressive Democrats do not.

The national treatment purchase fund is being used to pay people to go into private hospitals, which is ludicrous. Why do we not invest in our public hospitals? I do not understand the logic behind what the Government is doing. What was previously perhaps an election ploy is now a pillar of the Government's health strategy. Instead of getting the basics right and delivering on the promises the Government made to the electorate

to provide more beds, deal with the capacity problem, tackle the waiting lists — we know how the Government has dealt with the figures in that respect in that they are completely wrong — it is going down a route which will make the gap between public and private health care even larger. Those who have a medical card are lucky to have one, but public patients will continue to be treated as second class citizens under the health service.

**Caoimhghín Ó Caoláin:** The Health (Amendment) Bill is not the work of a reforming Government. It is retrograde because it seeks to abolish democratic accountability for the delivery of health services in this jurisdiction. It is incredible that such a proposition has been made separately from the health Bill. As I said, the proposition and the Bill should, at the very least, have been presented in tandem. Such an approach would have ensured the House and wider opinion would have been informed of exactly what was being proposed. We know there will be a health services executive and that four regional bodies will be established to deal with community care. However, there is no democratic accountability.

Such a lack of democratic accountability is best underscored by the Ceann Comhairle's decision to refuse to allow me to move amendment No. 3. I support amendments Nos. 1, 2 and 6 which address the issue of democratic scrutiny and accountability. The Ceann Comhairle has ruled that my amendment is out of order because it is outside the scope of the Bill. It sought to insert in page 3, between lines 36 and 37, the words, "With respect to each function conferred on the Minister by this Act he or she shall be answerable and accountable to the Dáil by means of Parliamentary Questions".

Surely such an amendment does not threaten in any way the equilibrium between the Minister and the Opposition spokespersons. Surely the suggestion is representative of best practice. I am concerned that, like Macbeth, the Minister will wash his hands of responsibility for many of the actions that will be taken by CEOs in the months ahead. It is incredible that the Ceann Comhairle's decision ostensibly means that any attempt to make the Minister accountable to the House for the functions conferred on him by this Bill, for example, by means of parliamentary questions, will be deemed to be outside the scope of the Bill.

We have a serious situation in the North Eastern Health Board which has a significant portfolio of property. The portfolio was built up by the generous contributions of ordinary citizens during the local authority's period of responsibility and jurisdiction over health care delivery in their areas. Before the health boards were established, we had an excellent general hospital while excellent psychiatric services were provided at St. Davnet's Hospital, significant parts of which are under-utilised or no longer utilised.

There are real concerns because there is no democratic accountability. Will CEOs decide to sell properties and redirect the moneys realised to investment in other areas? It may be the case that areas which have not worked hard, suffered and invested over years of penury will benefit. Great contributions were made in most cases at a time when domestic rates were charged and rates imposed on agricultural holdings. We had a better and more comprehensive health care service in such times.

We have been left with a depleted and deficient health care service because draconian steps have been taken by health boards at the behest of the Minister and the representative bodies of the various consultancy groups. A diminution of services at any hospital site diminishes us all, regardless of where one lives. One cannot say it is not happening in one's back garden. The Taoiseach was happy to say he was lucky to live in a community that had easy access to all of Dublin's excellent services. He may like to boast but I do not doubt that many in this city consider the range of services to be beyond their reach in many instances. I mentioned that the availability of health services can be divided into two tiers on a geographical basis but problems arise for most on the basis of their ability to pay. As wealth can buy health in this jurisdiction, suffering is the reality of their day's condition for the many who have to go without.

The Health (Amendment) Bill 2004 offers no solace to those who have struggled to ensure adequate health care provision is within easy reach. We are not talking about all-singing, all-dancing centres of excellence at every hospital but about basic services. All maternity and paediatric services have been removed from Monaghan General Hospital, a notice at the entrance to which advises visitors that they should note that no maternity and paediatric services are provided by the hospital. The reality is that a sign has been erected to turn people away at the gate.

**Mr. B. Lenihan:** The Deputy will never bring it back.

**Caoimhghín Ó Caoláin:** I will always try to do so. As someone who was born in the hospital, I am not ashamed to say the umbilical cord has never been cut. I am as attached to the hospital as everyone else in my community. We will always struggle to reinstate a level of service that will lift the dark cloud from over the lives of our communities. The reality in our community is that infants have been lost during childbirth and women have been lost in the middle of cardiac arrest. It is sad that such a reality will be replicated because the Government intends to implement the Hanly report, using the Monaghan formula as a template, in hospital sites throughout the jurisdiction. As a Deputy said, when the history of this affair is written, it will

prove to have been the saddest and darkest time in the history of the State's health care provision.

In my experience, the CEOs have sought to ride roughshod over the 30 member composition of their respective health boards. They will now be left to work on various projects, they are in place either to perform or progress without any accountability and pursue whatever agenda they wish. Nothing in the Bill or its explanatory memorandum states all of this will end on 31 December 2004.

**Mr. Naughten:** Hear, hear.

**Caoimhghín Ó Caoláin:** Another amendment in my name which has been ruled out of order sought to insert a sunset clause. It proposed to bring to an end and at a specific date the objectionable and intolerable situation to which the Bill will give rise. I do not want such circumstances to start and certainly want them to end at the earliest possible date. The Minister has said that it is "scheduled" for January 2005. I am aware that various elements of promised legislation have been scheduled. We see it when the Government publishes its schedule of legislative intent for every parliamentary session and lauds it in the House. The reality is that there is no link between the two. One cannot say "snap" as one would do when playing a children's card game. They do not match and will not match in this instance. I wonder at what point in time the Minister will feel the CEOs have exhausted their usefulness. In the first instance, we have seen the devastation of hospital care over a whole range of services from primary care onwards. What devastation is promised now?

I support the amendments tabled by Deputies McManus and Cowley. We are looking at the last vestiges of health boards that have been abused by virtue of the Government's representative monopoly which was put in place to dictate policy. Rather than putting the interests of the respective communities first and having failed to recognise that diminution anywhere diminished us all, the Government played a parochial game; by putting the Minister first, it blocked real opposition and concerted campaigning to save critical services.

I have mixed feelings about the health boards, of which I have some knowledge. We all recognise that significant reform is necessary but this is not reform. Outright abolition is not the answer, it is only indicative of failure. I reject the Bill completely. For whatever modicum of rescue these amendments represent, I will support them.

**Mr. Naughten:** I welcome the opportunity to speak on these amendments. I support those tabled by Deputies McManus and Cowley. I echo what my colleague, Deputy Olivia Mitchell, said — there is no mention in the legislation of democratic accountability and, in fact, the opposite is the case. It is somewhat hypocritical to be debating the Health (Amendment) Bill 2004

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because it should be called the Hanly implementation Bill. That is what is before the House today and once the legislation is passed, the Government and the chief executive officers will have a blank cheque to implement whatever changes they want within the health service. The Minister of State has said that this is the first step in the reform process for the health service but there will be no debate about the reform process and no element of opposition to any of the reform proposals. When the amazing legislation, which we are supposed to see sometime next year, is published all this alleged reform will already have taken place and the Hanly report will have been implemented. That is the reality of what is before us today.

Everyone accepts there is a need for reform within the health service. The penny has only just dropped for the Government, which now realises that, after increasing the health budget from €3 billion to €11 billion, it was only throwing money into a bottomless pit. Everyone accepts the need for health reform and that regionalisation of the non-emergency acute services is the way to go. The issue, however, concerns the emergency acute services which will be regionalised, thus causing deaths. This legislation will facilitate that process.

It is disappointing that on Committee Stage the Minister was not prepared to consider genuine amendments that were being put forward to provide for democratic accountability, which is all we were seeking. The fair and reasonable amendments before the House refer to accountability and democratic scrutiny of executive agencies. Those who provided leadership for the health service in the past, and who had to take difficult decisions at times, were the public representatives on health boards.

**Ms O. Mitchell:** Hear, hear.

**Mr. Naughten:** They took difficult decisions and it galls me to hear references to the vested interests of councillors. I served on the Western Health Board for six years and the only vested interests I ever saw were those of the professional representatives who were only interested in their own angles and what suited them and their own members, rather than the public. If we want reform, we should look at where are the weaknesses within the health service.

The legislation before us will allow health board CEOs to do whatever they want, without being questioned. There will be no scrutiny or accountability concerning any decisions they may take. When I was a member of the Western Health Board, a specific decision was taken concerning St. Brigid's Hospital in Ballinasloe that the lands to be disposed of were to be ring-fenced for psychiatric services in east Galway. Of course, that decision has now gone by the wayside due to the legislation before us. Under the terms of the Bill, the chief executive officer can do

whatever she wants to, with the Minister's rubber stamp. I am sure the Minister is not going to upset any CEOs around the country.

The legislation will not provide the type of accountability that is required. Even when democratic decisions have been taken by health boards, CEOs can overturn them, with the approval of the Minister, if they do not like them. The Minister will be given advice and will sign the relevant order without examining the details of specific proposals. The Minister will not be privy to specific details that may already have been agreed. It is disappointing that the legislation does not address that matter.

The issue that kept arising at the Western Health Board was that of value for money. The VFM principle, as it was known, was repeated *ad nauseam*. The only way one can have such value for money, however, is to provide for some element of accountability for chief executives and the executive health agencies that are to be established, yet that is not the case under the Bill.

The Department of Health and Children has spent €7 million constructing a new accident and emergency unit at the county hospital in Roscommon, yet we cannot get staff to run it. To all intents and purposes, the accident and emergency unit will be closed from July because the Government did not think it was worth its while to open it, even though Ministers are eager to open facilities around the country before the elections on 11 June.

Under the terms of the legislation, there will be no way of providing answers to questions about why that money was spent on the Roscommon accident and emergency unit and why staff were not provided the facility. As we have seen in the past, many decisions to curtail services are taken during the months of July, August and September. As it happens, the House will not be sitting during the summer so no parliamentary questions — whatever use they might be — can be raised about the curtailment of health services at that time. When the House resumes in October, many of those decisions will have been taken. Parliamentary questions are critically important, even though opposition Members often receive replies saying that a Minister has no official responsibility to the House for a certain matter. We will receive plenty of those responses concerning the health services because the Minister will have no official responsibility to the House and can wash his hands of the issue. There will be no accountability, although the amendment could provide for it.

We are being asked to take a leap of faith and trust the Government parties. With all due respect, however, how could the Minister of State ask anyone to trust a Government that misled the people two years ago with its manifesto and the programme for Government? Once it got into office it immediately overturned those decisions so that, in the intervening period, the opposite has happened. The Minister of State knows as



well as anybody that the decisions that count as regards how the health service will proceed in future will be taken in the next seven months before that new legislation is in place.

The national treatment purchase fund, to which Deputy Gormley referred, is in a crazy situation. For example, University College Hospital in Galway, where there is bed capacity, can carry out procedures on patients from counties Offaly, Westmeath and Longford but cannot do so for patients from counties Galway, Roscommon or Mayo, patients for whom the hospital is supposed to cater. This is because the fund prioritises people on the length of time they are on the waiting list rather than the location, even though there is spare capacity. The difficulty is that resources are not being made available to take in patients. Nurses and beds are open but the hospitals cannot afford to fill the beds except through the use of the fund, whereby patients are taken in from outside the catchment area. It will not be possible to address this situation because of the lack of accountability provided for in the Bill. It is a disgrace that there will be no accountability in regard to the most fundamental service the State provides to the country, namely, the health service.

This is the one issue about which every member of the public is concerned and yet we will get no answers about it because the public has no voice. Instead complaints procedures will be put in place. However, the reality is that appeals and complaints, whether in the sphere of social welfare or to the Ombudsman, in some cases take years to be processed. What should people do in the meantime? Should they remain on the waiting list in the hope that some day they may be called due to an error on a list thereby causing them to be accidentally called for a procedure? The difficult reality is that people slip through the loops in the health services. For example, last week I came across the case of a child who has been waiting for seven years for orthodontic treatment. The child has fallen through the loop, but once this legislation is enacted, accountability and answers to issues arising in similar cases will not be provided.

The crazy thing about this legislation is that it will contradict Government policy and there will be no mechanism to question it. The Hanly implementation Bill provides for the regionalisation of emergency acute services. The national spatial strategy prioritises Athlone as a hub and a new growth centre but it will have no hospital in its catchment area. Portiuncula Hospital in Ballinasloe will be gone, as will the county hospital in Roscommon and Mullingar General Hospital. Can the Minister of State tell me of any employer from outside this jurisdiction which will invest money in a town which has no accident and emergency or maternity services nearby? It is crazy — vast areas of the country will be without medical services and there will be no chance of new investment in those

communities because basic services, such as health services, are not being made available. That is the reality of what is proposed in the legislation.

The amendment provides for accountability and it will be voted down by the Government for that very reason — it is against the principle of the Bill. That is the real scandal. I am not approaching this from a political point of view. Supporters of the Government or other parties in this House believe there must be accountability and a mechanism through which people are answerable. There must be some kind of scrutiny. Proposals will be shoved through by CEO in the coming months. For example, issues like the non-appointment of a third consultant physician at the county hospital in Roscommon, which will see the end of the 24 hour service there from 1 July, or the fact that there are not even pillows for patients in the hospital, will not be raised and there will be no forum or mechanism to do so once this legislation is enacted.

Furthermore, we have no guarantees as to how long this legislation will be in place. We are told it will be in place until 1 January next but many other Bills which have come before the House have been promised on numerous occasions and then continually long-fingered. In many cases, it has taken years for Bills to come before the House. In the meantime, the CEOs can do what they like and the Minister will rubber-stamp their decisions. The Bill proposes this crazy situation which we are being asked to accept.

I ask the Minister of State to accept the amendment to ensure that the people have a say, can get answers and that the new so-called reform proposals will not be forced on the public. People should not be forced to accept the closure of their accident and emergency units, the downgrading of their local services and the regionalisation of those services without some explanation or element of accountability. None of that is provided for because the Hanly implementation Bill will allow for the closure of smaller accident and emergency departments close. All this is contrary to what is happening in the United Kingdom at present. We are following its example of ten years ago, when it closed smaller accident and emergency facilities. However, the UK authorities have now found that the efficiencies and quality of service they had in the health service have been lost. They are now trying to row back to where we are now but we are going in the opposite direction and no one will be answerable or accountable once this legislation is enacted.

When the Government Deputies vote this Bill through, they will be voting through the Hanly report and endorsing it as Government policy.

**Mr. Connolly:** I welcome the opportunity to speak on the Bill and I support the amendments tabled by Deputies McManus and Cowley. I should declare an interest in that I believe I am the last remaining Oireachtas Member who is still



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a member of a health board — whatever benefit that may bring.

Reform of the health boards is needed after 33 years but to abolish them entirely is going several steps too far. The Government should have taken a sensible look and if the health boards needed reconfiguring — a popular word in the health service — it should have taken that on board. The make-up of health boards is far from perfect, being comprised as they are of a mix of county councillors and professional representatives. There are 11 professionals and 19 county council representatives as well as a number of ministerial representatives on the North Western Health Board. There were some excellent county council representatives but I have to ask whether some councillors were on a gravy train because they were not there to contribute but rather to welcome news from the CEO and be party loyalists. They were seen to have pulled a plum job when, having been elected to the county council, they were appointed to the health board. That is regrettable.

There were professional representatives on the board. Deputy Naughten referred to them as an interest group but while there was an element of that, 11 different professions were represented at health board level whose representatives brought a wealth of experience from each of their individual fields. They may have been self-serving to some extent but many made valuable contributions to health board meetings. I am concerned these county councillors and professionals will be replaced by hand-picked party hacks, appointed to boards of governors to act as “yes” men. The democratic input has been reduced.

When county councillors were on the hustings, the health service was one of the main issues they were asked to address. It was hoped the councillors the people elected would keep their eye on the ball when it came to local health services for which there was a great need in the North Eastern Health Board. I wonder what would have happened if the prototype for the Hanly report had been introduced in that area. The Department appears to have become concerned by the level of objections from all quarters at health board level, particularly the Opposition, and seems to want to do away with that type of democratically elected system, with people voicing objections to proposed changes.

There is now talk of a six month period before further legislation or changes are introduced. This is like letting a fox loose in a chicken house. In that six month period health board executives will be given instructions and the Minister and the Department will demand action. Those executives will not be accountable to anyone but the Minister and we know the changes he wants to drive through. He simply wants to drive the Hanly report through all health board areas. Different Ministers have said the report has been

changed but I have not seen a changed version. I am only aware of one version about which I am as concerned as ever.

It is worth remembering that there are many consultants and rural GPs objecting strenuously to the proposed changes which are supposed to modernise services. First, we need an infrastructure to be put in place. The Hanly report states 3,000 extra beds are required but this is never mentioned. We only hear about the negative aspects of the report which affect rural Ireland. People are told accident and emergency services are to be closed down and that they will have to use a centre of excellence which is not available. Where such centres are provided, they simply cannot cope, as extra beds are needed.

I am concerned about property still in health board ownership. In Monaghan the health board owns 100 acres of land and valuable buildings near Monaghan town. Giving power to a chief executive to make decisions about property like this is nothing short of dangerous. We had excellent property committees in the health board in which county councillors came into their own as they could spot both value and someone trying to pull a fast one. For example, when Corbeg Farm in the North Eastern Health Board area was sold, there were certain provisos. Jobs had to be provided and it could not fall into the hands of speculators. It was taken back and resold. That is the kind of valuable work people can do if they are allowed to work through health board committees.

My health board was broken into two sub-committees, a hospitals and a community services committee. At least, members of the hospitals committee went out and visited hospitals, taking on board the concerns of patients and staff. The committees formed excellent parts of the health board and should have been retained. There was also a naming of buildings committee but I question the value of such a committee. Other elements were of equally questionable value to the health board system.

My major concern is that the proposed changes mean there will be nobody to voice concerns about lack of services in hospitals like Monaghan. When Cavan or Our Lady of Lourdes Hospital, Drogheda, go through a rough phase, there will be nobody there to voice an opinion. We cannot go to health board meetings and clap ourselves on the back from start to finish. We are not there to point out the good parts of the service, although we can and do acknowledge them. We are there to be critical and point out the deficiencies but across the country this facility will be lost. This is particularly true of those in rural Ireland. Unless one is fortunate — or unfortunate — enough to live in a city, one will not be able to access services fairly, as outlined in the various health strategies. I am also concerned that there is no longer a democratic input into the health service.

References are always made to how expensive health boards are and people find it hard to distinguish between executive and board members. Board members cost the health service an absolute pittance given the service they deliver. In the North Eastern Health Board they are the guardians of a budget of €500 million. In percentage terms, they account for 0.03% of the total health budget, which represents excellent value for money.

**Mr. Crawford:** The removal of democratic involvement in the health boards is a major step backwards. In recent weeks I have tabled a number of parliamentary questions on health and been told in no uncertain terms that the Minister has no responsibility in the areas in question. Funnily enough, with no consultation with the health board, the Minister issued a statement this week to prop up his possible council nominees in Monaghan. That is a fact. I have nothing against the Minister of State present as a person but the fact that we are discussing a major Bill without the Minister raises major questions. He seems to be washing his hands completely of the problems——

**Dr. Cowley:** He has washed his hands totally.

**Mr. Crawford:** ——in Monaghan, Louth and now Cavan. The limited benefits associated with the health board at least allowed democratically elected representatives to voice opinions but that is no longer the case and we face six months in an abyss. Where are we going? The CEOs did not show a responsive attitude to problems and management issues in the health service. The Minister had problems in employing consultants in Cavan and Monaghan and the CEO is the only person who is answerable to him. When it comes to discussing what needs to be done in Monaghan, however, the Minister does not even consult him. That is what the CEO told health board members this week.

There was no consultation about the possibility of an accident and emergency facility remaining open in Monaghan General Hospital. According to correspondence with the hospital, the Minister said people could go there with a medical problem 24 hours a day, seven days a week, and they would be seen by a doctor. However, there is no further commitment beyond this.

I was one of those who encouraged the Minister to bring in an independent consultant to see what could be done in Monaghan. While the Bonner report did not solve all of our problems, it stated clearly that a sum of €4 million needed to be spent on a treatment room and €14 million on the hospital altogether as a matter of urgency. The Minister proposed a figure of €2.75 million for the hospital, provided certain measures were agreed first to the satisfaction of the executive before the money could be spent.

Where is the health service going? Can the Minister of State give a commitment that

somebody will be answerable? Will the Minister have any control over what the executives will do in the next six months, or will the existing limited health service disappear completely? I ask this question in the context of the comment made by the Taoiseach earlier today when he accepted the fact that people living in rural areas did not really matter and would not expect the same level of access to services. The present level of access to some of the Dublin specialist hospitals leaves much to be desired, as we discovered to our expense in County Monaghan during the past week or so.

The system is grinding to a halt. If the Minister of State thinks the removal of democratic involvement in the health boards will solve the problem, he has another thing coming. As my colleague, Deputy Mitchell, said, €11 billion is being spent on the health service. As a party, we are not shouting that we want to spend oceans of money but we do want accountability and structures in place to ensure what money is available is spent.

Deputy Naughten said seven years had slipped by in seeking orthodontic treatment. I have dealt with several such cases and all I get is excuses; nobody is answerable. I was told here only a couple of weeks ago that in the North Eastern Health Board the position had improved dramatically. While the position has improved in the Meath-Louth division, it has certainly not improved in the case of orthodontic treatment so far as access is concerned.

We have recently heard the great news that the position on waiting lists is improving. I met a woman in my office this morning whose husband had been trying to get on a waiting list for the past three years. As such, he is not a statistic and, therefore, not a problem but for him and his good wife, who are well advanced in years, his need of treatment presents a real problem. This is not an issue, of which the Minister of State can wash his hands or do a Pontius Pilate.

**Mr. B. Lenihan:** We are speaking to amendments tabled by Deputies Cowley and McManus. Essentially, they seek to delay commencement of the legislation. They are to section 1 which is a technical provision. As they are designed to delay commencement of the Bill, they essentially seek to frustrate the entire intention of the legislation.

Deputies have availed of the opportunity provided by the debate on the amendments to reopen the debate on the general question of the principle, namely, that the health boards be abolished. That issue has already been decided by the House.

The Minister has dealt in great detail with his proposals to implement the health service reform programme. On Second Stage he pointed to the provisions he will make in respect of participation by public representatives in the new structures. He outlined to the House his plans to include, as an essential part of the reforms, accountability at

[Mr. B. Lenihan.] all levels of the system. He also specifically mentioned his plans to put mechanisms in place to support the development of structures at regional and local level and to provide for liaison between local representatives and the Health Service Executive. He will include these provisions in the legislation under preparation.

The provisions are likely to include the establishment of a series of regional forums to facilitate local representatives in raising issues of concern in respect of health services within each region with the new executive. These will allow local representatives to comment on and raise issues relating to the delivery of health services at local level. Members of the forum will also have the facility to raise particular issues with the executive. The overall objective in putting in place such arrangements is to ensure the voice of local public representatives will continue to be heard on the development of the health service.

These mechanisms will complement and reinforce the role of the House and the Joint Committee on Health and Children in holding the system to account at national level. The view of the Minister, therefore, is that the amendments are unnecessary. If accepted, they would serve to further delay the health service reform programme and, as such, the Minister is not disposed to accepting them.

On the numerous comments made, this Bill has nothing to do with the Hanly report. It implements the recommendations of the Prospectus report relating to the health boards and health structures. The inspiration for this——

**Ms O. Mitchell:** If those structures were left in place, the Minister would never have——

**Mr. B. Lenihan:** The inspiration for this——

**Caoimhghín Ó Caoláin:** Ms Brennan had a different view. Why ignore her as she was consistent?

**Mr. B. Lenihan:** Political consultants differ and Governments must make decisions.

**Dr. Cowley:** They are consistent. That is the trouble.

**An Leas-Cheann Comhairle:** Members will have an opportunity to contribute.

**Mr. B. Lenihan:** The inspiration for this Bill lies in the Prospectus report. It is important to highlight this because it was suggested otherwise throughout the debate that it has something to do with the Hanly report.

**Ms O. Mitchell:** Who is going to implement that report?

**Mr. B. Lenihan:** I realise there are only a few days to go before the local government elections.

Deputy Naughten raised the issue of the closure of hospitals and accident and emergency units. That matter does not arise.

**Mr. Crawford:** It is happening, as we have seen at first hand.

**An Leas-Cheann Comhairle:** The Members who have already spoken will have two minutes in which to reply.

**Caoimhghín Ó Caoláin:** Will the Minister of State deal with the reality with which we are trying to cope?

**Mr. B. Lenihan:** Of the eight contributors to this debate, three were from County Monaghan.

**Mr. Crawford:** Is that an accident?

**Caoimhghín Ó Caoláin:** It is indicative of the reality.

**Mr. B. Lenihan:** It is indicative of the quality of political representation in the area.

**Caoimhghín Ó Caoláin:** It is indicative of the Government having washed its hands of responsibility for health service delivery in the county and a large section of the region. Shame on the Minister of State——

**Mr. B. Lenihan:** Deputies have national as well as local responsibilities. They will have to debate the issues in the health service which they have not done so far in this debate.

**Mr. Crawford:** I take extreme exception to——

**Ms O. Mitchell:** The Minister of State should not lecture us.

**Mr. Crawford:** He has responsibility for services in Monaghan as he has for services in other areas.

**Caoimhghín Ó Caoláin:** He has given no response whatsoever.

**An Leas-Cheann Comhairle:** The mover of the amendment will have a right of reply, if time permits.

**Ms McManus:** We are very short on time. I will not refer to the position in Monaghan because there are others who can do so.

The Minister of State is perpetuating double-think. On the one hand, he has said the Bill is about bringing the health boards to an end — on which we are all agreed — and that the amendments go against the principle of the Bill. On the other, he continues to restate the publicly stated view of the Minister that he will introduce systems of accountability. He cannot have it both ways. The Bill is about bringing the health boards to an end.

We are concerned about the lack of accountability. We are concerned that Fianna Fáil does not trust the people and their representatives and wants rid of them. All the flimflam about accountability is designed to cover up the fact that the people cannot be trusted. They certainly cannot be trusted where the Government intends to downgrade local hospitals, close accident and emergency departments, as spelled out in the Hanly report——

**Mr. Crawford:** To tell lies.

**Ms McManus:** The Minister of State conveniently tries to separate the Prospectus report from the Brennan report, which argued for health board representation for local public representatives, and the Hanly report, even though the Government has always argued that the three are linked and part of an integrated set of health reform proposals. He cannot have it both ways. However, I compliment him — he represents his party so well — when it comes to speaking out of both sides of his mouth.

This is the classic Fianna Fáil reply. It will give something and take it away simultaneously. One has to allow for the fact that promises have been made about the Hanly report in the lead up to the local elections on 11 June. We all know the pattern which has been set down in the past. In the previous example of the general election what was given with one hand before it was taken away with the other once it was out of the way.

**Dr. Cowley:** I was intrigued in listening to the Minister of State. I do not know what world he is living in but it does not appear to be the real world because what he is talking about does not make sense to me or anybody else in the House. It is obvious the Government wants to progress its agenda. By handing it over to the chief executive officers for the next six months, it believes it can achieve this. How else will it implement the changes recommended in the Hanly report? The impediment to cutting services even more is that the annual budgets would have to be accepted and passed by the members of the health boards. The Minister had trouble from members in accepting major cutbacks and does not want any more of this. He wants to fast-track all decisions. One will see parallels in the Department of the Environment, Heritage and Local Government where the Government wishes to bypass the democratic right of the people to have a say in matters. I agree that it appears that the Fianna Fáil Party is not interested in what the people have to say, which is regrettable.

Let us consider all of the services the local hospitals in Bantry, Mallow, Tralee, Ballinasloe, Letterkenny, Cavan, Wexford, Naas, Blanchardstown and so on will lose. What will be put in place to redress the democratic deficit? The Government refers to a complaints

procedure but I guarantee it will take rooms to house the complaints that will not be answered. As regards the forum, suggested in the Prospectus report, the regional health authority of elected representatives will just be a nodding session where members will be tolerated for a certain period on a limited number of occasions in the year and that will be it. Politicians will have no meaningful input.

Matters will be no different at Oireachtas committees. The Minister was due to appear before the Joint Committee on Health and Children to discuss the report on radiotherapy services but he did not attend. He has been hounded to appear before the committee during the past year but has used every single dodge in the book. He is avoiding the people. If he did not appear before a joint committee to hear members express their concerns on the report on radiotherapy services, is he interested in listening to them? We know from the report issued today that the people must accept an inferior service. It appears that the Minister is being advised by his officials not to engage and listen to Members. I advise him that he will pay a very heavy price because one cannot deny democracy.

**Ms O. Mitchell:** I object to the Minister of State resorting to insulting the Members who expressed their genuine concerns about the purpose of this Bill. The Fianna Fáil mantra for this election is to criticise the Opposition for not engaging in debate. We are looking for a debate. Last week it was the Minister of State at the Department of the Taoiseach, Deputy Hanafin, making the same comment; the week before it was somebody else. The Government is losing touch with reality. It is very reasonable not to support the circling of the wagons to ensure there is no opposition, no questioning and no scrutiny of the setting up of a new health service executive.

We accept the need for new structures and agree with the reform of the health service but what we are being given is auld guff and false promises. We are told we will have a complaints procedure but what good is that in an accident and emergency department when a patient is left with his or her leg hanging off? The proposed establishment of consumer panels to scrutinise the health service is like saying that having had the BCG, one is qualified to run a health service. It is a nonsense and an insult to the intelligence of the public.

It is proposed that elected representatives will have the opportunity to debate matters at regional fora. The reality is that approximately ten years ago the Government abolished local health committees as they were a pointless exercise. Who will question chief executive officers when they make decisions in the next six months? Will they continue to make the decisions? We have an interim health executive which, as far as I can see, is absolutely lost and in a complete tizzy as every day there is a new hybrid Hanly report being offered, which it is



[Ms O. Mitchell.]  
charged with implementing. The reality is that we need to debate the health service. I support the motion.

**Caoimhghín Ó Caoláin:** I echo the remark that it is a disgrace the Minister for Health and Children is not here to take this Stage of a Bill that has serious consequences for the delivery of health care in this jurisdiction. With all respect, I think the Minister of State, Deputy Brian Lenihan, made a disgraceful reference to the Monaghan Deputies who have moulded together all opinion, including that of Fianna Fáil Members, though they jumped ship. We have never made a party political issue of this and have endeavoured to be a community of all views, which is to the credit of all Opposition voices in this Chamber.

In this instance we are being asked to provide a blank cheque for the chief executive officers currently at the head of the respective health boards. I would not give a blank cheque, with no conditions as to accountability, to the chief executive officer of the North Eastern Health Board, nor would I offer the Government a blank cheque for the health service or any other matter of public concern, with no scrutiny or accountability. It is an absolute disgrace. What we face is the diktat of the chief executive officers and know the agenda they are pursuing. We know this better than most in the North Eastern Health Board where we have been exposed to it time and again since the appointment of chief executive officer.

The Minister of State failed to pick up on the very important point I made. I am passionate about the loss of critical services at any hospital site in this jurisdiction, as are Deputies Crawford and Connolly and everybody who has spoken in the debate bar the Minister of State. It is not a parochial position we take. We pointed out that the loss of services in Monaghan and Dundalk would be used as a template in the future, which has proved to be the case. We have no doubt that is exactly as it will happen. The diminution of services at any hospital site, from Kerry to Donegal, diminishes each and every one of us as we do not know when we will be dependent upon them. Even now, this Bill should be withdrawn.

**Mr. Naughten:** The Bill allows for the implementation of the Hanly report. For the Minister of State to suggest that the Bill has nothing to do with the report is disingenuous. The

Royal College of Physicians has a regulation that was due to be implemented on 1 July 2003 but allowed a stay of execution for 12 months. It will be introduced on 1 July 2004. It will mean that the 24 hour accident and emergency service in Mallow, Bantry and Roscommon hospitals will cease from that date.

The European working time directive will come into force on 1 August 2004 and the reality is that the recommendations of the Hanly report in the Mid-Western Health Board and Dublin will be replicated in the country by the end of the summer and start in the smaller hospitals, for example, the County Hospital in Roscommon.

The chief executive officers will be given blank cheques which the Taoiseach had a habit of issuing but a blank cheque is being issued without democratic accountability and allowing them to implement the Hanly report on the basis that if they offend the Minister, they will not have a position under the new structures to be established in the new year. The report will be implemented before these new structures are put in place next year and it is disingenuous of the Minister of State to say the opposite.

**Mr. Crawford:** I am absolutely shocked that the Minister of State should fall to this level. I am here solely to speak on behalf of the people of Monaghan. I try to work with the Minister for Health and Children, Deputy Martin, and do not engage in political cheap shots. I still wish to work with him if there is any hope of saving the hospital and, in so doing, saving lives. The Minister of State is obviously not interested.

**Mr. B. Lenihan:** I wish to reply to the charges made by the Deputy. The Bill incorporates a transitional stage in a fundamental reform of health structures — a root and branch reform. This has implications for every hospital and may have very positive implications for Monaghan Hospital.

**Mr. Naughten:** That is a misleading statement. There is no root and branch reform.

**An Leas-Cheann Comhairle:** I am now required to put the following question in accordance with an order of the Dáil of this day: "That the amendments set down by the Minister for Health and Children and not disposed of are hereby made to the Bill, that Fourth Stage is hereby completed and that the Bill is hereby passed."

Question put.

The Dáil divided: Tá, 50; Níl, 29.

Tá

Ahern, Dermot.  
Ahern, Michael.  
Ahern, Noel.  
Andrews, Barry.  
Brady, Johnny.  
Brady, Martin.  
Brennan, Seamus.  
Callanan, Joe.  
Carey, Pat.  
Carty, John.  
Cassidy, Donie.  
Coughlan, Mary.  
Cregan, John.  
Curran, John.  
Davern, Noel.  
de Valera, Síle.  
Dempsey, Tony.  
Dennehy, John.  
Devins, Jimmy.  
Ellis, John.  
Finneran, Michael.  
Glennon, Jim.  
Grealish, Noel.  
Hanafin, Mary.  
Haughey, Seán.

Hector, Máire.  
Jacob, Joe.  
Keaveney, Cecilia.  
Kelleher, Billy.  
Kelly, Peter.  
Killeen, Tony.  
Lenihan, Brian.  
Lenihan, Conor.  
McEllistram, Thomas.  
McGuinness, John.  
Moynihan, Michael.  
Ó Fearghaíl, Seán.  
O'Connor, Charlie.  
O'Dea, Willie.  
O'Donnell, Liz.  
O'Malley, Fiona.  
Parlon, Tom.  
Power, Seán.  
Smith, Brendan.  
Smith, Michael.  
Treacy, Noel.  
Wallace, Dan.  
Walsh, Joe.  
Wilkinson, Ollie.  
Wright, G.V.

Níl

Boyle, Dan.  
Broughan, Thomas P.  
Bruton, Richard.  
Burton, Joan.  
Connaughton, Paul.  
Connolly, Paudge.  
Cowley, Jerry.  
Crawford, Seymour.  
Crowe, Seán.  
Deenihan, Jimmy.  
Durkan, Bernard J.  
Ferris, Martin.  
Gormley, John.  
Hogan, Phil.  
Kenny, Enda.

Lynch, Kathleen.  
McGrath, Finian.  
McGrath, Paul.  
McHugh, Paddy.  
McManus, Liz.  
Mitchell, Olivia.  
Naughten, Denis.  
Ó Caoláin, Caoimhghín.  
O'Shea, Brian.  
O'Sullivan, Jan.  
Pattison, Seamus.  
Stagg, Emmet.  
Stanton, David.  
Upton, Mary.

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

Question declared carried.

### Private Members' Business.

### Housing Provisions: Motion.

**Ms McManus:** I move:

That Dáil Éireann, considering that the Fianna Fáil-Progressive Democrats Government has, during a period of unprecedented economic prosperity, failed to stabilise house prices and failed to provide for the housing needs of the people, calls for:

- the implementation of the report of the All-Party Committee on the Constitution in relation to building land,

with a view to making housing affordable;

- the delivery of the 10,000 additional affordable houses which were to have been provided under Sustaining Progress and which have not even been started;
- a doubling of the production of social housing;
- the reversal of the cuts in rent allowance and the introduction of a housing benefit;
- the introduction of legislation to protect the consumer rights of home buyers; and
- the implementation of the integrated strategy on homelessness.

[Ms McManus.]

I wish to share time with Deputies Lynch and O'Sullivan.

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

**Ms McManus:** Our spokesperson on the environment, Deputy Gilmore, has suffered a family bereavement and as a consequence is not in the House.

In the past ten years, the property market in this country has been elevated almost to the level of a national obsession. Newspapers print bulky supplements packed with property advertising. Economists who pronounce on future trends in house prices are guaranteed extensive coverage. Where once the weather was the staple diet of small talk with strangers, we now rely on property prices to fill gaps in conversation.

The motion is about the political choices that Governments make or fail to make and how those choices affect people's lives. Throughout the Government's seven years in office, it has been confronted by a property market profoundly affected by an unprecedented economic boom. It has posed problems and dilemmas but above all choices. This Government has consistently chosen to maintain the property market as a source of enormous profits for a few speculators at the expense of those who need housing. It has consistently chosen to treat housing like any other commodity rather than as an essential social good or, perish the thought, a right of citizenship. In response to political pressure, it has from time to time meddled with the housing market, however it has never seen the property market as one to be properly regulated and controlled in the public interest. Instead, the commodification and marketisation of housing have increased.

That is, of course, completely in keeping with the new conservative Fianna Fáil, whose right-wing ideology would be instantly recognisable and quite at home in the British Conservative Party or among American Republicans and which serves the interests of Fianna Fáil's wealthy backers, who never have any difficulty finding a home and shelter in the Fianna Fáil tent at the Galway races. As this motion makes clear, there is a housing crisis in Ireland which pervades all housing types. When the Labour Party was last in Government, families and young couples on modest incomes could afford to buy their own homes. People on council housing lists were housed within a reasonable time and there were certainly far fewer homeless people.

Under Fianna Fáil and the Progressive Democrats, house prices have trebled. In 1997, the average price of a new house was €97,000. House prices have increased by nine times the rate of inflation, five times the rate of increase in average earnings and four times the rate of

increase in the cost of building. The failure by the Government to curtail the increase in house prices has had enormous social consequences. It has placed home ownership beyond the reach of large numbers of young people. It has imposed large financial burdens on those who have managed to buy a home. It has forced thousands of people, particularly those who work in Dublin, to move further and further away from the city in which they work.

Pick up a school history book and turn to the chapter on the industrial revolution, and there one reads of the long hours of workers in Victorian factories who went to work before dawn and returned after nightfall. In post-Celtic tiger Ireland, we have our own equivalent, those who wait at bus stops in Carlow, south Kildare and Louth, in the pre-dawn, to spend long hours travelling to and from the capital to work. This is the legacy of Fianna Fáil's failure to regulate the housing market. It is grossly inefficient and socially inequitable, and it is causing untold stress to the people concerned.

According to the local authority housing strategies, 33% of new families nationally cannot afford to buy a home. That percentage increases to 42% in urban areas and 50% in Dublin. For those who cannot afford to buy a home, other options have also been closed off. No serious attempt is being made to deal with problems in other housing tenures, including affordable housing, private rented accommodation and local authority housing.

Under this Government, the numbers on council housing lists have doubled, up from 26,000 in 1996 to over 60,000 now. However, less than 5,000 local authority houses are being built each year. By 2002, fewer than 10% of all residences were publicly provided, down from 33% in the mid-1970s. Again, in 2002, just less than 7% of households were living in local authority houses. At the same time, between 1995 and 2002, the stock of public housing in Dublin grew by a mere 447 houses per annum.

Under the partnership agreement, Sustaining Progress, the Government agreed to provide an additional 10,000 affordable houses. This was a fundamental issue for the trade union side in negotiating the programme and one which might well have been a "deal breaker" had it not been included. Instead, the deal breakers are the Government. Not a block has been laid or a sod turned on the promised 10,000 affordable houses. None of the houses has been built, none has been started, not one planning application has been lodged and no architects have even been appointed.

The Government that broke so many promises to the electorate has broken faith with the social partners and with the people who might have been able to purchase one of these homes. This has not, of course, stopped periodic announcements by the Government as to State lands that might be handed over for the building

of these houses. We may yet hear another one before the local elections on 11 June. As people know by now, the Government's word counts for little. What we see are State owned lands being sold from time to time to private developers on a commercial basis. I have no difficulty with that, provided the housing departments of local authorities are given first refusal on such lands. Indeed, as the Labour group on Dublin City Council has argued, there is a need for a comprehensive audit of State-held property in the capital to determine what lands would be better used for housing.

Those who cannot afford to buy their own home or who remain on local authority housing lists are forced into the private rented sector, where rents have sky-rocketed in the past decade, and where tenants have few rights. Between 1998 and 2001 alone, average rents in Dublin increased by 53%, and nationally in the same period rents increased faster than in any other EU country. It is striking that during the past seven years of Fianna Fáil rule, more Irish families have lost their homes through eviction than during any equivalent period in the 19th century. Castle Rackrent is thriving, under the appreciative eye of Fianna Fáil. Four years after its publication, the report of the commission on the private rented sector has not been implemented. Meanwhile, the Government's main contribution to tackling the housing crisis this year was to include in its savage 16 welfare cuts changes to the rent allowance which will make it more difficult for people on social welfare to rent their own homes.

In this context, it is little wonder that the number of people homeless in our society has doubled under Fianna Fáil. It is an affront to a civilised society to have so many of our fellow citizens without homes, many living on our streets. I pay tribute to Deputy Stagg, my predecessor in office before I became Minister of State with responsibility for housing in a previous Administration, who tackled the issue head-on when it came to providing accommodation for homeless people. I inherited a policy which ensured people were given an opportunity to get accommodation if they found themselves homeless in Dublin. I recall the health board was able to name the 40 people who were still sleeping rough, having been offered the chance of a home. The problem had been reduced to that hard-core of homeless people. Homelessness has mushroomed during the Fianna Fáil-Progressive Democrats coalition's period in office.

Let us remember none of this is inevitable, rather it is the direct result of the approach and attitude that Fianna Fáil and the Progressive Democrats have taken to housing and the housing market. For as long as the Government persists in treating housing the same as any other commodity, to be used as a means of generating vast wealth for a few at the expense of the rest of the population, we will continue to have a

housing crisis. For as long as the Government refuses to regulate the housing market in the public interest, we will continue to have a housing crisis. For as long as housing policy is dictated by special interests, we will continue to have a housing crisis.

If the Government chose to do so, it could tackle these problems. However, it must begin with a fundamental recognition that shelter and a home is a basic human requirement. The housing market is replete with monopolistic tendencies and market failures that justify intervention. It is not beyond the wit of man, or indeed woman, to develop an efficient, properly functioning housing market that serves our society and treats people fairly.

We can begin with a formal recognition of the importance of housing in our basic law. In the Labour Party's Twenty-First Amendment of the Constitution (No. 3) Bill 1999, we proposed adding the following to Article 40 of the Constitution: "The State, bearing in mind international legal standards, recognises the economic, social and cultural rights of all persons and, in particular, recognises: the right to an adequate standard of living, comprising adequate housing and nutrition and other means necessary to a dignified existence." The clause went on to state: "Where practicable, the enjoyment of these rights should in the first place be ensured by individual and family effort and initiative", but "Where persons or their dependants are unable adequately to exercise or enjoy any of these rights, the State guarantees, as far as practicable, by its laws to defend and vindicate these rights, in accordance with the principles of social justice."

In the society in which we live, with the wealth that surrounds us, there is no reason every citizen of this State cannot be housed. The right to shelter is a basic human right and one which this State should vindicate. We do not need to change our Constitution, however, to regulate the price of building land. Land speculation and profiteering is at the heart of the housing crisis and is the cause of the inexorable increase in house prices. It is striking that a house that costs €100,000 to build costs €300,000 to buy. A small number of land speculators are allowed to effectively control the supply of building land, keeping land prices high and earning supernormal profits on the sale of a vital social resource.

The solution to this problem is to allow local authorities to compulsorily purchase land at a reasonable mark-up over existing use value. This proposal is not new. It dates back to the Kenny report and would allow local authorities to purchase land at reasonable prices for building local authority houses and affordable housing and to ensure an adequate supply of building land being made available for voluntary housing associations and private house construction at reasonable prices. Hence the local authority would have the power to purchase building land



[Ms McManus.]

at reasonable prices and to sell it on as it chose to builders. In tandem with this power, local authorities should always have a greater say over what is built and where. It is time we grasped the nettle of effective urban development with appropriate mixes of housing types and proper community facilities being provided at the same time as housing, not years afterwards.

I am pleased the Oireachtas Joint Committee on the Constitution has effectively endorsed Labour's proposals in this area and has agreed that constitutional change is not required for legislation to proceed. Our aim must be to slow the rate of increase in house prices, not to reduce them in nominal terms. What matters is the ratio of house prices to people's earnings and this can be improved only by keeping house price increases low while wages increase. To achieve this effective implementation of the Kenny proposals will require a national agency with the skills to monitor house prices nationally, and to ensure effective co-ordination of policies across local authorities. Our aim must be to ensure that a high level of housing output continues and that output is not curtailed as demand and supply in the market come into better balance. A national housing agency would also be in a position to help drive an agenda of housing market reform.

At the same time as tackling the problem of spiralling house prices there is a need to improve consumer rights for home buyers. There is a need for stronger action to ensure the quality of houses being built. We also need to protect house buyers against sharp practice by builders or estate agents. Consumers have a right to be protected against price gazumping and against the long-running sore of developers leaving estates unfinished which is not being addressed. People are still being forced to live for years on what are effectively building sites, even though they have paid very large prices for their houses. A core element of any strategy to resolve the housing crisis must be an increase in the production of social housing. Labour believes the number of local authority homes being built should be at least doubled. There is also an urgent need to change the income limits for the shared ownership scheme and the affordable housing scheme to make them more available.

**Mr. Durkan:** Hear, hear.

**Ms McManus:** Needless to say it would be very useful if some signs of the famous 10,000 affordable houses promised under Sustaining Progress were even started before the programme expires. These are concrete steps the Government can and should take if it cared about first time buyers forced off the market, or the long hours spent commuting to work, or the stresses of working hours away from one's home, or the problems of homelessness, or the position of people who are stuck on local authority

housing lists without any hope of getting accommodation.

This Government does not care about these issues or certainly not enough to do anything substantial about them, or discommode the special interest which is so assiduously and publicly courted by Fianna Fáil in particular. The housing crisis is not inevitable but it is certain that it will continue as long as Fianna Fáil and the Progressive Democrats remain in office.

**Ms Lynch:** I am grateful to Deputy Gilmore and our deputy leader, Deputy McManus, for introducing this motion. First time buyers were hit by a double whammy, with the removal of the first time buyer's grant. The reason given for this in interviews at the time was the Government's belief that developers or builders were factoring the grant into the price of the house and therefore it was of little benefit to people buying houses. It was amazing to note that despite its removal the price of houses did not come down by €4,500 and the Government did nothing to make that happen.

**Mr. Durkan:** Surprise, surprise.

**Ms Lynch:** This was done without warning or without even considering the consequences for people who had factored the grant into the cost of their house. At the same time the Government insisted that local authorities introduce development levies. These levies on the average three-bedroom semi-detached house are approximately €6,000 to €8,000.

**Mr. Durkan:** That is right, and more.

**Ms Lynch:** The first time buyer lost the €4,500 grant and was asked to pay the €8,000 levy. Thus by direct intervention the Government has ensured that the cost of the house to the first time buyer has increased by more than €12,000. That is a conservative estimate because the price varies from one area to another. Even without those direct interventions a couple now hoping to buy the average three-bedroom semi-detached house would have to earn in the region of €100,000 per year. With jiggling, juggling, loans from families — because few families can afford to present young couples with the €20,000 usually required as a deposit — couples somehow manage to put together the mortgage payments, the stamp duty, and the rest to put a roof over their heads.

In the 1980s, a time of high unemployment, I argued that society was under threat because one could not make the normal transition from being part of a family to creating one's own family when one did not have the income necessary to do that. This Government has ensured that process is once again interrupted. Some years ago I read a Danish study of a phenomenon which I believed could never happen here. The study reported that there were more mothers leaving their families than *vice versa* because when the

mothers died their children were still living at home. That is happening very quickly here, not because people do not want to be independent or live in their own homes but they cannot do that.

The social welfare chapter in the latest budget attacked not only those struggling to keep a roof over their heads but those seeking rent allowance. When Deputy Harney introduced the PDs policy in the 1997 election to the effect that lone parents should stay at home with their own parents, that is in the grandparents' house she was roundly criticised. The Minister for Social and Family Affairs, Deputy Coughlan, has introduced that same penalty by the backdoor. One now must be living in private rented accommodation for six months before being considered for rent allowance. That someone who qualifies for rent allowance would have enough money to sustain herself or himself in private rented accommodation for six months would indicate to me, if I were a social welfare officer, that this person did not need rent allowance in the first place. Why would one give it to that person? It is incomprehensible that this Government has decided that in order to put a roof over one's head one must now be at the very least upper middle class or have had one's name on a housing list for ten years.

Last year the cost of housing went up by between 13% and 16%, that is seven to eight times the rate of inflation. The price of housing is increasing by over €74 a day. Is it any wonder that one sees people outbidding each other in desperation. They know that whatever about their chance of buying this year, this time next year their chance will be gone entirely. There has been a large increase in the incidence of parents being co-owners of houses with young people, which is the only way they can acquire mortgages. The Government pretends it is not happening. Why should it worry about it? We should worry about it because it is interfering with the natural process. If we are not worried about that, I do not know where we will end up.

Although 60,000 people are on local authority waiting lists the budget was cut by 16%. Taking inflation into account the cut grows to 20%. If no additional person goes on local authority waiting lists in the next 12 years, at this rate we will only have cleared the current list by then. We all know that will not happen because people are not earning enough to get a mortgage but are earning too much to be considered for affordable housing. The consequences of this for society are serious, yet it does not appear to matter.

The motion before the House may appear to be something that has already been heard, but it goes to the very heart of how we organise society. I am sick and tired of hearing the Tánaiste say she will not interfere or she cannot interfere, that she does not believe in interfering. However, the Government interferes on a daily basis. It directly interferes in the market to help those it clearly

sees as its supporters. They are the ones who are benefiting from this crisis.

**Mr. Broughan:** They own Fianna Fáil. They have owned it for 40 years.

**Mr. Durkan:** A change of ownership will not take place.

**Ms Lynch:** At the end of the day the ordinary person on the street is the victim of all of that. This country should be at the top of the scale in regard to services. We should not even be having this discussion. We are still talking about the most basic and fundamental rights of any citizen. Citizenship is in vogue and we are still debating the issues of housing and health.

**Ms O'Sullivan:** I will pick up where my colleague left off. Housing lists and the number of people looking for housing from local authorities will continue to increase. The Minister needs to take action on market intervention or he will have a problem that cannot be solved. Action needs to be taken in accordance with the recommendations of the All-Party Oireachtas Committee on the Constitution, of which I am a member.

I will begin by addressing the issues raised by that committee. The Taoiseach wrote to the former Chairman of that committee, Deputy Brian Lenihan, in February 2000 asking it to address the issue of house prices and whether the Constitution was an impediment to taking action to address the escalating price of houses and the fact that so many ordinary families could no longer afford to buy a home. The committee addressed the matter in spring 2003. It invited submissions on the issue from the public in April 2003. We received 140 written submissions and the committee subsequently heard 50 oral submissions in July and September last year.

The committee subsequently held a number of meetings and a report was published in April 2004. The report was agreed by all parties, which included the two Government parties, all Opposition parties and one Independent Member. In effect, it represented all the interests in this House. There was no dissent on the recommendation which, as my colleague, Deputy McManus said, was that of the Labour Party, namely, we could implement the terms of the Kenny report and there was no need to change the Constitution, particularly in order to address the issue of providing affordable land to local authorities so they build houses or arrange for houses to be built in order to address the needs of those on housing lists.

As a member of that committee, I ask the Minister of State to explain why no action was taken. The implication had been that the Government could not do anything about the price of housing because of constitutional impediments. The conclusion of the committee was that the Constitution was not an obstacle and

[Ms O'Sullivan.]

that its recommendations should be implemented. It is no harm to read Article 43 of the Constitution which states:

The State acknowledges that man, in virtue of his rational being, has the natural right, antecedent to positive law, to the private ownership of external goods. The State accordingly guarantees to pass no law attempting to abolish the right of private ownership or the general right to transfer, bequeath, and inherit property. The State recognises, however, that the exercise of the rights mentioned in the foregoing provisions of this Article ought, in civil society, to be regulated by the principles of social justice. The State, accordingly, may as occasion requires delimit by law the exercise of the said rights with a view to reconciling their exercise with the exigencies of the common good.

We agreed that because of the exigencies of the common good one could intervene and bring about some legislative change that would free up land at affordable prices for local authorities to build houses. In effect, that was the conclusion of the Kenny report, namely, that land could be bought by local authorities to build housing at existing value plus 25%. When will the Minister implement the recommendations and bring forward legislation so housing can be provided for existing needs? We need to intervene in the market to ensure that ordinary families can afford to buy houses and that local authorities can build them.

That report also made recommendations in regard to social and affordable housing. It suggested, for example, that section 48 of the Planning and Development Act 2000 should be amended to include social housing under the definition of public infrastructure and facilities. It also suggested that local authorities should identify lands in their development plans and reserve them for social and affordable housing to ensure a greater supply of social and affordable housing is made available without influence from external market and competitive forces to enable residential areas to be planned in a socially-inclusive manner and to control the cost of zoned land designated for the provision of social and affordable housing. There is a great deal in the report but the main recommendations are that the Minister can introduce legislation that will address the issue.

**Mr. Broughan:** Has the Minister of State read the report?

**Mr. Durkan:** That was a dramatic reaction.

**Ms O'Sullivan:** What we are faced with at the moment, and what needs to be dealt with, is the fact that rich people are holding land while other people cannot afford to buy houses, and local authorities are not in a position to supply the

number of houses needed. Large sums of money are being made on rezoned land that is needed for housing and infrastructure. Local authorities are finding it harder to get sites for social and affordable housing. However, if legislation is introduced following the recommendations of the all-party committee they will find it much easier to obtain sites for social and affordable housing. Local authorities, by the end of this month, must draw up action plans for social and affordable housing for the period 2004-08. In that context, it will be important for them to see legislation in place to address the issues with which they are obliged to deal.

An opportunity exists in respect of housing for elderly people in particular. Many elderly people are experiencing difficulties in terms of staying safely and healthily in their homes. A real opportunity exists to provide supported housing for the elderly. The Minister of State must address this matter in conjunction with the Department of Health and Children. Part of the problem with housing is that it is provided by a number of Departments. For example, the Department of Health and Children is responsible for addressing certain issues relating to the elderly and the disabled. The housing section of the Department of the Environment, Heritage and Local Government is not addressing these issues and is ceding responsibility for them to the Department of Health and Children.

Deputy Lynch addressed the issue of rent subsidies. However, I wish to speak about the appalling decision by the Minister for Social and Family Affairs regarding rent subsidies. People who need such subsidies simply cannot afford to pay for housing in the private sector for six months. If the original proposal to the effect that rent and mortgage subsidies should come under the remit of local government had been implemented, there would have been no need to table the motion before the House. Local authorities understand the needs of the people who are on housing lists. Perhaps the Minister of State will indicate whether a proposal exists for his Department to assume responsibility for rent subsidies. What the Minister for Social and Family Affairs, Deputy Coughlan, has done is not acceptable. May party intends to campaign vigorously to ensure that this one of the savage 16 cuts is reversed.

Members hear about examples of the matters to which I refer each day in respect of the cases with which they deal. I dealt with a case yesterday involving a young woman who is living at home in her mother's house. She and her sister have one child each and there are a number of other family members living in the house. She, her sister and their two babies are obliged to share one bedroom in a small house on a local authority housing estate. That is not acceptable. The house is overcrowded and if the young woman could



have obtained a rent allowance she could have moved into private rented——

**Mr. N. Ahern:** She could get it if she wanted.

**Mr. Durkan:** She cannot get it. The Minister of State is not living in the real world.

**Ms O'Sullivan:** She must wait six months before she qualifies.

**Mr. Broughan:** The Minister of State should talk to the Minister for Social and Family Affairs, Deputy Coughlan, about this matter.

**Ms O'Sullivan:** The Minister of State has a better understanding of this matter than does the Minister, Deputy Coughlan, and Deputy Broughan is correct in stating that he should talk to her about the situations which we, as public representatives, must deal each day as a result of the cut to which I refer. Local authorities want to address these issues. However, this cut, which appeared out of the blue, has meant that many people who would previously have been able to occupy rented accommodation until local authorities could house them have been obliged to return to their family homes and this has led to the creation of overcrowded and unsafe conditions.

Deputy McManus referred to affordable housing. The concept of such housing is good because it addresses the needs of those in the middle income trap who cannot afford a mortgage, who need housing but who cannot be accommodated by their local authorities because they are not high enough on the priority list. The position is similar with shared ownership. The shared ownership scheme was initially a good idea and probably remains so in some areas where house prices are relatively low. However, in areas where prices have escalated, those who qualify for the scheme because of their levels of income simply cannot find a house in the private market which meets the requirements. I acknowledge that the shared ownership and affordable housing schemes are good and have a great deal of potential. However, that potential is not being realised. In that context, the Minister of State needs to address the issues identified by the All-Party Oireachtas Committee on the Constitution.

The Minister of State is aware that I have an interest in the voluntary housing sector. That sector also has great potential, particularly in term of assisting him and local authorities in the provision of social and affordable housing. Voluntary housing associations, particularly in terms of the housing of elderly people, can develop imaginative schemes. I saw one such scheme recently when I was canvassing in County Limerick. It is a sheltered scheme where elderly people have their own individual accommodation but where there is a supervisor on the premises, where there are shared communal facilities and

where the residents enjoy security and safety. Schemes of this nature can be put in place with the co-operation of the voluntary housing sector.

There is a great deal to be done. There are many homeless people, particularly in the capital city. It is a disgrace that this situation continues to obtain when we have so much wealth at our disposal. There are proposals in the report to which I referred which have the potential to address the problems that exist in a radical fashion. They must be implemented in conjunction with more support for local authorities in terms of their efforts to provide social and affordable housing, increased interaction with the voluntary sector and a commitment to take this important issue seriously. I do not doubt the Minister of State's commitment. However, there must be a commitment from the Government that the provision of affordable housing for everybody in our society, right across the spectrum, must be given priority and placed at the top of the agenda. Sadly, the latter is not the case at present.

If there is a commitment forthcoming in respect of the report and in terms of the Department supporting local authorities in the provision of social and affordable housing, we will believe that the issues to which I refer are being addressed. At present, these issues are not priorities for the Government.

**Mr. Broughan:** Hear, hear.

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I move amendment No. 1:

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

"acknowledges the achievements of the Government in:

- increasing housing supply as the key response to the broad range of housing needs and demand;
- achieving the 9th successive year of record housing completions involving the addition of 68,819 new houses in Ireland in 2004;—

**Mr. Broughan:** One third of them were bought by investors.

**Mr. N. Ahern:** ——continuing to develop measures to address affordability;

- putting in place a strong social and affordable housing programme involving investment of €1.8 billion in 2004;
- progressing the commitment in the Sustaining Progress partnership agreement to the delivery of an ambitious scale of affordable housing——



**Mr. Broughan:** What about RAPID?

**An Ceann Comhairle:** The Minister of State, without interruption.

**Mr. N. Ahern:** —through the affordable housing initiative and Part V of the Planning and Development Acts 2000-2002 and to reviewing the effectiveness of programmes designed to assist low income groups, including those with social and special housing needs; and

— introducing and resourcing an integrated strategy on homelessness;

and supports the continued actions by the Government to increase housing supply, and focus public expenditure on responding to the needs of low income households and those with special needs through a broad range of targeted initiatives.”

I am please to have the opportunity to address the House on the important subject of housing and to again set out the Government’s approach to housing—

**Mr. Durkan:** There is a crisis in the area of housing.

**An Ceann Comhairle:** Deputy Durkan should allow the Minister to continue without interruption.

**Mr. N. Ahern:** —and the positive effects thereof. It is blatantly obvious that the Labour Party tables this sort of standard motion every few months to create news and obtain a few soundbites—

**Mr. Broughan:** The Minister of State talked about RAPID, but did not deliver it.

**Mr. N. Ahern:** —in the run-up to the local elections.

**An Ceann Comhairle:** The Minister of State, without interruption.

**Mr. N. Ahern:** One could say that if the Labour Party cannot come up with anything—

**Mr. Broughan:** Will the Minister of State give way?

**Mr. N. Ahern:** No, I will not.

**An Ceann Comhairle:** It is too early in the debate for the Minister to give way.

**Mr. Broughan:** Will the Minister of State give way?

**An Ceann Comhairle:** Will the Deputy resume his seat? The Labour Party had 40 minutes to propose the motion and its Members were allowed to do so without interruption.

**Mr. Broughan:** Will the Minister of State give way?

**Mr. N. Ahern:** No. I listened for 40 minutes and I am entitled to have my say.

**An Ceann Comhairle:** It is only towards the end of a contribution that a Member may be asked to give way. The Minister of State cannot be asked to give way at this stage.

**Mr. Broughan:** The Minister of State has made an outrageous start to a useless contribution.

**An Ceann Comhairle:** Deputy Broughan should resume his seat and allow the Minister of State to continue without interruption. He is entitled to the same courtesy as every other Member of the House.

**Mr. N. Ahern:** I thank the Ceann Comhairle. These are standard Labour Party tactics and we see them used on Leaders’ Questions every day.

**Mr. Broughan:** That is not true.

**Mr. Durkan:** The Minister of State will do the officers out of a job.

**Mr. N. Ahern:** Recent years have witnessed an unprecedented demand for housing, brought about by a number of economic and demographic changes, including rising disposable incomes, historically-low interest rates and changing household formation patterns. These factors continue to place significant pressure on housing demand and house prices. The Government’s strategy is to increase housing supply to meet demand and to improve affordability, particularly for first-time buyers, and in this way seek to bring moderation to house price increases.

**Mr. Broughan:** What about the income limits? The Minister of State should tell us about them.

**Mr. N. Ahern:** One should look at the economy over recent years or the census returns which issued some months ago. They show the population of the country rose by 8%, approximately 270,000 people, in six years. One would not find another country in the world, not to mind Europe, where the population increased by 8% nationally in six years. That is an enormous increase in population. Many people who have come back to the country are of an age where they are setting up house and that obviously puts pressure on the situation.

**Mr. Durkan:** The Government is not providing for them.

**Mr. N. Ahern:** In previous decades there was not such a demand for housing. There was a surplus of housing.

**Mr. Durkan:** When we had no money in the country we were able to provide houses.

**Mr. N. Ahern:** When Fine Gael and the Labour Party were in power we usually had a recession and people were getting on the boat to get out of country as quickly as they could.

**Mr. Durkan:** What a load of rubbish. The Minister of State should be ashamed for making such excuses.

**An Ceann Comhairle:** Allow the Minister of State to continue without interruption.

**Mr. N. Ahern:** Obviously, if we have an economic boom and —

**Mr. Durkan:** House prices have quadrupled in the past five years.

**An Ceann Comhairle:** Deputy Durkan will have an opportunity to contribute later.

**Mr. N. Ahern:** — huge numbers of people return to the country, having emigrated in previous decades, at an age group where they are setting up home, it puts pressure on the situation.

The Opposition could only look on while this Government led the economic transformation which brought a degree of prosperity unimaginable a generation ago. I agree there is pressure on prices, however, price is not everything. It is about affordability and what people are paying back. The Government's approach to meeting housing needs has clearly been seen to be working.

**Mr. Broughan:** The Minister of State's constituents have had to move to Cavan, the only place they can afford a house. They are up with the Ceann Comhairle.

**Mr. N. Ahern:** I plead with the Chair to intervene. I had the manners to listen to the Opposition. I do not mind a little heckling but I should be given the chance to speak. Our success is evidenced by our outstanding house completions record.

**Mr. Durkan:** The Minister of State has had his chance for the past seven years. When will he give the people a chance?

**An Ceann Comhairle:** Allow the Minister of State to continue.

**Mr. N. Ahern:** I might have some news for the Deputy, why does he not listen?

**Mr. Durkan:** I am upset. Why does the Minister of State not give the people a chance?

**Mr. N. Ahern:** It amuses me to hear people such as the Deputy ranting and raving all the time about social housing when the local authority of

which he was a member until recently would not build any such houses.

**Mr. Durkan:** The Minister of State should go out and tell the people why they are homeless.

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

**Mr. N. Ahern:** The Deputy should listen for a while.

**Mr. Durkan:** I have listened for the past seven years.

**An Ceann Comhairle:** The Chair will have to take appropriate action if Deputy Durkan does not allow the Minister of State to speak without interruption. The Minister of State should address his remarks through the Chair.

**Mr. Durkan:** I apologise, he is inviting hostility.

**Mr. N. Ahern:** The year 2003 was the ninth record year for house completions, with 68,819 units completed, an increase in output of over 19% on 2002—

**Mr. Durkan:** Who got them?

**Mr. Broughan:** Mainly investors.

**Mr. N. Ahern:** —and an increase of 10.5% in output in the greater Dublin area during the same period. To put that in context, because 68,819 of itself might not register, a mere ten years ago, in 1993, that figure was 22,000 houses. The move from 22,000 to 68,000 is an enormous increase.

**Mr. Durkan:** In the 1970s we were building more houses than the Minister of State is building for the complete rural housing list.

**Mr. N. Ahern:** The figures for the 1970s and 1980s were always approximately 22,000, 24,000 or 25,000. It was like that for years. However, a mere ten years ago the figure was 22,000. In ten years it has gone from 22,000 to 68,000 which is extraordinary.

I am not sure what the Labour Party is trying to say in bringing forward this motion. Does it want us to reverse the policies which now see Ireland at the top of the European house building league?

**Mr. Durkan:** The Minister of State should reverse something.

**Mr. N. Ahern:** The Deputy may not fully appreciate the numbers. However, there is a European index which shows the number of houses built each year per 1,000 of the population. We have a rate of 17 houses per year per 1,000 of population. We are not just at the head of the list but miles ahead of the others.

**Mr. Broughan:** Nobody can afford them.

**Mr. N. Ahern:** In the European context Portugal is next with approximately ten per 1,000 of population. The United Kingdom is at three per 1,000 of population and other advanced countries like Sweden are at one per 1,000 of population. We are at 17 new houses per 1,000 of population per year, which is an incredible output.

**Mr. Durkan:** Who is getting these houses?

**Mr. N. Ahern:** Increasing the supply of serviced residential land through targeted initiatives and the commitment of Exchequer funding has also been effective. There is approximately a five-year supply of serviced residential land nationally and about an eight-year supply in Dublin.

**Mr. Broughan:** It is being released in dribs and drabs.

**Mr. N. Ahern:** I accept the rate of house price increases is a problem. However, it has moderated considerably since the late 1990s.

**Mr. Durkan:** We have been hearing that for the past seven years. It is the same old mantra every year.

**Mr. N. Ahern:** A number of market commentators, including the Central Bank, now predict greater balance in the housing market over the next few years, as increased supply has a dampening effect on house prices. Affordability has also been assisted by a range of factors, including high levels of economic growth which have facilitated lower tax levels, increased disposable income, increased employment, lower mortgage interest rates and low inflation. This is what it is about.

While Deputies may talk about prices having risen by 300%, 500% or whatever, the real test is affordability.

**Mr. Broughan:** The Minister of State's own constituents have to live in Cavan, Louth and all over the place.

**Mr. N. Ahern:** My constituents live in Dublin North-West. If Deputies look at what people are paying on their mortgage, the true test of affordability, the percentage of the disposable income being paid on a mortgage is only fractionally greater than it was ten years ago.

**Mr. Durkan:** That is rubbish. People would want three incomes in a household now. Where has the Minister of State been and who has been telling him this rubbish?

**Mr. N. Ahern:** It does not make me or any of us happy that the benefits or dividend from falling interest rates has gone into developers' pockets.

**Mr. Durkan:** He should find out who is giving him this rubbish and have a good chat with them.

**Mr. N. Ahern:** I will ignore the Deputy from now on. I was trying to respond.

**Mr. Durkan:** He has been ignoring the rest of the country for long enough.

**Mr. N. Ahern:** Indicative data available to the Department also shows that first-time buyers continue to have a significant presence in the housing market. This is supported by the CSO quarterly national household survey for the third quarter of last year, which indicates that almost 50% of house purchasers since 1996 were first-time buyers. The survey also pointed out that some 62% of homeowners surveyed had no mortgage or loans on their dwellings compared to 58.8% some six years ago. While the survey indicates that the majority of these homeowners purchased some 20 years ago, it states that approximately a quarter of the purchasers in the past eight years had no mortgage.

**Mr. Broughan:** They were all investors.

**Mr. N. Ahern:** My Department is continuing to examine possible measures aimed at moderating land costs for housing and other essential public infrastructure. The report on ownership and control of building land, which was commissioned by my Department from Goodbody Economic Consultants, forms part of that process. It remains under consideration and will be published when the examination is complete.

I welcome the ninth progress report of the All-Party Oireachtas Committee on the Constitution, referred to by Deputy O'Sullivan, on the subject of property rights. My Department will give detailed consideration to all its recommendations as part of that examination, in consultation with other Departments, as appropriate. I have noted the committee's view that capping the price of building land does not require a constitutional amendment and the Attorney General will be consulted on this and other related matters.

**Mr. Broughan:** When will the Minister of State do that? Let him make a name for himself.

**Mr. N. Ahern:** The National Economic and Social Council is currently undertaking a major study on housing and land policy —

**Mr. Durkan:** Why is that? Is it because of the Minister of State's failure?

**Mr. N. Ahern:** I understand that will be finalised shortly. Following that, the Goodbody report and the report of the all-party committee, Deputies can expect to see action. All three reports, and any other relevant analysis and research, will be considered in finalising a policy response to these issues.

The Government considers consumer issues as part of an effective market to be important. My Department works with all the relevant stakeholders to ensure that relevant consumer issues are considered and addressed. The Director of Consumer Affairs and the Irish Financial Services Regulatory Authority also have roles in this regard. A range of developments is under way which will benefit the overall consumer dimension of the housing market. For example, the Irish Home Builders' Association produced a code of practice in 1999 that deals with a number of consumer issues relating to housing, including booking deposits and stage payments. The code of practice covers about 80% of house builders in Ireland. It is also important to point out, from a quality of housing perspective, that the Irish National Survey of Housing Quality for 2001-2002, which was based on a survey of more than 40,000 completed questionnaires, showed that 92% of households are satisfied with the general condition of their accommodation.

The Law Reform Commission also published a report on gazumping in 1999 that examined the practice of taking booking deposits on the sale of new residential properties. The commission concluded that the current legal position, which does not confer any interest in property upon the payment of a booking deposit, generally benefits the purchaser more than the vendor.

**Mr. Durkan:** That is the first time I heard that one. I have heard many an argument but that is the best one — if a purchaser loses his or her deposit, it is of benefit to the purchaser.

**Mr. N. Ahern:** The Deputy should read the Law Reform Commission's report. This allows the purchaser the flexibility to conduct the necessary preliminary investigations, whether in the financial, physical or legal field, before committing to an irrevocable agreement. Among the commission's recommendations was the introduction and adherence to voluntary codes of practice such as the Irish Home Builders' Association code.

Other developments in the area of consumer protection include the High Court case which was taken by the Director of Consumer Affairs in 2001 under the European Communities (Unfair Terms in Consumer Contracts) Regulations 1995. This case was supported by my Department and, among other things, the High Court order arising from the case endorsed the IHBA code of practice with regard to stage payments and prohibited stage payments in house building contracts that exceeded the levels set out in the code of practice or which exceeded the value of works carried out by the payment date.

The Government responded actively to the increased level of housing need by significantly expanding social and affordable housing output. Last year saw the delivery of the highest level of output under the range of social and affordable

housing measures for more than 15 years when the social and affordable housing needs of in excess of 13,600 households were met.

Nonetheless, the Government remains concerned to ensure that the broad spectrum of housing needs are met. More than €5 billion has been spent in the first four years of the national development plan on social and affordable housing measures, more than 7% ahead of the forecast for that period, reflecting the strong commitment of the Government to continue to meet the needs of low income groups and those with social and special housing needs.

In overall terms, the total capital funding for housing this year, Exchequer and non-Exchequer, of €1.884 billion represents an increase of 5.4% on last year's provision when inflation is 1.7%. The increase in the housing provision will enable the social and affordable housing needs of approximately 13,000 households——

**Mr. Durkan:** They will qualify for the old age pension before they will qualify for a house.

**Mr. N. Ahern:** ——to be met this year compared to almost 8,500 households a few years ago.

**Mr. Broughan:** What about the 60,000 on the waiting list?

**Mr. N. Ahern:** There are 48,000 on the housing waiting list.

**Mr. Durkan:** The Minister of State has cut the number again?

**Mr. N. Ahern:** The figure of 48,000 is the last official one.

**Mr. Durkan:** And it is rising.

**Mr. N. Ahern:** The housing needs of 13,500 households will be met this year. When 13,500 households are taken off the list, I am not suggesting that the number of households on the list will fall by that number, as others will come on the list.

**Mr. Durkan:** How many households' housing needs were met last year? Only some 5,000.

**Mr. N. Ahern:** In effect, we are consolidating the significant progress made in recent years and we are maintaining a high level of commitment to the provision of social and affordable housing.

**Mr. Broughan:** Why does the Minister of State not increase the limit?

**Mr. N. Ahern:** That we can do.

**Mr. Durkan:** When will the Minister of State do that?



**Mr. N. Ahern:** That is not always the solution to everything. Deputy Broughan and I were members of another forum and he will understand that when such a change is made we can suddenly start to cater for the needs of a slightly higher income group.

**Mr. Durkan:** That is utter nonsense.

**Mr. N. Ahern:** The shared ownership and the affordable housing schemes are in place——

**Mr. Durkan:** That is nonsense.

**Mr. N. Ahern:** Will the Deputy keep quiet?

**An Leas-Cheann Comhairle:** Order, please.

**Mr. N. Ahern:** ——to cater for the housing needs of people in a particular income bracket.

**Mr. Durkan:** The Minister of State is coddling us along with trying to cod the people outside this House.

**Mr. N. Ahern:** If we increase the limit to too high a figure or too suddenly, we will end up catering for the housing needs of a different income bracket.

**Mr. Broughan:** The Minister of State has not increased the limit over the years.

**Mr. N. Ahern:** I agree that the time has come for us to examine it.

**Mr. Durkan:** Why has the Minister of State not done that?

**Mr. N. Ahern:** This matter is being given serious consideration. If I had moved on it in recent weeks, the Deputy would say that was an election ploy. One cannot win in this bloody country.

**Mr. Broughan:** We welcome this indication.

**Mr. N. Ahern:** I assure the Deputies that I am giving this serious consideration.

**Mr. Durkan:** At last there is a sign of hope.

**Mr. N. Ahern:** If the Deputy did not ballyrag me, I might announce something tomorrow.

**Mr. Durkan:** The Minister of State should talk to some of the people outside this House, if he thinks this is ballyragging.

**Mr. N. Ahern:** I assure the Deputy that I am seriously considering this matter.

In this regard, I have asked local authorities to put in place five year action plans covering the full range of their housing programmes. These plans, to be agreed with my Department, will ensure that a fully strategic approach is taken by

local authorities and will ensure that they avail of the certainty provided by multi-annual expenditure programmes.

Government interventions have boosted the supply of affordable housing under targeted schemes for low and middle-income purchasers. More than 8,000 households have benefited under the shared ownership and affordable housing schemes in the past five years. I have visited a number of developments in different local authorities. I was in the midlands a few weeks ago and noted that affordable houses were being produced at €122,000 and €125,000, which represents good value. I was in Finglas in my constituency a few weeks ago. Deputy Broughan will be aware that the north west committee of the city council was often the more pro-active in this regard, and I know that some of these houses are being built in the Deputy's area. There were a number of houses on local authority sites selling at between €150,000 and €200,000, which represents good value when people can get such low mortgage rates.

**Mr. Durkan:** Many poor unfortunate people are waiting for such houses. They have the same chance of getting a house as winning the national lottery.

**Mr. N. Ahern:** Last year more than 1,500 families——

**Mr. Durkan:** Out of a total of some 50,000 or 60,000

**Mr. N. Ahern:** ——moved into those homes. The provision of these houses in different local authority areas throughout the country are meeting a real need.

**Mr. Broughan:** One has to win a draw to get a house.

**Mr. N. Ahern:** What is wrong with that?

**Mr. Durkan:** It is like the national lottery. It is a case of making the people beg.

**An Leas-Cheann Comhairle:** Order, please.

**Mr. N. Ahern:** In some cases local authorities are having a draw to assign the houses. That indicates that people are taking up these houses and consider them good value.

**Mr. Durkan:** Why does the Government not allocate funding to build enough of them to cater for people's needs?

**Mr. N. Ahern:** Last year some 1,500 units were built. I urge Deputies who have contacts in local authorities or who are friendly with councillors to push for the development of these housing sites. Many Members here made a good deal of noise but the local authority areas from which they

come are pathetic in that they are not doing anything to provide social or affordable housing.

**Mr. Durkan:** I have been asking the Minister of State to provide for such needs for the past five years. He is in a position to direct local authorities in this regard but he will not do so.

**Mr. N. Ahern:** I ask the Deputy to assist in this regard because his local authority area, to put it mildly is not one of the best. The Deputy might do something to assist us in that direction.

**Mr. Durkan:** The Deputy is the Minister of State.

**Mr. N. Ahern:** I anticipate that the numbers of such purchasers benefiting from affordable housing will further increase this year as more affordable housing comes on stream as a result of agreements under Part V of the Planning and Development Act.

The new affordable housing initiative introduced under the national partnership agreement, Sustaining Progress, is also being progressed as a priority. The Government made two announcements in July and December last year on the release of State and local authority lands in Dublin, Kildare, Meath, Cork and Waterford to the initiative. Both announcements are critical steps in ensuring early delivery of affordable housing on these sites and under the initiative and together with output from Part V will result in about 6,100 additional affordable housing units.

The Taoiseach recently turned the sod on the Finglas Road site making the commencement of the first initiative project and Dublin City Council will soon seek expressions of interest for the development of the sites at the Jamestown and Infirmary Roads. I ask the Deputies not to claim that a block has not yet been laid. One most certainly has been laid because that site on the Finglas Road is under construction.

**Mr. Broughan:** The Government will be out of office by the time it is finished.

**Mr. N. Ahern:** There are 166 affordable homes under construction on that site.

**Mr. Durkan:** By the time those houses come on stream the Minister of State will have long since retired.

**Mr. Broughan:** There will be a different Minister of State with responsibility for housing.

**Mr. N. Ahern:** Significant progress has been made on the development of a delivery model for the houses and the eligibility criteria for the potential house purchasers. It takes time to plan and deliver housing on a site.

**Mr. Durkan:** It sure does.

**Mr. N. Ahern:** Whether such housing is social, affordable or private, any developer would tell one that on acquiring a site it takes three to four years before one will start to produce houses. That is one of the problems; it is not like turning on the tap.

**Mr. Durkan:** It used to take six months.

**Mr. N. Ahern:** The proof of that is that the real benefit of the 1999 scheme is coming on stream. In its motion, the Labour Party mentioned the changes to the social welfare allowance rent supplement scheme. The Minister for Social and Family Affairs has given specific assurances on a number of occasions that the measures will not result in hardship to people in need.

**Mr. Durkan:** That is not true, it happens every day.

**Mr. Broughan:** The Minister danced all over the Minister of State's Department.

**Mr. Cregan:** The Deputies should listen to the Minister of State.

**Mr. N. Ahern:** My officials and I had a good deal of contact with the Department of Social and Family Affairs during the period between the announcement of the changes by the Minister, Deputy Coughlan, in the context of the Estimates for 2004 and the making by her of regulations to give legal effect to the measures.

**Mr. Broughan:** Nobody listened to the Minister of State.

**Mr. N. Ahern:** I stressed the need for adequate safeguards——

**Mr. Broughan:** The Minister of State was ignored.

**Mr. N. Ahern:** ——and exemptions.

**Mr. Broughan:** The Minister of State was completely ignored.

**Mr. N. Ahern:** These measures were needed to ensure that people with genuine needs would not be adversely affected.

**Mr. Durkan:** The Minister of State was out-ranked.

**Mr. N. Ahern:** There was also a need to monitor closely the operation of the measures. These matters were reflected in the regulations made by the Minister, Deputy Coughlan, and the guidelines issued by her Department. Deputies continue to talk about the media's interpretation, or their own interpretation, of the events of last November.

**Mr. Broughan:** We encounter it every day.

**Mr. N. Ahern:** They should look at the guidelines.

**Ms O'Sullivan:** We see it all the time.

**Mr. N. Ahern:** Deputy O'Sullivan spoke about people in her constituency. All they have to do is to go to their local authority to have their needs assessed and to get their points. They will qualify for the rent allowance if they need it.

**Mr. Durkan:** Will they get a house?

**Mr. N. Ahern:** There is no need for them——

**Mr. Durkan:** They have to be homeless before they can get a house.

**Mr. Cregan:** No, they do not.

**Mr. N. Ahern:** They do not.

**Mr. Durkan:** They do.

**Mr. Cregan:** That is not right.

**Mr. Durkan:** I beg your pardon, they do.

**Mr. Cregan:** No, they do not.

**Mr. N. Ahern:** I have tried to make the position clear to Deputy Durkan.

**Mr. Durkan:** I will cite the relevant circumstances tomorrow night.

**Mr. Cregan:** It is not true.

**Mr. Durkan:** It is true.

**Mr. N. Ahern:** It is appalling that certain people gave a certain interpretation of the matter last November. No matter how many times we try to tell Deputy Durkan——

**Mr. Durkan:** I will bring the details to the attention of the Minister tomorrow.

**Mr. N. Ahern:** Will the Deputy do us a favour? Will he listen, for a change?

**Mr. Durkan:** We have been listening to the Minister of State for too long.

**Mr. N. Ahern:** The detail of the——

**Mr. Durkan:** That is the problem.

**Mr. N. Ahern:** The Deputy has never listened in his life, that is his problem.

**Mr. Durkan:** I am weary.

**Mr. Cregan:** The Deputy should listen.

**Mr. Durkan:** I pity the poor people out there who are listening to the Minister of State.

**Mr. Cregan:** The Minister of State is speaking.

**Mr. N. Ahern:** I suggest that Deputy O'Sullivan's constituents should go to Limerick City Council to have their needs assessed. When their needs have been assessed and their housing needs have been accepted by the local authority, they can get rent allowance. There is no difficulty.

**Mr. Broughan:** Some health boards are not doing that.

**Mr. Cregan:** That is right.

**Mr. N. Ahern:** There was a doubt last November, at the beginning. The regulations, which were issued by the Minister, are in place. There is no doubt about them. There may have been some confusion before the regulations were issued, but they are working well.

**Mr. Durkan:** The confusion is still there.

**Ms O'Sullivan:** We will come back to the Minister of State if the changes are not made.

**Mr. N. Ahern:** A working group, chaired by the Department of the Taoiseach and involving the social partners, has been established to facilitate engagement with the social partners about monitoring the operation of the changes made by the Minister for Social and Family Affairs. It is not my job to explain what the Minister, Deputy Coughlan, was doing, but we should be honest by admitting that rent allowance increased by over 30% last year.

**Mr. Durkan:** Why?

**Mr. N. Ahern:** Rents in the private sector were decreasing. It is obvious that she had to make a change. Approximately €250 million was spent on rent allowance in 2002, but that figure increased to €330 million last year.

**Mr. Durkan:** There was more of them.

**Mr. N. Ahern:** However, we are being told left, right and centre that rents came down.

**Mr. Durkan:** There are no houses.

**Mr. Cregan:** There are houses.

**Mr. N. Ahern:** We all know——

**Mr. Cregan:** There were record housing levels last year.

**Mr. N. Ahern:** ——that pressure on rents has been relaxed in the past two or three years because of the supply that has been provided. Rents have been falling in all sectors other than the rent allowance sector.

**Mr. Cregan:** It was a convenience.

**Mr. N. Ahern:** I am surprised by the behaviour of the Labour Party, which is supposed to have a social conscience.

**Mr. Cregan:** It was a convenience.

**Mr. N. Ahern:** It is not normally on the side of the landlords.

**Ms O'Sullivan:** We want houses.

**Mr. N. Ahern:** Labour Party Members should be careful to make sure they know whose argument they are fighting.

**Mr. Durkan:** Everyone is on the wrong side of the Minister of State.

**Mr. Broughan:** We are looking for houses.

**Mr. N. Ahern:** The Labour Party has also suggested the introduction of a housing benefit. The introduction of any benefit is primarily a matter for the Minister for Social and Family Affairs. The Minister indicated in the House that she has no plans to introduce a housing benefit. She said that any further changes in the qualification criteria for receipt of rent supplement will be considered as part of the review of the supplementary welfare allowance scheme, which is under way. I am glad to endorse this approach from a housing policy perspective. The housing benefit approach has been shown in other countries to have many negative effects, including high-cost rent inflation, increased dependency, inadequate housing supply and administrative difficulties such as complexity, cost, delay and fraud.

The Government remains committed to tackling homelessness. The continued implementation of its integrated and preventative homeless strategies remains a priority. All the service providers admit that we have made significant progress since the launch of the homeless strategy in 2000. A wide range of accommodation, such as emergency hostel accommodation, transitional accommodation and long-term accommodation facilities, has been provided in various locations across the country as part of the local homeless action plans. Our problem is not the provision of emergency accommodation because we have plenty of that. There are beds for those who want them and buses are available to collect rough sleepers.

**Mr. Broughan:** The problem is that there is no permanent accommodation.

**Mr. N. Ahern:** We have to move people on from emergency accommodation to transitional accommodation and then to standard housing.

**Mr. Broughan:** There are not enough apartments and houses to do that.

**Mr. N. Ahern:** Many people have——

**Mr. Broughan:** They have been waiting for years.

**Mr. N. Ahern:** Contrary to the figures that were thrown at me yesterday, we know that Dublin City Council housed more than 100 single homeless people last year. More than 200 people were removed from the homeless list altogether.

**Mr. Broughan:** They had been waiting for four or five years.

**Mr. Cregan:** They were still housed.

**Mr. N. Ahern:** Good progress is being made. Deputy Broughan is aware that it is not the case that everybody who is in emergency accommodation is ready for independent living.

**Mr. Broughan:** Some of them are.

**Mr. N. Ahern:** Some of them are. If people are housed in transitional accommodation for a few months, the service providers can ascertain who is ready for independent living and who needs a level of sheltered accommodation. The service providers recognise that substantial progress has been made.

**Mr. Broughan:** There is nothing for single people.

**Mr. N. Ahern:** If we can maintain the current level of funding for another couple of years, we will get there.

**Mr. Broughan:** We will get there with the next Government.

**Mr. N. Ahern:** I ask the Deputies to be reasonable and to recognise the progress that has been made.

**Mr. Durkan:** We will get there in the next century.

**Mr. N. Ahern:** We are spending €51 million this year compared to €12.5 million five years ago. An enormous amount of money has been allocated. A total of €190 million has been provided for homeless people in the past five years.

**An Leas-Cheann Comhairle:** The Deputy has one minute remaining.

**Mr. Durkan:** It is one minute to midnight.

**Mr. N. Ahern:** The Government is delivering on housing.

**Mr. Broughan:** It is time for the Minister of State to declare a crisis in housing.



**Mr. N. Ahern:** It has responded to the numerous and diverse challenges with a credible and wide-ranging set of measures. It has provided unparalleled levels of funding and its continued vigilance is paying off.

**Mr. Broughan:** The Minister of State is too quiet in the Cabinet.

**Mr. N. Ahern:** I am not there yet.

**Mr. Cregan:** Yet.

**Mr. N. Ahern:** The overall focus of the Sustaining Progress commitment to provide social and affordable accommodation——

**Mr. Broughan:** The Minister of State should stand up to the Minister, Deputy McCreevy.

**Mr. N. Ahern:** ——is to review the effectiveness of programmes designed to assist low income groups. We are making substantial progress. This year's budget is €1.88 billion.

**Mr. Broughan:** It is far too little and far too late.

**Mr. N. Ahern:** The needs of the 13,000 persons on the housing waiting list will be met. We hope to achieve the overall house production level of 68,000 homes and to maintain the production rate of 17 units per 1,000 people. If we can sustain this level of supply for a couple of years, we will have broken the back of the demand that exists.

**Mr. Durkan:** That will only happen in the Minister of State's dreams.

**Mr. N. Ahern:** Some logical points were made earlier. The pressure on housing supplies is one of the negative side-effects of seven or eight years of economic boom.

**Mr. Broughan:** What about the all-party committee?

**Mr. N. Ahern:** There has been pressure, but we are getting there. The Government's policy is based on increasing supply. If we can maintain the current level of supply, the pressure on the market will ease.

**Mr. Cregan:** Hear, hear.

**Mr. Durkan:** There is not much time available to me tonight, unfortunately.

**Mr. N. Ahern:** Thank God.

**Mr. Durkan:** It is sad that is the case.

**Mr. Cregan:** We are fortunate.

**Mr. Durkan:** The Government has failed the young people of Ireland.

**Mr. Broughan:** Hear, hear.

**Mr. N. Ahern:** At least young people are in this country.

**Mr. Durkan:** That failure can be seen at its most spectacular in the housing area.

**Mr. N. Ahern:** If the Deputy's party was in government, they would be abroad.

**Mr. Durkan:** The Minister of State has told what he believes to be the truth.

**Mr. N. Ahern:** They would be on the boat.

**Mr. Durkan:** From whom has the Minister of State received his information? Does he go out on the ground himself? I thought he was a decent guy. I asked him to do something about this matter when I brought it to his attention at least four years ago and I repeated that call several times. I was told at first that there was no housing crisis and then I was told that something would be done about it after the Government had studied the matter. I am sorry to say that if it takes the Government as long to study all matters as it has taken the Minister of State to study our housing problems, this country is in for a rude awakening sooner rather than later.

**Mr. Cregan:** We do not have a magic wand.

**Mr. Durkan:** I always thought that the Minister of State was a nice guy and a caring and considerate person, but it is obvious that he was bound, gagged and manacled by his ministerial colleagues, who are pulling rank every other day. They want to keep house prices high because the Government is getting a big take from housing. It receives 40% of the cost of every house in this country.

**Mr. Treacy:** That is rubbish.

**Mr. Cregan:** That is not true.

**Mr. N. Ahern:** Deputy Durkan should not be talking nonsense.

**Mr. Treacy:** It is rubbish.

**Mr. Durkan:** The Minister of State omitted to mention that in his speech, but he knows full well that it is the case. The Government also decided to pile on a levy this year to ensure that it can clobber any first-time buyer fortunate enough to be able to put down a deposit on a house.

**Mr. Treacy:** What is the Deputy talking about?

**Mr. Durkan:** If the Government thinks for one moment that the people are not aware of what it is doing, it will find out sooner rather than later that it is wrong.

**Mr. Cregan:** That is not true.

**Mr. Durkan:** I would love to continue, but time does not allow me to do what needs to be done to do justice to this issue.

**Mr. N. Ahern:** We are lucky.

Debate adjourned.

### Adjournment Debate.

#### Rural Environment Protection Scheme.

**Dr. Cowley:** I am grateful for the opportunity to raise the plight of hill farmers in this Adjournment debate. Yesterday, I was at a meeting in Westport, which was attended by at least 500 farmers from Mayo, Connemara and Sligo. They are annoyed about what they perceive as a threat to reduce REPS payments. It is unfair to expect hill farmers to take a 30% cut in incomes, as a result of the Fischler CAP reforms and the incompetence of the Department of Agriculture and Food in tackling this draconian land designation, which has left hill farmers hampered for more than six years.

Farmers in these areas could not change or improve their farming types to take account of the Fischler agreement, whereas farmers in other areas were able to increase their individual quotas in sheep, cattle, suckler cows, dairy or grain. These most vulnerable and disadvantaged people on the western seaboard have been hard done by, whereas farmers in other counties, including Kildare, could plant any crops they wished. The only option for farmers in hill areas was to farm in an environmentally friendly way through the rural environment protection scheme. Since they had no other choice, they cannot accept the measures currently being proposed by the Minister for Agriculture and Food.

Everyone agrees that REPS has been good for the environment but the current arrangements discriminate against designated areas when compared to non-designated areas. The aim is to maintain REPS payments in commonage and SAC areas, which amounts to discrimination. It is obvious that all farmers with commonage and SAC land on their area aid applications, who are forced to be either in REPS or the national compensation scheme, are under threat.

For example, a farmer with 40 hectares, all of which is either designated and/or commonage, will see his or her payment reduced from €9,680 to €6,040 — a reduction of 40%. Who could tolerate a cut like that? By comparison, the new REP scheme for non-designated areas increases payments by up to 30%, as well as allowing farmers to qualify for additional measures. Meanwhile, farmers in commonage and SACs are

facing a reduction of up to 30% and are not eligible for extra measures. The latter group will have to farm under severe environmental restrictions and their stock numbers are limited by the commonage framework plan.

In County Mayo, the single farm payment value of the sheep stock is €0.9 million, while the estimated loss of REPS payments will be up to €7 million. For 2,500 farmers in County Mayo, the loss is estimated at €6.1 million. Everybody is demanding that this cut should be resisted and that REPS payments in commonage and SAC areas be addressed.

Thousands of farmers have already left the land and many more will do so in future. These are the people who need help, instead of which they are being badly affected by the proposals. The problem extends beyond the farming community to shopkeepers, publicans, pharmacists, doctors and others. Everyone is affected because it means that income is being taken away from the area. Those who were forced into REPS had no choice and are now being severely punished because of that. The net loss to County Mayo should not be tolerated because it will have a huge impact on rural life. It is a major blow and a threat to those involved. The money, upon which local businesses depend, is not even going into the State's coffers but back to Brussels.

I am sure the Minister of State would agree that farmers have been looking after the land well for generations. I hope he will address this matter urgently. Maximum pressure is required to resolve this issue and if it entails officials working this out, it should be done, no matter how long it takes. The people concerned want their entitlements, including a REPS increase which is badly needed. One no longer hears of young people taking up hill farming, so if such farming is to have a future it is time to address this situation urgently.

**Minister of State at the Department of Agriculture and Food (Mr. Treacy):** The new single farm payment scheme, to be introduced with effect from 1 January 2005, will be based on the average amount paid to farmers under the livestock premia and arable aid schemes in respect of the reference period 2000-02, inclusive. Council Regulation 1782/2003 governing the single payment scheme provides that where a farmer was under agri-environmental commitments during the reference period — that is, where stock numbers were reduced because of environmental commitments — the member state, in this case Ireland, shall calculate the single payment on the basis of the amounts paid, during the period 1997-99. If one or more of those years were affected by agri-environmental commitments, the average can be calculated using only the year or years not affected by such commitments.

[Mr. Treacy.]

Commission Regulation 795/2004 provides that when single payment entitlements are being calculated for farmers affected by agri-environmental commitments during the reference period, care must be taken by the member state to avoid double compensation — that is, where a year or years, during which no stock reduction was in place, are taken for the purposes of calculation of the single payment, then the compensation element for stock reduction included as part of the agri-environmental scheme, must be reduced accordingly. The Commission regulation gives farmers the option of either getting the single payment based on a reference period when no stock reduction was in place, and getting a reduced agri-environmental payment, or getting the single payment based on the reference period 2000-02, and getting an agri-environmental payment which includes an element of compensation for de-stocking.

Agri-environmental commitments in Ireland took the form of REPS. Under a 1998 agreement with the European Commission, Ireland secured a generous rate of payment of up to €242 per hectare on commonage or target area lands. Included in this figure was an amount of €90 per hectare to compensate farmers who might have to reduce sheep numbers under framework plans to be drawn up for all commonages. Pending the drawing up of those framework plans, the Commission insisted that Ireland take action to address the real problem of overgrazing by sheep on commonage land in the six western counties of Donegal, Sligo, Leitrim, Mayo, Galway and Kerry.

In November 1998, all sheep farmers with commonage land in those counties were de-stocked by some 30%. In total, some 5,600 farmers in the counties concerned had commonage land, and some 2,577 of those farmers were already participating in REPS and were not, therefore, required to de-stock. The farmers who were not already participating in REPS, were given the option of joining REPS or a national scheme administered by what was then Dúchas and is now under the aegis of the Department of the Environment, Heritage and Local Government. Those who participated in the national scheme were given an annual payment per ewe de-stocked, which included the value of the ewe premium foregone.

By 2003, some 2,500 farmers in the six western counties were participating in the national scheme, including 527 farmers in County Mayo. Those 527 farmers were paid a total of €1.3 million under the national scheme in 2003. In addition, a total of 942 farmers, 296 of whom were in County Mayo, left the national scheme during the period 1998-2003 and joined the REP scheme. The basis of the alleged loss of €6.1 million is not clear.

In the course of setting up the single payment scheme, the Department intends to use the average amount paid in the reference years 1997-98 for all farmers currently participating in the national compensation scheme. This means the farmers concerned will get the benefit of the ewe numbers they had prior to the de-stocking that took place at the end of 1998. This will have to be offset by a reduction in the level of compensation payable from 2005 onwards by the Department of the Environment, Heritage and Local Government. Therefore, the farmers concerned will not suffer any loss and it is important that this point is clearly understood by everybody.

For those farmers who are currently participating in REPS and who had reduced sheep numbers during the reference period 2000-02, it is intended to use that reference period in calculating the single payment. This means the single payment will be based on years when sheep numbers were reduced. However, the intention is that the farmers concerned, if they entered into REPS contracts before January 2005, will be entitled to keep the existing payment under measure A for the duration of those contracts. Individual farmers in this category will be able to apply to the Department of Agriculture and Food to exercise the option outlined earlier.

The question of sustaining the existing level of measure A payment on commonage for REPS contracts entered into after the introduction of the single payment scheme, from 1 January 2005, will be examined later in the year.

As regards confining the new REPS payment increases to the basic rate, it is important to make the point that this is fully in line with the arrangements agreed with the farming social partners in Sustaining Progress. In summary, this matter is being handled in a reasonable fashion at all levels.

### **Schools Amalgamation.**

**Mr. M. Moynihan:** I welcome the opportunity to address the issue of the amalgamation of the national schools in Kanturk, County Cork. This issue has been with the Department of Education and Science and there has been correspondence between the Department's planning and building unit and the chairperson of the board of management, Canon John Terry, in respect of the amalgamation of the girls' primary school and St. Colman's boys' national school in Kanturk.

In the past two or three years, technical assessments have been carried out and further to correspondence between the chairman of the board of management and the Minister for Education and Science in November 2003, it was decided that a further technical assessment of the two buildings would be carried out. At this stage, the boards of management of both national schools have indicated to the Department their willingness to amalgamate them into a co-educational school. The issue which must be

addressed is that the facilities on site in both the convent girls' primary school and St. Colman's boys' national school are housed in confined spaces. The best option from my point of view and that of the boards of management and the people of Kanturk is a new greenfield site. Will the Minister of State outline to the House what the current position is in respect of this project?

As the Minister and Minister of State will be aware, Kanturk is a growing town. Some 120 new houses are currently being built, which will put further pressure on the primary school facilities in the town. As the Minister will also know, Kanturk is to benefit from the decentralisation programme announced by the Government in the budget, which initiative I welcome. This will encourage further growth in Kanturk and we may end up with a bigger town whose school facilities have outgrown their usefulness. The willingness of the boards of management and staff of both schools in their plans for amalgamation in this case must be commended.

I ask the Minister of State to take into account the necessity for decisions to be made and communicated to the boards of management of both schools to advance the cause of the amalgamation, which has been so readily met by the boards. In many cases, such amalgamations are fraught with difficulty but in this case it is running smoothly. I ask the Minister of State to further advance this case as a matter of urgency. There is a great need for the schools to amalgamate to provide an excellent co-educational national school for the people of Kanturk given the growth projections.

**Mr. Treacy:** 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 the proposed amalgamation of the national schools in Kanturk, County Cork. The enrolment at St Colman's boys' national school, Kanturk, has been decreasing in recent years, from 111 pupils in 1998-99 to 98 pupils in September 2003. The school has a staffing of principal and three mainstream assistants, one permanent learning support teacher and one permanent resource teacher. Scoil Náisiúnta Chlochair is a co-educational school in the town which enrolls boys in junior and senior infants only. Enrolments have increased slightly in recent years from 158 pupils in 1998-99 to 167 pupils in September 2003. The school has a staffing of principal and five mainstream assistants. In 2001 an amalgamation between the two schools was proposed by the school authorities and all parties expressed agreement to the amalgamation in 2002.

A technical inspection of the school and site was carried out at this time and a recommendation was made that the convent

school could accommodate the amalgamated school on its premises as a medium-term solution. The recommendation was that a new school on a greenfield site should be provided as a long-term solution. The purchase of a site and the advancement of the school's building project to architectural planning will depend on the budgetary provision for 2005 and subsequent years.

The 2004 school building programme at primary and post-primary level 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 at various stages of the architectural planning process. When publishing the 2004 school building programme, the Department outlined that its strategy will be grounded in capital investment based on multi-annual allocations. Officials from the Department of Education and Science 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. The national schools referred to by the Deputy will be considered in this process and the Department expects to be in a position to make further announcements on this matter in the course of the year.

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 this school and all others will be treated in a fair and equitable manner by the Minister and his staff at the Department of Education and Science.

### **School Staffing.**

**Mr. Costello:** This is the time at which schools are informed that they may or may not lose teachers. In areas of disadvantage in Dublin where pupil numbers may be declining and rising elsewhere there are inevitable problems. St. Joseph's is the local primary school in East Wall and it has experienced considerable difficulties in this disadvantaged area. Much of the development which has taken place in the area, particularly in the docklands, has bypassed the school. It is only now, under pressure, that the docklands developers have acted on the commitment they made ten years ago to provide the infrastructure and development to bring about an uplift and rejuvenation to the community in conjunction with the local authority. This development is beginning to come on stream but, in the meantime, the school and its teachers have been informed that it will lose two teachers because of the decline in numbers.



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The Government's intention is to deprive the school of those two teachers.

My argument is that the school should retain those two teachers for a number of reasons. First, the loss of teachers to the school will be debilitating and unsatisfactory for staff, students, parents and the community in general. Second, enormous development is taking place in the general neighbourhood. Last week, the Taoiseach launched 75 social and affordable houses down the road which will be occupied by young families. The docklands developers have a commitment to develop 1,200 social and affordable houses in the next couple of years, all of which will be part of the parish of East Wall. At last the development is taking shape and there will be a lot of new blood in the area and young families with school-going children. However, the danger is that, in this interim limbo period, the school could lose the necessary teachers. The classes could double in size in some cases and become mixed. As a result, parents with children in the school may vote with their feet and send their children to other schools where the pupil-teacher ratio is better.

This is a serious situation which can only get worse if these two teachers are lost. If the school was part of Breaking the Cycle — it was not included in the pilot scheme — it would have a pupil-teacher ratio of 15:1. Its ratio is far higher and teachers in the school will have to teach classes where two grades are mixed together, which is not sustainable. The school will be in serious jeopardy if those two teachers are lost.

An appeal has been made but those appeals are not decided until mid-summer, when the Dáil is not sitting and there are no politicians around. The Minister for Education and Science should take into consideration the enormous development taking place in the area. East Wall was an isolated community but it is about to become a burgeoning area which desperately needs a primary school. It will have more children than it can cope with in the years to come and it would be a shame if the school's ability to go forward was undermined by the loss of two teachers.

**Mr. Treacy:** I thank the Deputy for raising the matter and for giving me an opportunity to outline the position of the Department of Education and Science.

The mainstream staffing of a primary school is determined by reference to the enrolment for the

school on 30 September of the previous year. The number of mainstream posts is determined by reference to a staffing schedule which is finalised for a particular school year following discussions with the education partners. The staffing schedule is set out in a circular which issues from the Department to all primary school boards of management. Accordingly, all boards are aware of the staffing position for their school in any school year.

The staffing schedule for the coming school year, 2004-05, is outlined in circular 03/04 of the Department of Education and Science, which issued to all primary schools in April and is also available on the Department's website. Mainstream staffing of the school referred to by the Deputy for the current school year is a principal and eight mainstream class teachers based on the enrolment of 220 pupils on 30 September 2002. The school also has the services of a learning support teacher, a resource teacher, two posts catering for educational disadvantage and a shared home school liaison teacher.

Based on an enrolment of 172 pupils on 30 September 2003, the mainstream staffing for the school year 2004-05 will be a principal and five mainstream class teachers. The school also fulfils the criterion for appointment of an administrative principal based on staffing of a principal plus nine teachers when all posts are counted. In such instances a permanent teacher may be appointed to replace the principal. This will facilitate a staffing of a principal and six mainstream class teachers and the net loss of posts as a consequence of applying the staffing schedule is two mainstream posts. There are no plans to adjust the additional posts allocated to the school under various support schemes, so they will stand.

To ensure openness and transparency in the system an independent appeals board is now in place to decide on any appeals. The criteria under which an appeal can be made are set out in Department's primary circular 19/02 which is also available on the Department's website. The appeals board will meet shortly to consider appeals on the mainstream teaching allocation to schools for the 2004-05 school year. The House will appreciate it is not appropriate for the Minister for Education and Science to intervene in the operation of an independent appeals board. I thank the Deputy once again for raising the matter in this House.

The Dáil adjourned at 8.55 p.m. until 10.30 a.m. on Wednesday, 26 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 8, inclusive, answered orally.*

*Questions Nos. 9 to 28 resubmitted.*

*Questions Nos. 29 to 36 answered orally.*

### Lansdowne Road Development.

37. **Mr. Eamon Ryan** asked the Minister for Arts, Sport and Tourism the reason the Lansdowne Road development will not be completed before its target date; the new information that exists on this compared with the information provided in reply to my question on the matter in April 2004; and if he will make a statement on the matter. [15350/04]

41. **Mr. R. Bruton** asked the Minister for Arts, Sport and Tourism the position regarding the new stadium at Lansdowne Road; and if he will make a statement on the matter. [15363/04]

49. **Mr. Broughan** asked the Minister for Arts, Sport and Tourism the progress made by the steering group comprised of representatives of the FAI, the IRFU, the OPW and his Department to oversee the construction of the new national stadium at Lansdowne Road; if the project remains on course for construction to begin in 2006, with completion in 2008; and if he will make a statement on the matter. [15370/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I propose to take Questions Nos. 37, 41 and 49 together.

The preparatory work leading to the construction of a new stadium at Lansdowne Road is already under way. There has been no change in the end-2008 target date for completion of the project.

Since the Government's decision of 27 January to support a joint IRFU-FAI proposal to redevelop Lansdowne Road stadium as a 50,000 all seated stadium, my Department has been working with both the IRFU and the FAI to plan for and progress the implementation of the decision. A steering group has been established to advance the project and regular contact is maintained with both organisations.

The Lansdowne Stadium Project Steering Group has held a number of meetings. Chaired by the Secretary General of my Department, its membership comprises representatives of the IRFU, the FAI, my Department and the OPW. A priority for the steering group is to ensure that all the legal, financial, planning and procurement

requirements are met in an efficient and timely manner so that actual construction work can get under way at the earliest possible date.

The delivery of the project will be the joint responsibility of the IRFU and the FAI through a special purpose vehicle, the establishment of which is nearing completion. The appointment of a project director for the project is imminent. A formal grant agreement, between my Department on the one hand and the IRFU and the FAI on the other, is currently being finalised.

The indicative time frame for the project includes a period of 11 months to complete the planning process. The construction phase is expected to take 29 months and is scheduled to commence in mid-2006 and to be completed by the end of 2008.

### Tourism Promotion.

38. **Ms O'Sullivan** asked the Minister for Arts, Sport and Tourism if his attention has been drawn to comments from the head of the European Commission's tourism unit at a recent EU tourism conference in Dublin that tourists to Ireland are seeking more authenticity during visits to Ireland rather than manufactured representations of Irishness; his views on the fact that our heritage should be presented to visitors in a real, as opposed to fabricated, manner; and if he will make a statement on the matter. [15377/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** On 5 April last, Ireland hosted a major Presidency Conference on Competitiveness and Sustainability of European Tourism entitled, Charting Tourism Success, in Dublin Castle. The aim of the conference was to bring representatives from the Irish and European tourism industry together with representatives from the European Commission and other policy makers to identify and discuss issues of common interest. The objective was to contribute to a deeper understanding of the complex issues which lie behind the broad aspiration of maintaining the competitiveness and sustainability of such a diverse sector as tourism.

To this end, a distinguished and diverse panel of speakers presented papers on a variety of topics, which addressed competitiveness at various levels including European, national, sectoral and enterprise level. The comments attributed to the head of the tourism unit in the European Commission were made in the context of his presentation under the heading, European Tourism — Competitive Destination Quality, in which he expressed the view that visitors are looking for genuine experience. He went on to say that special heritage should be honoured and celebrated, and be presented in a real way, which does not fabricate nor devalue its quality. He also added that visitors travel to experience something different, otherwise they may as well stay at

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home. Delivering quality should be about bringing out the special, distinctive features and flavours of a destination.

One of the key conclusions emerging from the conference, and one which I heartily endorse, was that destinations offering an authentic cultural experience where the tourist can engage and interact with local people, culture or landscape in a sustainable way stand to gain from increasingly sophisticated and educated visitors. Heritage and culture is one of the primary motivators of travel to Ireland with heritage sites attracting approximately two million visitors annually. The elements of our heritage that are the greatest interest to visitors are our built heritage such as castles, historic monuments and archaeology and the natural environment. However, Irish traditions, including music, song and dance, also form an important and integral part of our overall tourism product.

In terms of promoting Ireland as a destination for heritage and culture-based holidays, I can assure the Deputy that the State tourism agencies in all areas of their activities strongly emphasise real, as opposed to fabricated, heritage. Ireland's heritage is an important message within the overall international destination marketing campaigns carried out by Tourism Ireland. In addition, more than €300,000 is being spent in 2004 by Fáilte Ireland on promoting Ireland as a destination for this specific type of holiday.

The Deputy may wish to note that one of the key actions to support product development and innovation, identified in the report of the tourism policy review group, is to put in place the consultation, management and conservation arrangements necessary to achieve the designation of additional sites in Ireland as UNESCO world heritage sites, to add to the existing two such sites, the Boyne Valley and Skellig Michael. The review implementation group is pursuing this matter with the Department of the Environment, Heritage and Local Government.

### **Sports Partnerships.**

39. **Mr. English** asked the Minister for Arts, Sport and Tourism if local sports partnerships will be extended to all counties in the State; and if he will make a statement on the matter. [15355/04]

42. **Mr. Cuffe** asked the Minister for Arts, Sport and Tourism the number of local sports partnerships that have been set up to date; the funding provided for same; the plans for additional set-ups in the coming 12 months; and if he will make a statement on the matter. [15345/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I propose to take Questions Nos. 39 and 42 together.

The Programme for Prosperity and Fairness committed the Government to the introduction of local sport partnerships to help promote and develop sport at local level. In its first strategy document, *A New Era for Irish Sport* (2000-2002), the Sports Council included the establishment of local sports partnerships as one of its main priorities.

The Irish Sports Council, following the receipt of proposals from local bodies, approved and funded the establishment of eight partnerships in May 2001 and a further four were established in early 2002. These are located in Clare, Donegal, Fingal, Kildare, Laois, Roscommon, Sligo, Tipperary north, Cork, Limerick, Meath and Waterford.

At my Department's request the Sports Council commissioned a review of the operation of four of the original eight partnerships. Following the completion and consideration of this review I gave approval in 2003 to the Irish Sports Council to extend the network of local sports partnerships by a further four, bringing the total number of LSPs to 16. These four partnerships are now being established and are located in Kerry, Westmeath, Kilkenny and Mayo. In 2004, €2.3 million has been allocated to the LSPs to cover the 12 existing and four newly established sites. Since 2001 a total of almost €6.7 million has been allocated to the LSPs by the Irish Sports Council. The annual budget for the Irish Sports Council has increased from just over €13 million in 2000, the first full year of its operation, to €30.75 million in 2004.

An independent appraisal and review of the entire local partnership process will be carried out by my Department later this year to obtain confirmation that this element of sport policy continues to have an impact at local level. The question of extending the partnerships to further areas will be considered in the light of the outcome of that appraisal.

### **National Conference Centre.**

40. **Mr. O'Shea** asked the Minister for Arts, Sport and Tourism the position with regard to the four submissions for the provision of a national conference centre; when the evaluation process will be complete; when, in the autumn, he expects the Government to be in a position to secure a final decision; and if he will make a statement on the matter. [15376/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I refer the Deputy to my reply to Question No. 32 on today's Order Paper on the same subject.

*Question No. 41 answered with Question No. 37.*

*Question No. 42 answered with Question No. 39.*

*Questions Nos. 43 and 44 answered with Question No. 35.*

### **Sports Funding.**

45. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism the type of project likely to be considered for funding by his Department for grant aid from the proceeds of the national lottery or otherwise under the headings of arts, sport and tourism; and if he will make a statement on the matter. [15262/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The national lottery funded sports capital programme, administered by my Department, is the major source of funding available for provision of sporting facilities for sporting and community organisations at local, regional and national level throughout the country. Only projects of a capital nature with a clearly defined sporting aspect are considered eligible for the purpose of securing recommendation for grant funding. The programme is advertised on an annual basis. The types of projects funded include indoor sports halls, community sport facilities and sports playing surfaces of all types, changing rooms and shower facilities and fixed, permanently based sports equipment available for the use of individual clubs and community organisations.

I recently announced provisional funding allocations of €50.8 million to 717 such projects of sporting and voluntary and community organisations throughout the country under the 2004 sports capital programme, bringing the total funding under the sports capital programme to €321 million for 4,250 projects since 1998.

The local authority swimming pool programme provides funds for grant-aiding the provision of new and the refurbishment of existing local authority swimming pools. Under the programme, grants of up to €3.8 million are made available towards either the refurbishment of existing pools and the provision of new pool, subject, in both cases, to the total grant not exceeding 80% of the eligible cost of the project — 90% for projects located in designated disadvantaged areas. The balance of the financing must be provided by the local authority directly or a combination of local authority funding, community group financing, private sector etc. Grant aid is available towards the cost of a swimming pool, toddler pool, sauna and steam room. The scheme applies to pools provided by local authorities themselves or by other bodies where the application for capital funding is supported by the local authority.

Under my Department's ACCESS scheme, grants are provided for the capital development of arts and cultural infrastructure projects around the country. The scheme covers new facilities, redevelopment of existing arts and culture facilities and smaller community-based projects.

Particular emphasis was based on community-based projects. The projects assisted include museums, integrated arts centres, and the refurbishment of existing performance spaces.

### **Abbey Theatre.**

46. **Ms B. Moynihan-Cronin** asked the Minister for Arts, Sport and Tourism the latest position regarding the redevelopment of the Abbey Theatre; and if he will make a statement on the matter. [15375/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I refer the Deputy to my reply to priority question number 29 on today's Order Paper.

### **Tourism Promotion.**

47. **Ms Burton** asked the Minister for Arts, Sport and Tourism the details of the agreement that gives Ireland authorised destination status with the Chinese Government; when this agreement comes into effect; the number of tourists from China to Ireland he expects will materialise from this agreement; if this agreement represents a shift in the areas to which Ireland is being marketed as a tourist destination; and if he will make a statement on the matter. [15369/04]

57. **Mr. Eamon Ryan** asked the Minister for Arts, Sport and Tourism if, in view of the fact that Ireland has now been awarded approved destination status, ADS, from China, the proportion of current Chinese tourists that arrive here via Shannon or Cork, as opposed to Dublin; if there is scope for setting up an arrangement whereby Shannon and Cork would be hubs for new routes originating from China; and if he will make a statement on the matter. [15349/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I propose to take Questions Nos. 47 and 57 together.

The Memorandum of Understanding on Approved Destination Status with China, or the ADS agreement as it is more commonly known, was signed on 11 May this year in Dublin Castle in the presence of the Taoiseach and the Premier of China. This is a technical co-operation agreement governing group tourism from China to Ireland. It is anticipated that it will come into effect on 1 July 2004. I have lodged a copy of the approved destination agreement with the Dáil Library.

It is generally recognised that the locus of global economic development is moving East. China has emerged as a major economy. India looks set to follow suit. From a policy perspective, we have to look at the implications of these trends for tourism. Tourism Ireland has, this year, chosen three long-haul markets as "incubator" markets where it will set about establishing a presence, via agents, and embarking on a more



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systematic and targeted set of activities. These three markets are China, India and Korea.

China has emerged as one of the most rapidly expanding tourism markets in the world. In order to facilitate group tourism from China, it is necessary for a destination country to receive authorised destination status, ADS.

Put simply, an ADS agreement basically provides for travel agents in China, who are designated by the China National Tourism Administration, CNTA, to organise tours to ADS destinations. Travel is in groups, with a group leader, according to a specified travel plan. The agreement is mainly concerned with the technicalities around the organisation of such group tours, particularly the issue of visas and the relationships between the Chinese designated agents and the visa authorities.

It is far too early to say what number of visitors we can expect as a result of ADS but I have no doubt that, in the medium to long term, there is significant potential. Certainly countries like Australia and New Zealand have experienced tremendous growth since obtaining ADS status but these are closer geographically to China.

I visited China earlier this month for the Ireland-China Cultural Festival in Beijing and Shanghai, which is sponsored by my Department. I used that visit to promote awareness of Ireland in both the cultural and tourism spheres. The impact of that visit was greatly enhanced by the extensive coverage in the Chinese media of Premier Wen's presence at the signing of the ADS agreement in Dublin which paralleled my visit to China.

I have no information on the number of Chinese tourists currently visiting Ireland via any of our international airports and the issue of arrangements to promote Shannon or Cork as hubs for such traffic is a matter for the Minister of Transport.

48. **Mr. Penrose** asked the Minister for Arts, Sport and Tourism his views on the fact that ongoing problems with regard to direct access to Ireland's regions continues to hinder the tourist industry here; the efforts being made to ensure that tourism here is developed throughout the country as opposed to being concentrated in particular areas; and if he will make a statement on the matter. [15378/04]

60. **Mr. Ring** asked the Minister for Arts, Sport and Tourism the Government strategy to re-balance the East-West divide in tourism spend here; and if he will make a statement on the matter. [15361/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I propose to take Questions Nos. 48 and 60 together.

One of the key objectives of national tourism policy is to achieve as wide as possible a

distribution of visitor numbers across the different regions with the consequent distribution of tourism revenue.

Achieving that goal has long been recognised as a major challenge and is something that is fully reflected in the programmes and initiatives operated by Fáilte Ireland — the National Tourism Development Authority — and Tourism Ireland, and in the action plan set out in the recent report by the Tourism Policy Review Group.

The Tourism Policy Review Group report sets out a strategy for tourism that is comprehensive, coherent and challenging for both Departments and agencies and for the industry itself. It has put the emphasis on an agenda for action, highlighting 70 individual recommended actions that will support the development of the tourism sector over the next decade. The implementation group that I established to drive forward the recommendations in the report is up and running. It has met on four occasions to date and is engaged in an intensive dialogue with all the key actors at national level who will help determine the future success of Irish tourism.

While many of the actions proposed by the review group will have an impact on the regional distribution of tourism numbers and revenue, key actions in this regard include those relating to product development, tourism promotion, access transport and the appropriate infrastructure and arrangements for the delivery of tourism at regional level.

As the House will be aware, I have no direct responsibility for individual actions or measures relating to tourism promotion or development in so far as specific areas of the country are concerned. These are a day-to-day function of the tourism agencies.

The Deputies may wish to note that a number of programmes and initiatives particularly favour the regional distribution of tourists and tourism revenue. These include the nature and focus of the tourism product development scheme; the differential levels of support offered to regional tourism authorities for marketing purposes; expanded domestic tourism marketing campaigns; the use of predominantly rural imagery in the advertising and promotion of Ireland, both at home and abroad; the regional coverage with respect to visiting media; and the specific focus on achieving a wide spread of visitors in relation to access transport policies.

On access transport policies, the development of good access, particularly air access, is key to strengthening the competitive position of the regions. Both tourism agencies recognise this issue and are investing significant time and resources in encouraging good air links. Already, Knock and Galway airports are reaping the rewards of their efforts to promote direct access to the west, particularly from Britain.

In recent years the domestic market has become increasingly important to the tourism industry, especially in difficult times, and last year expenditure by Irish people at home increased 16% compared to a 3% revenue growth from overseas visitors. It underpins performance, particularly in shoulder seasons and throughout the regions and, with total expenditure of €1.1 billion, is our largest single market. In recognition of the fact that in the short term the home holiday market offers the greatest prospects for boosting regional tourism, Fáilte Ireland has invested an additional 20% funding into this market this year, bringing its marketing spend to a record €3.3 million.

On the promotion and development of tourism by the regions themselves, Fáilte Ireland is channelling in the region of €5 million directly into the regional tourism companies to strengthen and enhance their operational and marketing capabilities this year. This investment, which represents a 20% increase in funding to the RTA network, is designed to ensure both a high quality visitor servicing experience at key tourist information offices and also a strong overseas promotional effort. Building on this, and on foot of the recommendations of the report of the Tourism Policy Review Group, Fáilte Ireland is now actively considering the question of how best to establish a closer correlation between the identified core visitor servicing and development functions provided at regional level and the State financial support provided through itself and Shannon Development. The outcome of this work will inform Fáilte Ireland's ongoing deliberations on the most appropriate regional structures for the discharge of its functions and the relationships and arrangements that should apply at regional level.

Home holidays and supporting the RTAs represent just two of the many ways Fáilte Ireland is funding the development of tourism in the regions. In total this year, Fáilte Ireland is investing in the order of €25 million on developing regional tourism, from supporting local festivals to building capability and strengthening the tourism product itself. Initiatives such as the festivals and cultural events initiative will continue to favour the lesser-developed regions. The tourism product development scheme will develop tourism capital infrastructure in a sustainable way that widens the spatial spread of tourism, diverts pressure from highly developed areas and increases the under-performing regions' share of overseas tourism revenue.

*Question No. 49 answered with Question No. 37.*

#### **National Stadium.**

50. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism the position in regard to the

discussions he is having with the various sporting bodies in the matter of the provision of national stadia; the role he anticipates for Abbotstown in this regard; and if he will make a statement on the matter. [15263/04]

254. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism the number of sporting organisations he has met or intends to meet in the context of the provision of national stadia; and if he will make a statement on the matter. [15690/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I propose to take Questions Nos. 50 and 254 together.

The Government decided at its meeting on 27 January 2004 to approve the provision of substantial funding towards the IRFU-FAI proposals to redevelop Lansdowne Road stadium as a 50,000 seat state of the art stadium. This proposal was brought to the Government following consideration of a joint proposal by the IRFU and the FAI to meet the stadium infrastructure deficit for the playing of soccer and rugby matches. On the same day I met representatives of the IRFU, the FAI and the GAA to convey the Government's decision. The project to redevelop Lansdowne Road stadium is proceeding and no further discussions regarding other stadium sites are proposed. The Government has also decided to proceed with the development of a sports campus at Abbotstown.

#### **Lansdowne Road Development.**

51. **Mr. Costello** asked the Minister for Arts, Sport and Tourism if his Department has had any further meetings with local residents affected by the redevelopment of Lansdowne Road; the content and nature of any such meetings; and if he will make a statement on the matter. [15371/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The delivery of the redevelopment of Lansdowne Road will be the responsibility of a special purpose vehicle currently being established by the IRFU and the FAI. My Department has not had any meetings with local residents to discuss the proposed development nor are any such meetings planned. The IRFU is in contact with the local residents about the re-development programme and I am kept abreast of developments through the work of the steering group established to oversee the delivery of the project. This group is chaired by the Secretary General of my Department and comprises representatives of my Department, the IRFU and the FAI, and the Office of Public Works.

Like any other development, the Lansdowne Road development will be subject to the rigours of the planning process and the rights of all those affected by the development will be protected by this process.

### Tourism Promotion.

52. **Mr. P. Breen** asked the Minister for Arts, Sport and Tourism the future role of Shannon Development, in tourism promotion, in the mid-west region; and if he will make a statement on the matter. [15354/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** Shannon Development's remit in the promotion and development of tourism in the Shannon region is the research, promotion and pro-active stimulation of investment in new, high-standard tourism products; the development and marketing, through its subsidiary company Shannon Heritage, of its own tourism products; the management and development of the activities of the tourist information office network; and the marketing of the tourism product of the Shannon region to help achieve the national objective of wider regional tourism growth.

Arising from the recommendations of the report of the Tourism Policy Review Group, active consideration is now being given by Fáilte Ireland to the question of how best to establish a closer correlation between the identified core visitor servicing and development functions provided at regional level and the State financial support provided through Fáilte Ireland and Shannon Development. The outcome of this work will inform Fáilte Ireland's ongoing deliberations on the most appropriate regional structures for the discharge of its functions and the relationships and arrangements that should apply at regional level.

### Safety of Tourists.

53. **Mr. J. O'Keefe** asked the Minister for Arts, Sport and Tourism his views on the number of attacks on tourists visiting this country; and if he will make a statement on the matter. [15366/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** As I indicated previously in this House in my response to Question No. 153 of 6 April 2004, I deplore any incidents of crime against tourists as they are a vulnerable group away from their home country and without a network of family and friends to support them. I applaud the work of the Tourist Victim Support Service and I am encouraged by the support and close co-operation that the service continues to receive from the Garda Síochána.

### Tourism Industry.

54. **Mr. Deenihan** asked the Minister for Arts, Sport and Tourism when the implementation group, established to implement the recommendations of the new horizons for Irish tourism, will report to him; and if he will make a statement on the matter. [15360/04]

252. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism if he has identified any

obstacles to the development or growth of the tourism industry; and if he will make a statement on the matter. [15688/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I propose to take Questions Nos. 54 and 252 together.

The challenges facing the tourism industry have been clearly articulated in the Report of the Tourism Policy Review Group, *New Horizons for Irish Tourism — An Agenda for Action*, which was launched last September. Not alone did the report devise a future strategy for the continued development of the sector, it recommended a comprehensive two-year tourism action plan listing an integrated set of actions that should be implemented before end 2005.

As I previously advised the House, most recently in response to Question No. 163 of 6 April 2004, the terms of reference for the high level group I appointed to advise on, and drive forward, the implementation of the tourism action plan provide that the group will report to me every six months. The first meeting of the group was in February 2004 and I look forward to receiving their first report in August next.

### Sports Facilities Audit.

55. **Mr. English** asked the Minister for Arts, Sport and Tourism the position on carrying out an audit of sport facilities here; and if he will make a statement on the matter. [15356/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** A national audit of local sports facilities should be undertaken as part of the development of a long-term strategic plan for the provision of sports facilities.

The first step towards developing such a strategy, a review of the existing sports capital programme under the Department's expenditure review programme, is currently being finalised. The outcome of this review will help identify the level of facilities that have been put in place in recent years with the assistance of national lottery funding and produce recommendations on priorities for future funding.

Following that, I intend to establish an inter-agency steering group to commence work immediately on developing a long-term strategic plan for the provision of sports facilities. One of the first tasks for this group will be to oversee the commencement of the audit of sports facilities. Given the volume of facilities that may potentially be included in such an audit, covering the entire country, it is important that a robust methodology is used to record, classify and assess the facilities to be included.

In view of the scale of the task, it could take a number of years to complete a comprehensive audit of all sports facilities. However, it may be possible to conduct the work in stages to ensure that some useful results are available in the short term for input into the proposed strategic plan for



the provision of sports facilities due for completion within the next year.

### **Tourism Industry.**

56. **Mr. Gogarty** asked the Minister for Arts, Sport and Tourism if he will report on the overseas travel statistics for February 2004, which shows an increase in overseas visitors here, but also a rise in overseas trips from Ireland; if it is of concern to the Government that the gap between inward and outbound trips is again decreasing; and if he will make a statement on the matter. [15341/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The CSO figures for the first two months of this year show a promising start to 2004, with overall numbers up 10% on the same period in 2003. In terms of Ireland's key markets, our performances in North America and continental European markets have again been encouraging, with visitor numbers showing growth of 15% and 11% respectively. I would strike a note of caution, however, in attempting to make any forecasts on the basis of two month figures.

The CSO's full year figures for 2003 are a more solid basis for identifying emerging trends and these are also encouraging, showing a 5% increase in the number of overseas visitors to Ireland which represents a continuing recovery in this vital sector of the economy. Visitor numbers for 2003 exceeded the previous peak achieved in 2000, with 6.3 million visits recorded. In conjunction with this growth in volume terms, revenue earnings grew by just under 3%, to more than €4 billion.

As the Deputy rightly points out, the first two months of 2004 also show an increase in outbound tourism. This has been an ongoing trend in recent years and is largely attributable to the growing level of prosperity among Irish people over the same period.

This greater prosperity has also provided a major boost to Ireland's domestic tourism market. While the CSO figures cited by the Deputy do not include figures for domestic tourism, a separate CSO release last week, the household travel survey, indicates that almost 6.5 million domestic trips were taken in 2003, representing an increase of more than 3% on 2002. In expenditure terms, domestic tourism has shown remarkable growth, with Irish people spending 14% more on domestic holidays than in 2002; this far outstrips the growth in expenditure by Irish people on foreign holidays, for the same period, which stood at 5%.

These figures provide strong evidence that the home market is competing well in the face of stiff international competition and I have every confidence that this trend will continue in 2004.

*Question No. 57 answered with Question No. 47.*

*Question No. 58 answered with Question No. 35.*

### **National Concert Hall.**

59. **Ms O. Mitchell** asked the Minister for Arts, Sport and Tourism the position regarding the extension to the National Concert Hall; and if he will make a statement on the matter. [15358/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I refer the Deputy to my reply to a similar question on 25 February 2004. The OPW has recently commissioned an outline report on the feasibility of reconfiguring the entirety of the Earlsfort site to meet the long term needs of the National Concert Hall. The report is currently under examination. I hope thereafter to bring proposals to Government for approval.

*Question No. 60 answered with Question No. 48.*

### **Tourism Promotion.**

61. **Mr. Stanton** asked the Minister for Arts, Sport and Tourism his plans for the rationalisation of tourism promotion bodies here; the funding made available by the Government to these bodies in 2004; and if he will make a statement on the matter. [15365/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** There has been a fundamental reorganisation of our national tourism agencies in recent years. Following the Good Friday Agreement, Tourism Ireland Ltd was established in December 2000 to market the island of Ireland overseas as a tourism destination. It took over the overseas marketing functions of the then Bord Fáilte and the Northern Ireland Tourist Board.

Last year, I established a new, statutory National Tourism Development Authority, known as Fáilte Ireland, from a merger of the functions and activities of Bord Fáilte and CERT, the tourism, education, recruitment and training agency.

Structures at sub-national level are currently being reviewed arising from a recommendation in the report of the Tourism Policy Review Group.

Details of the Exchequer funding allocations to the tourism State agencies are contained in the Revised Estimates for public services for 2004, published earlier this year.

62. **Mr. Neville** asked the Minister for Arts, Sport and Tourism the strategy by the Government to attract tourists with disabilities here; and if he will make a statement on the matter. [15362/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** As indicated in response to Question No. 774 of 30 September 2003, Fáilte Ireland has a voluntary scheme for the validation



[Mr. O'Donoghue.]  
of all listed and registered accommodation that provides for the needs of people with disabilities.

Responsibility for the development of specific tourism products, including those for people with disabilities, and regions rests with Fáilte Ireland under the National Tourism Development Authority Act 2003.

### **Departmental Correspondence.**

63. **Mr. J. Bruton** asked the Taoiseach 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. [15124/04]

**The Taoiseach:** I have not issued any written directions to the Secretary General of my Department within the meaning of sections 4 to 6 of the Public Service Management Act 1997.

### **Departmental Policy.**

64. **Mr. J. Bruton** asked the Taoiseach 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. [15125/04]

**The Taoiseach:** It is normal practice in my Department for full consideration to be given to the financial implications, in so far as these can be reasonably quantified, in relation to the preparation and implementation of policy proposals which relate to income or expenditure for which my Department has responsibility and, where appropriate, these are brought to my attention. I am not aware of any situation as envisaged in the Deputy's question having arisen.

### **Departmental Bodies.**

65. **Mr. J. Bruton** asked the Taoiseach 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. [15126/04]

**The Taoiseach:** The Management Advisory Committee, MAC, which has been meeting since the early 1990s, comprises the Secretary General, the second secretary, the deputy and assistant secretaries and the head of corporate affairs. The personnel officer also attends MAC meetings. The role of the MAC is to advise the Secretary General on matters relating to the effective discharge of his functions and the efficient running of the Department.

The MAC generally meets once a fortnight. Its agenda includes a programme of business planning reviews, where heads of divisions report on progress in implementing their business objectives; monthly reviews of expenditure trends; consideration of various proposals to progress the Department's modernisation agenda; as well as consideration of operational matters relating to the effective running of the Department.

As the Deputy will be aware, it has not been the practice for the Taoiseach to attend MAC meetings, given their nature and focus. However, the Secretary General briefs me on all pertinent matters discussed at MAC and I personally approve all significant developments, such as the Department's strategy statement, annual report and customer charter, as well as prioritising business objectives. I am fully satisfied with the current arrangements to consult me and keep me apprised of these developments affecting the management of my Department.

The business of my Department is heavily based on interaction with other Departments and Ministers through the weekly meetings of Government, the work of Cabinet committees and the conduct of negotiations with key interests, domestically and internationally. I am in daily contact with the members of the Department's MAC on these issues and so am in a position to set the priorities and evaluate progress on a continuing basis.

### **Decentralisation Programme.**

66. **Mr. J. Bruton** asked the Taoiseach 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. [15127/04]

**The Taoiseach:** There are no proposals to decentralise any section of my Department or any of the bodies or agencies operating under its aegis. Accordingly, the preparation of implementation plans does not arise.

### **Departmental Bodies.**

67. **Mr. J. Bruton** asked the Taoiseach 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. [15128/04]

**The Taoiseach:** My Department participates in approximately 100 interdepartmental committees or bodies, most of which currently hold their meetings in Dublin. This includes both standing and temporary committees as well as such sub-groups as may be attended from time to time. The

total includes both groups for which my Department is responsible, and those which are the responsibility of other Departments with which my Department maintains a liaison. The frequency with which these committees or bodies meet can vary, depending on their remit and workload. While meetings would take place about once a month for many groups, for many others the frequency is periodic.

While cross-departmental collaboration will continue to be a significant feature of Civil Service work, it is not possible to be definitive at this point as to how this work will be affected by decentralisation. There are steps that can be taken to tackle what may be an unnecessarily extensive “meetings culture”. Investment in appropriate ICT facilities is an obvious example. My own Department is currently developing the

first fully integrated e-Cabinet administrative model of its kind in the world, demonstrating that technologies can help to support effective collaboration in a decentralised Civil Service.

Decentralisation presents a unique opportunity to re-examine business processes across a range of activities, including meetings, and to develop new approaches, utilising new technologies where appropriate. It should be seen as an enabler, therefore, to further drive the extensive modernisation programme already under way in the public service.

The Implementation Group of Secretaries General has been asked to look at how the decentralisation and modernisation programmes can be dovetailed to achieve greater efficiencies, improved service delivery and better value for money for the citizen.

Title of Committee/Body	Number of meetings since May 2003	Frequency
Personnel Officers Network	11	On average 4 times a year.
Change Management Network		On average 4 times a year.
Training Officer's Network		On average 4 times a year.
Civil Service Training & Development Committee		On average 4 times a year.
Performance Management & Development System Network		On average 4 times a year.
Inter-Departmental QCS Network	6	Approx. 8 times a year
National Security Committee		As need arises
e-Cabinet Stakeholders Group	3	It is envisaged that the need for the Group to meet will diminish as the e-Cabinet project is introduced.
Inter-Departmental Co-ordinating Committee on European Union Affairs (ICCEUA)	19	Fortnightly
Senior Officials' Group on the Presidency	24 since Sept. 03	Initially fortnightly. On a weekly basis since Jan 04
Inter-Departmental Lisbon Group	9	Monthly
IGC Group	6 since Jan 04	
Convention Overview Group Replaced in Sept 03 by the Inter-Governmental Conference Overview Group	9 from May-July 03 13 from Sept-Dec 03	Fortnightly
Inter-Departmental Group on the Status of the Irish Language.	5	3-4 weeks
Internet Advisory Board	5	5 times a year
ICT Steering Committee of the NCCA	2	Varies from year to year
Senior Officials Group on Social Inclusion	12	Monthly
Monitoring Committee for Social Economy Programme	Matter for D/Enterprise, Trade and Employment	For D/ETE
Strategic Task Force on Alcohol	Matter for D/Health & Children	For D/H& C
Inter-Departmental Group on Alcohol	Matter for D/Health & Children	For D/H& C
National Drugs Strategy Team	Matter for D/Community, Rural & Gaeltacht Affairs	For CR& GA
Inter-Departmental Group on drugs	Matter for D/Community, Rural & Gaeltacht Affairs	For CR& GA
National Children's Office Advisory Board	Matter for D/Health & Children/ NCO	For D H& C/ NCO
NCO, Research Development Advisory Group	Matter for D/Health & Children/ NCO	For D H& C/ NCO
NDP/ CSF Equal Opportunities & Social Inclusion Co-ordinating Committee	Matter for D/Justice, Equality & Law Reform	For D/JELR
Inter-Departmental Committee on 10th Anniversary of UN Year of the Family	Matter for Social & Family Affairs	For D/SFA
Task Force on Integration of Local Government and Local Development Systems	Matter for D/Environment, Heritage & Local Government	For D/EHLG

Title of Committee/Body	Number of meetings since May 2003	Frequency
RAPID National Monitoring Committee	Matter for D/Community, Rural & Gaeltacht Affairs	For CR& GA
RAPID Steering Group	Matter for D/Community, Rural & Gaeltacht Affairs	For CR& GA
Implementation and Advisory Group on the White Paper, Supporting Voluntary Activity	Matter for D/Community, Rural & Gaeltacht Affairs	For CR& GA
Management Group for Social Inclusion Office	Matter for D/Social & Family Affairs	For D/SFA
NAPS- Social Inclusion Consultative	Matter for D/Social & Family Affairs	For D/SFA
NAPS Technical Advisory Group	Matter for D/Social & Family Affairs	For D/SFA
Interdepartmental Group on Life-Long Learning	Matter for D/Enterprise, Trade & Employment	For D/ETE
Sustaining Progress Plenary	4	Quarterly
Sustaining Progress Steering Group	10	As required
Public Transport Partnership Forum	Matter for D/Transport	Matter for D/Transport
Housing Forum	Matter for D/EHLG	Matter for D/EHLG
Rent Supplement Consultation Group	Matter for D/SFA	Matter for D/SFA
National Statistics Board	4	As required
IDC on Emissions Trading	Matter for D/EHLG	Matter for D/EHLG
Tax Strategy Group	Matter for D/Finance	Matter for D/Finance
IDC on Science & Technology	Matter for D/ET& E	Matter for D/ET& E
CDT on Housing, Infrastructure & PPPs Wider Energy Sub-group	10	As required
IDC on National Spatial Strategy	Matter for D/EHLG	Matter for D/EHLG
IDC on Non-Labour Market Aspects of EU Enlargement	4	As required
IDC on OECD	Matter for D/FA	Matter for D/FA
Contact Group on Affordable Housing	6	As required
National Economic & Social Council (NESC)	9	Monthly
CDT on Housing, Infrastructure and PPPs	10	Monthly
Legal Issues Sub-Group	Matter for D/Finance	Matter for D/Finance
Consultative Group on Census of Population 2006	2	Matter for CSO
IDG on Services in the Internal Market	Matter for D/ET& E	Matter for D/ET& E
IDG on Green Paper on Services of General Interest	Matter for D/ET& E	Matter for D/ET& E
IDG on Mass Transit System for Dublin	2	1-2 weeks
Inter-Departmental Advisory Group on PPPs	Matter for D/Finance	Matter for D/Finance
Standing Committee on GGB	Matter for D/Finance	Matter for D/Finance
NDP Communications Strategy Group	1	As required
Financial Services Clearing House Group	7	Quarterly
Funds Group	8	Approx. every 6 weeks
Banking & Treasury	9	Approx. every 6 weeks
Insurance	12	Monthly
Pan European Task Force	3	As required
Asset Management Task Force	7	As required
MIF Consultative Committee	5	2 monthly
MIF Project Management Group	7	Approx. every 6 weeks
MIF Training Group	10	Approx. every month
Mullarkey Implementation Group	9	Monthly
British Irish Interdepartmental Co-ordinators Group		As required
North/South Interdepartmental Co-ordinators Group & the High-Level Interdepartmental Committee on North/South		Regular basis
Implementation Group of Secretaries General	9	Every 4-6 weeks
HRM Subgroup of the Implementation Group	5	4-5 times a year
Change Management Network PMDS Integration Group	3	
Competency Frameworks Subgroup	3	
PMDS Network		4 times a year
Public Service Monitoring Group		As required

Title of Committee/Body	Number of meetings since May 2003	Frequency
Subgroup of General Council on the Evaluation of PMDS	5	Regular basis
Subgroup of General Council on the Evaluation of Partnership		3-4 times a year
Steering Group on Implementation of the Strategic Review of the Civil Service and Local Appointments Commission (CSLAC)		3-4 times a year
Committee for Public Management Research (CPMR)		3-4 times a year
Quality Customer Service (QCS) Working Group	4	
QCS Officers Network	6	
QCS Research Subgroup		9 times to date
QCS Equality/Diversity Subgroup		Approx. 4 times a year
High Level Group on Regulation	16	
Financial Management Sub-Group	6	
Steering Group on Business Planning and Resource Allocation		Quarterly
Working Group — Resource Allocation and Business Planning Pilot Project		Monthly
Anti-inflation Group	5	As required
National Framework Committee for Work- Life Balance Policies	Matter for D/ET& E	Approx. every month
Council for Partnership and Performance	6	Approx. every 2 months
Freedom of Information Inter-Departmental Working Group	3	Regular scheduled meetings throughout the year
Freedom of Information Civil Service Users Network	11	Approx. once a month
Emergency Response Co-ordination Committee	0	As required
Consultative Committee on Nuclear Emergency Planning	1	As required
Attorney General's Consultative Committee on Law Reform Commission	0	As required
The Government Task Force on Emergency Planning	7	Seven times in the last year
Inter-Departmental Working Group on Emergency Planning	10	Ten times in the last year
Inter-Departmental Group on National Security		As required

\* It is likely that the group's work will be completed by end-June 2004.

In addition, the EU division of the Department of the Taoiseach chairs *ad hoc* meetings on a range of issues as they arise.

### Strategic Management Initiative.

68. **Mr. J. Bruton** asked the Taoiseach the action taken by his Department on each recommendation of the PA consultancy report on the implementation of the strategic management initiative. [15129/04]

**The Taoiseach:** The PA consulting group's evaluation of the strategic management initiative, published in March 2002, found that the Civil Service was more effective than it was a decade previously and that very positive developments had taken place, particularly as regards openness and accountability, customer service and regulatory reform. The evaluation also found, however, that the next phase of the modernisation agenda would require significant progress on implementation in the internally-focused areas of human resource management, financial management and information systems. In this context, it made a number of specific recommendations which provided a basis for

discussions leading to the modernisation programme and associated commitments outlined in Sustaining Progress.

Progress to date in implementing this programme in the Civil Service as a whole, and within individual organisations, has already been extensively documented through the performance verification process established under Sustaining Progress. This commits Departments and offices to the preparation of progress reports for submission to the Civil Service Performance Verification Group, PVG, together with a sectoral report prepared for the Civil Service as a whole.

These reports deal comprehensively with the implementation of the modernisation programme in sections 20 to 26 of Sustaining Progress — a programme which, as noted above, is very much informed by the recommendations arising from the PA evaluation.

Accordingly, in relation to those recommendations which are relevant to each individual organisation, I would refer the Deputy to my Department's own progress report to the Civil Service PVG, while progress on service-



[The Taoiseach.] wide issues to be implemented at central level — such as changes to central human resource and financial management practices — is detailed in the sectoral report submitted by the Secretary General, Public Service Modernisation, Department of Finance.

These reports, which were prepared in relation to the payments made on 1 January 2004, were published on the Department of Finance website. I understand it is intended to publish the second round of progress reports following a decision by the PVG in respect of the pay increase due on 1 July 2004.

In relation to progress on my Department's modernisation agenda for the first reporting period, the performance verification group highlighted the Department's programme of internal audit and expenditure reviews, the development of the e-Cabinet system, the development of the customer charter and the preparations for the implementation of further modules of the management information framework and human resource management systems, including the devolution of some HR responsibilities. The group also acknowledged the innovative measures relating to training and development that had been developed by the Department.

#### **Departmental Programmes.**

69. **Mr. J. Bruton** asked the Taoiseach 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. [15130/04]

**The Taoiseach:** 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. MIF ensures more efficient processing of financial transactions and accounts, thereby providing better financial information. This in turn ensures 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.

The Mullarkey report recommends that Secretaries General give priority to the implementation of the management information framework, MIF, in their Departments so as to improve the link between financial analysis and decision-making and so enhance the Department's ability to discharge both financial and other management responsibilities.

Work on implementation of MIF is well advanced in my Department. In accordance with the project plan for implementation of MIF, the first phase was completed in March 2001 with the finalisation of a consultancy report by Deloitte and Touche, which examined existing financial

management systems and recommended a strategy for modernisation.

The second phase of the project involved the specification and selection of integrated financial systems to support financial management and control in the Department. The new financial system selected has been in operation in the Department since July 2002, making my Department one of the first three Departments to implement a new financial system under MIF. This system provides cash and accruals accounting, integrated purchase to pay modules, fixed asset accounting, management reporting, streamlined processes and work flow to increase efficiency and enhance control procedures.

Following a period to bed down the new system and associated new procedures and processes in the Department, work on the final phase is currently progressing in accordance with the MIF project plan. This involves the implementation of performance management and cost allocation systems, ongoing enhancement of management reporting and control systems and development of accruals based reports.

A performance indicator group, comprising heads of divisions, has been set up in the Department and is actively working to enhance existing performance indicators and to develop a framework of performance indicators which will enhance decision-making and provide information on the achievement of strategic objectives. This framework will be supported by the financial management system and will be closely integrated with departmental business planning activities.

The financial management system has cash and accruals capability and all financial transactions are captured on both a cash and accruals basis. Further work on accrual accounting will be advanced in accordance with the MIF project plan after the outcome of the accrual accounting pilots, which are being undertaken in a selected number of Departments.

#### **Departmental Bodies.**

70. **Mr. J. Bruton** asked the Taoiseach 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. [15131/04]

**The Taoiseach:** My Department's internal audit committee comprises three officials, of whom one is an external member. The members are appointed by the Secretary General of my Department in his capacity as accounting officer. The committee has met on six occasions and operates under a written charter. Reports prepared by the internal audit unit are considered by the committee and are subsequently forwarded to the accounting officer. To date, five internal audit reports have been received by the accounting officer.

### Fógraíocht Ranna.

71. D'fhiafraigh **Aengus Ó Snodaigh** den Taoiseach an bhfuil comórtas i gceist i roghnú cén nuachtán náisiúnta Gaeilge ina gcuirfear fógraí stáit ó Roinn an Taoisigh. [15132/04]

72. D'fhiafraigh **Aengus Ó Snodaigh** den Taoiseach conas a chinntear fógraí Stáit óna Roinn a chur i nuachtán amháin thar nuachtán eile; an raibh an nuachtán Lá san áireamh sa liosta nuachtán náisiúnta Gaeilge as ar roghnaíodh *Foinse* le haghaidh fógraí. [15147/04]

73. D'fhiafraigh **Aengus Ó Snodaigh** den Taoiseach cad é luach na bhfógraí Stáit a cuireadh sa nuachtán *Foinse* in 2003. [15162/04]

**The Taoiseach:** Molaim ar Cheisteanna Uimh. 71 go 73 a thógáil le chéile.

Ar mhaithe le h-aitheantas na Roinne seo don Ghaeilge, cinntítear go mbíonn iomlán an fhógraíochta a chuirtear in sna nuachtáin dhá theangach.

Roghnaítear na nuachtáin de réir an chineál fógraíochta atá i gceist, an phobail ar a bhfuil sé ag díriú, chomh maith le luach airgid. Mar sin, úsáidtear nuachtáin éagsúla, ag brath ar ábhair an fhógra atá le foilsiú.

Sa bhliain 2003, ba é an chostas a bhí ar an Roinn seo ar tháillí fógraíochta ins na nuachtáin ná, €40,571.00.

Bhain na fógraí seo leis an gcóras Comhairleach Poiblí a bhí foilsithe roimh An Páipéir Bán ar “Rialáil Níos Fearr”, le feachtas an Fhórait Náisiúnta Eorpach agus leis an Searmanas don Lá Comórtha Náisiúnta.

Cé nár úsáidí na nuachtáin foilsithe trí Ghaeilge — *Foinse* agus Lá, bhí na fógraí in sna nuachtáin áitiúla agus náisiúnta dhá theangach i ngach chás.

### Fishery Production.

74. **Mr. R. Bruton** asked the Taoiseach if he will give details of the volume and value of the fishery catch and of fish production in each year since 1998. [15702/04]

**Minister of State at the Department of the Taoiseach (Ms Hanafin):** The most recent CSO estimates of fishery production, which are largely based on data supplied by the Department of Communications, Marine and Natural Resources, are in respect of 2002. The figures for the years 1998 to 2002 are set out in the following two tables.

Table 1. Fish Production (value: million euro).

Year	Sea landings	Aquaculture	Inland	Total Production
1998	192.3	77.2	6.2	275.7
1999	189.5	86.0	5.1	280.6
2000	189.0	95.4	6.1	290.5
2001	253.6	107.1	6.0	366.7
2002	209.9	117.4	5.5	332.8

Table 2. Fish Production (weight: tonnes).

Year	Sea landings <sup>1</sup>	Aquaculture	Inland	Total Production
1998	320,163	39,980	895	361,038
1999	279,230	43,856	775	323,861
2000	272,875	51,247	881	325,003
2001	298,521	60,935	900	360,356
2002	245,165	62,686	789	308,640

<sup>1</sup>Tonnes live weight

Note: (1) Sea fish landings by foreign boats into Irish ports are not included.

### Agricultural Output.

75. **Mr. R. Bruton** asked the Taoiseach if he will give details of the volume and the value of agricultural output in each year since 1998. [15703/04]

**Minister of State at the Department of the Taoiseach (Ms Hanafin):** The information requested by the Deputy is shown in the following table:

Year	Index of volume of agricultural output (Base 1995=100)	Value of agricultural output (euro million)
1998	102.7	4,662.0
1999	103.5	4,602.5
2000	101.6	4,764.0
2001	104.0	4,963.0
2002	98.9	4,581.7
2003(p)	103.6	4,730.6

(p) Preliminary.

[Ms Hanafin.]

The figures relate to agricultural output at farm-gate prices. This reflects the output value received by the farmer and does not include subsidies — less taxes — or the value of contract work carried out by the agricultural contracting industry.

### Departmental Programmes.

76. **Dr. Upton** asked the Tánaiste and Minister for Enterprise, Trade and Employment if future funding will be provided to the social economy programme to allow organisations (details supplied) continue their excellent work. [15340/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):** A total allocation of €351 million is being provided in 2004 to support up to 25,000 places across the three employment schemes — community employment, CE, Jobs initiative, JI, and the social economy programme, SEP. Of this, more than €40 million is being allocated to the social economy programme.

The breakdown of the funding between regions and schemes is a day-to-day matter for FÁS, within the overall policy guidelines set by my Department.

### Fógraíocht Ranna.

77. D'fhiafraigh **Aengus Ó Snodaigh** den Tánaiste a gus Aire Fiontar, Trádála agus Fostaíochta an bhfuil comórtas i gceist i roghnú an nuachtáin náisiúnta Gaeilge ina gcuirfear fógraí Stáit ón Roinn Fiontar, Trádála agus Fostaíochta. [15133/04]

78. D'fhiafraigh **Aengus Ó Snodaigh** den Tánaiste a gus Aire Fiontar, Trádála agus Fostaíochta conas a chinntear fógraí Stáit óna Roinn a chur i nuachtán amháin thar nuachtán eile; an raibh an nuachtán Lá san áireamh sa liosta nuachtán náisiúnta Gaeilge as ar roghnaíodh Foinse le haghaidh fógraí. [15148/04]

79. D'fhiafraigh **Aengus Ó Snodaigh** den Tánaiste a gus Aire Fiontar, Trádála agus Fostaíochta cad é luach na bhfógraí Stáit a cuireadh sa nuachtán Foinse in 2003. [15163/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** Tógfaidh mé Ceisteanna Uimhreacha 77, 78 agus 79 le cheile.

Bronann Coimisinéirí na hOibreacha Poiblí, ar son na Roinne Rialtais go léir, an conradh fógraíocht Stáit sna nuachtáin náisiúnta, tar éis comórtas. Faoi láthair, tá an conradh le comhlucht fógraí Brindleys.

Le cinntiú an tuairisciú is fairsingeach, agus dár gcustaimeirí ar fud na tire go háirithe, is é an cleachtad sa Roinn, fógraí a chur sna nuachtáin náisiúnta laethúil agus sa nuachtán Gaeilge

Foinse. Go dtí seo níor chuirtear fógraí sa nuachtán Lá, ach beidh an ábhar faoi athbhreithniú.

Is é €13,985 luach na bhfógraí Stáit a chuir mo Roinn sa nuachtáin Foinse i 2003 agus chuir an Chúirt Saothar luach €3,630 ann san am chéile.

### Corporate Social Responsibility.

80. **Mr. Gormley** asked the Tánaiste and Minister for Enterprise, Trade and Employment the safeguards she has implemented to ensure that Irish companies and corporations doing business in China do not violate human rights in that country. [15253/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The Government fully supports the principle of corporate social responsibility. Ireland, along with our EU partners, was happy to co-sponsor a resolution on the responsibilities of trans-national corporations and related business enterprises in this respect at the most recent session of the Commission on Human Rights in Geneva.

Under the terms of the commission's decision, the High Commissioner for Human Rights will compile a report on the issue for presentation to the commission's next session. On the basis of that report, the commission will consider how to strengthen standards on the responsibilities of trans-national corporations with regard to human rights, as well as considering possible means of implementing standards.

I am not aware of any concerns raised about possible human rights violations committed by Irish companies in China. I have the utmost respect for Irish companies which are doing business in China; they are taking a lead in entering what is for most Irish companies a new market in a process which will bring benefit to the people of both countries.

### Job Creation.

81. **Mr. Connolly** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of jobs created by IDA Ireland in Counties Monaghan and Cavan on a yearly basis since January 1997; and if she will make a statement on the matter. [15273/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** IDA Ireland is the agency with statutory responsibility for the attraction of foreign direct investment, FDI, to Ireland and its regions. The agency, through its network of local and overseas offices, is actively marketing counties Cavan and Monaghan on an ongoing basis as a location for FDI.

The data following details the number of jobs created in IDA supported companies for counties Monaghan and Cavan over the period 1997-2002.

Year	New Jobs in IDA Supported Companies in Co. Cavan	New Jobs in IDA Supported Companies in Co. Monaghan
1997	108	28
1998	49	24
1999	35	0
2000	34	1
2001	68	22
2002	0	57

County data for 2003 will not be available until the end of June 2004. I have arranged that IDA Ireland will forward the relevant county data for 2003 to the Deputy when it becomes available.

### Industrial Development.

82. **Mr. Connolly** asked the Tánaiste and

Year Approved	County	Company	Town	Jobs Approved
1998	Cavan	Boxmore Plastics Ltd	Ballyconnell	50
2002	Monaghan	Associated Packaging	Carrickmacross	125

In addition, there was an investment project proposed by Teradyne Ireland Ltd. for Cavan town in 2000, in which 741 jobs were approved by IDA, but unfortunately this project subsequently closed.

County data for 2003 will not be available until the end of June 2004. I have arranged that IDA Ireland will forward the relevant county data for 2003 to the Deputy when it becomes available.

### Job Creation.

83. **Mr. O'Dowd** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position regarding jobs created in County Louth in the past two years; the moneys invested by the State in each case; the number of jobs created; and the location of each project. [15281/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** Support for job creation is a day to day operational matter for the industrial development agencies.

The Forfás annual employment survey is used to compile job statistics in agency — IDA Ireland and Enterprise Ireland — assisted companies. Forfás obtains the information from companies on the basis that employment figures will not be published individually. Aggregated data for County Louth shows that total grant support payments to agency assisted companies amounted to €5.280 million in 2002 and €1.289 million in 2003. There were 444 job gains in 2002 and 272 in 2003 in these agency supported companies. However, there were also job losses of 1,221 in 2002 and 784 in 2003 in agency supported companies. All of these job figures relate to full time jobs.

Minister for Enterprise, Trade and Employment the numbers of new investment projects attracted to Counties Monaghan and Cavan on a yearly basis since January 1997; and if she will make a statement on the matter. [15274/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** IDA Ireland is the agency with statutory responsibility for attracting foreign direct investment, FDI, to Ireland and its regions. The agency is actively marketing Counties Cavan and Monaghan on an ongoing basis as a location for FDI through its network of overseas offices, in order to secure new investment and jobs for the area.

The data following details the new investment projects attracted by IDA Ireland to Counties Monaghan and Cavan from 1 January 1997 to 31 December 2002.

County Louth has benefited from the establishment of a number of companies in Dundalk and Drogheda in recent years. Hilton Foods Ltd., with support from Enterprise Ireland, employs more than 150 people in Drogheda. IDA supported companies ABB Industrial Systems and Finmatica Spa also created some 160 jobs in Dundalk over the past two years. In addition to agency assisted firms, the county has benefited from the establishment of other projects such as Irish Life, which employs more than 120 people, and Boylesports Ltd., which employs more than 80, both of which are located in Dundalk.

IDA Ireland is actively marketing the county on an ongoing basis as a location for foreign direct investment through its overseas offices in order to secure new investment and jobs for the area. Enterprise Ireland activity is focused on the retention and creation of new jobs in existing companies, the creation of new jobs in high potential start-up companies and through enhancing innovation capability at a regional level by supporting research in companies in County Louth and in the Dundalk Institute of Technology.

Figures for the Louth County Enterprise Board show that 30 full-time and 19 part-time jobs were created in 2002, and, in 2003, 34 full-time and 27 part-time jobs were created. Total grant support was €275,360 in 2002 and €178,898 in 2003.

### Genetically Modified Organisms.

84. **Mr. Ferris** asked the Tánaiste and Minister for Enterprise, Trade and Employment if there are existing patents under Irish law for genetically modified seeds; and if so to list them. [15328/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** I have been



[Ms Harney.]  
advised by the controller of patents, designs and trade marks that, in the area referred to in the Deputy's question, the following patents have been granted by the Patents Office under Irish patent law and are still valid. Those designated

with the word "Seed" in the last column of the following tables indicate patent protection is for a genetically modified seed while those designated with the word "Plant" indicate that the patent is concerned with a genetic modification of the entire plant.

Granted by the Irish Patents Office

Patent No.	Title of Invention	Proprietor	Plant/Seed
62825	Analogues of botanic Seed	Weyerhaeuser Company	Seed
68681	DNA molecules useful in plant protection	Syngenta Participations AG.	Plant
76133	Genetic manipulations with recombinant DNA comprising sequences derived from RNA virus	Aveve N.V./Clovis Matton N.V.	Plant
80914	Insect-resistant plants	Monsanto	Plant
81100	Insect-Resistant Plants	Monsanto Technology LLC	Plant
81133	Regeneration of fertile graminaceous plants of the subfamily pooideae from protoplasts	Syngenta Participations AG	Seed
81154	Plants with modified stamen cells	Plant Genetic Systems	Plant
82188	Nematode control with proteinase inhibitors	The University of Leeds	Plant
82462	Chimeric gene for the transformation of plants	Rhone-Poulenc Agro	Plant
82663	Methods for producing transgenic plants having a modified carbohydrate content	Syngenta Mogen B.V./Gist-Brocades N.V.	Plant
83154	Fungal resistant plants, process for obtaining fungal resistant plants and recombinant polynucleotides for use therein	Rijksuniversiteit Te Leiden/Syngenta Mogen B.V.	Plant
83264	AHAS inhibiting herbicide resistant wheat and method for selection thereof	American Cyanamid Company	Seed
83282	Imidazolinone resistant ahas mutants	American Cyanamid Company	Seed
83375	Genetic sequences encoding flavonoid pathway enzymes and uses therefor	International Flower Developments Pty. Ltd.	Plant
83457	Plants with modified flowers	Bayer Bioscience N.V.	Seed

In addition, the controller of patents, designs and trade marks has advised me that the following patents granted by the European Patent Office, EPO, in this area since 1992 have

effect in Ireland. This is consequent on Ireland's ratification of the European Patent Convention in 1992.

Granted by the EPO and valid in Ireland

Patent No.	Title of Invention	Proprietor	Plant/Seed
561569	Modification of vegetable oils using desaturase	Agrigenetics, Inc.	Seed
578611	Anther-specific cDNA sequences, genomic DNA sequences and recombinant DNA sequences	Syngenta Participations AG	Plant
584324	Expression cassette and plasmids for a guard cell specific expression and their use for the introduction of transgenic plant cells and plants	Bayer CropScience GmbH	Plant
598493	Recombinant vector, method for giving immunity against PVY-T to potato plant, and potato plant having immunity against PVY-T	Japan Tobacco Inc.	Plant
600993	Proteins with insecticidal properties against homopteran insects and their use in plant protection	Syngenta Participations AG	Plant
602113	Callus-specific promoters	The University of Leicester	Plant
602193	Enhanced expression in plants	Monsanto Technology LLC	Plant
603216	Biocidal proteins	Syngenta Limited	Seed
606759	Induction and selection of somaclonal variation in coffee	Kraft Foods, Inc.	Seed
608716	Improvements in somatic embryogenesis	Novartis Seeds B.V.	Plant
618766	Maturation and desiccation of gymnosperm somatic embryos	The University of Saskatchewan	Plant
618976	Synthetic DNA sequence having enhanced insecticidal activity in maize	Syngenta Participations AG	Seed

Patent No.	Title of Invention	Proprietor	Plant/Seed
619369	Phytate hydrolysis and enzyme composition for hydrolyzing phytate	Avene N.V.	Plant
631629	Fungus-responsive chimaeric gene	Max-Planck-Gesellschaft zur Förderung der Wissenschaften e.V.	Seed
633940	Oil-body protein Cis-elements as regulatory signals	SemBioSys Genetics Inc.	Seed
637339	DNA constructs and plants incorporating them	Syngenta Limited	Seed
640136	Genetic sequences encoding flavonoid pathway enzymes with flavonoid 3'-hydroxylase activity and uses thereof	International Flower Developments Pty. Ltd.	Plant
643774	Expression of genes in transgenic plants	Syngenta Limited	Plant
647273	DNA sequences encoding oligosaccharide transporter	Bayer CropScience GmbH	Plant
652701	High amylose starch and resistant starch fractions	Penford Holdings Pty Limited	Seed
652955	DNA sequences for an amino acid transporter, plasmids, bacteria, yeasts and plants containing a transporter and their use	Hoechst Schering AgrEvo GmbH	Plant
656940	Genetic sequences encoding glycosyltransferase enzymes and uses therefor	International Flower Developments Pty. Ltd.	Plant
658207	Method for the genetic containment of plants	Syngenta Limited	Seed
662281	A novel cruciferous plant having a high carotene content	Shintaku, Yurie	Plant
674007	Process for the preparation of pilocarpine	Societe Des Produits Nestle S.A.	Plant
674715	Methods for stable transformation of wheat	Syngenta Participations AG	Seed
677112	Method for obtaining transgenic plants showing a modified fructan pattern	Stichting Scheikundig Onderzoek in Nederland (Son)	Plant
677113	Viral amplification of recombinant messenger RNA in transgenic plants	Biosource Genetics Corporation	Plant
680514	Nematode-resistant transgenic plants	North Carolina State University	Plant
682711	Plants resistant to infection by PLRV	Monsanto Technology LLC	Plant
689595	Plant promoter, microorganisms and plant cells containing a unit for the expression of a protein of interest comprising said promoter	Biogemma	Seed
698106	Marker gene	Aventis CropScience N.V.	Seed
706570	Plant having modified response to ethylene	California Institute of Technology	Plant
719338	Combination of DNA sequences which enable the formation of modified starch in plant cells and plants, processes for the production of these plants	Bayer CropScience GmbH	Plant
723393	A method of plant tissue culture and regeneration	Syngenta Limited	Plant
724641	Anti-microbial proteins	Syngenta Participations AG	Seed
728208	Tomato xyloglucan endo-transglycosylase	Unilever plc	Plant
730652	DNA sequences for ammonium transporter, plasmids, bacteria, yeasts, plant cells and plants containing the transporter	Bayer CropScience GmbH	Plant
731632	Agrobacterium tumefaciens transformation of musa species	The Texas A & M University System	Plant
734446	Controlled expression of transgenic constructs in plant plastids	Calgene LLC	Plant
749485	Antimicrobial proteins from impatiens	Syngenta Limited	Plant
765393	DNA molecules which code for a plastid 2-oxoglutarate/malate translocator	Basf Aktiengesellschaft	Plant
784421	Pest trap plants and crop protection	Tretech Management/the Regents of the University of California	Plant
785999	Plant transcription regulators from circovirus	Commonwealth Scientific and Industrial Research Organisation	Plant
804600	The cytoplasmic inhibition of gene expression	Large Scale Biology Corporation	Plant
805852	Methods for producing cytoplasmic male sterility in plants and use thereof in production of hybrid Seed	Rutgers University	Seed
827532	Regeneration of both plant tissues and transgenic plant tissues using a new plant hormone, 5-bromoindole-3-acetic acid	Invitrogen Corporation	Seed
835310	Regulatory elements conferring tapetum specificity	Pioneer Hi-Bred International, Inc.	Plant

Patent No.	Title of Invention	Proprietor	Plant/Seed
846167	Nuclear-encoded transcription system in plastids of higher plants	Rutgers University	Seed
871750	Removal of metals from contaminated substrates by plants	Isis Innovation Limited	Plant
885556	High amylose starch and resistant starch fraction	Knight et al.	Seed
889970	Novel plant enzyme and use thereof	Bafor et al.	Plant
910239	Transformation of cotton plants	Calgene LLC	Plant
912750	Method for increasing sucrose content of plants	Unilever N.V.	Seed
921720	APHID resistance in composites	Rijk Zwaan Zaadteelt en Zaadhandel B.V.	Seed
938574	Method for inducing viral resistance into a plant	Ses Europe N.V./S.A.	Plant
969715	Plant micropropagation and germplasm storage	Vlaams Interuniversitair Instituut voor Biotechnologie vzw.	Seed
979031	Methods for plant transformation and regeneration	The Regents of the University of California	Plant
987937	Media and methods for culturing plant embryos	University of Saskatchewan	Plant
991766	Regulation of quinolate phosphoribosyl transferase expression	North Carolina State University	Seed
996328	Pollen-based transformation system using solid media	United States of America, as represented by The Secretary of Agriculture	Seed
1063881	Maturation of somatic embryos	Silvagen Inc.	Plant
1069819	Method for selective increase of the anticarcinogenic glucosinolates in brassica species	Plant Bioscience Ltd	Seed
1096849	A process for production and subsequent (ex vitro) sowing and propagation of pre-germinated plant somatic embryos	Silvagen Inc.	Seed
1162875	Plants transformed with thioredoxin	The Regents of the University of California	Seed
1164831	Micropropagation and production of phytopharmaceutical plants	University of Guelph	Plant
1211926	Method for breeding tomatoes having reduced water content and product of the method	Israel State	Seed
1222297	Elongase promoters for the tissue-specific expression of transgenes in plants	Gesellschaft für Erwerb und Verwertung von Schutzrechten — GVS mbH	Seed

### Sunday Trading.

85. **Mr. R. Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the mechanisms she has in place to ensure that premium payments are awarded to persons required to work on Sundays; the extent of non-compliance uncovered by her across all sectors and in particular in the catering sector; and if she will make a statement on the matter. [15476/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):** The Industrial Relations Acts 1946 — 04 provide the basis for the establishment of the joint labour committees, JLCs, that are charged with the task of setting the minimum terms and conditions, including pay rates, for employees in various sectors of the economy. The joint labour committees are comprised of representatives of relevant employee and employer bodies with an explicit interest in the sector for which the particular JLC operates. The Industrial Relations Acts, already mentioned, also provide the basis upon which the JLCs are empowered to set and amend, from time to time, the minimum terms and conditions, including pay rates, for relevant employees. A list of current employment regulations orders is set out as follows.

The labour inspectorate of my Department has responsibility for the enforcement of employment

rights arising from a range of employment rights legislation. The Industrial Relations Acts 1946 — 2004 fall within that remit and, accordingly, enforcement of employment regulation orders is an aspect of a labour inspector's work.

During the period 1 January 2004 to 21 May 2004 there were 345 cases examined for compliance with the provision of a Sunday premia. Across all 18 employment regulation orders there were 66 detections, during that period, of non-compliance in regard to Sunday premium payments and compliance is being pursued.

In regard to the catering sector, again during the period 1 January 2004 to 21 May 2004 there were 121 cases opened and breaches detected in relation to Sunday premium payments amounted to 21 and these, too, are being pursued.

The inspectorate has implemented a major restructuring of its operations since 2000 when it was strengthened with additional officers. In the midst of an almost 100% turnover in staff it has been completely reorganised in terms of structure. A new case management system has been introduced and revised work practices are in place. I am satisfied that this investment in technology, together with the organisational changes, enables the inspectorate to fulfil its remit.

*Acts / EROs / REAs*

- Carer's Leave Act, 2001
- Employment Agency Act, 1971
- National Minimum Wage Act, 2000
- Organisation of Working Time Act, 1997
- Parental Leave Act, 1998
- Payment of Wages Act, 1991
- Protection of Employees (Part-Time Work) Act, 2001
- Protection of Employees (Employers Insolvency) Acts, 1984-2003
- Protection of Employment Act, 1977
- Protection of Young Persons (Employment) Act, 1996
- Redundancy Payments Acts 1967 to 2003
- Employment Regulation Orders
  - ERO Aerated Waters
  - ERO Agricultural Workers
  - ERO Brush & Broom
  - ERO Catering (Country)
  - ERO Catering (Dublin)
  - ERO Contract Cleaning (Dublin)
  - ERO Contract Cleaning (Country)
  - ERO Hairdressing (Cork)
  - ERO Hairdressing Dublin
  - ERO Handkerchief and Household Goods
  - ERO Hotels (except Dublin & Cork)
  - ERO Law Clerks
  - ERO Provender Milling
  - ERO Retail Grocery and Allied Trades
  - ERO Security Industry
  - ERO Shirt & Tie Making
  - ERO Tailoring
  - ERO Women's Clothing
- Registered Employment Agreements
  - REA Wholesale Fruit & Vegetables
  - REA Printing Workers (Dublin)
  - REA Footwear Drapery and Allied Trades
  - REA Electrical Workers
  - REA Construction Industry Wages & Conditions of Employment
  - REA Construction Industry Pensions Assurance & Sick Pay

**State Airports.**

86. **Mr. Noonan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the assets of SFADCo she intends transferring to the new Shannon Airport company; the book value of these assets and their estimated real value; if the transfer of these assets will require legislation; if she requires the agreement of the board of SFADCo for this transfer; if she has already acquired this agreement; and if she will make a statement on the matter. [15477/04]

90. **Ms O'Sullivan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if full consideration will be given with staff under the terms of Sustaining Progress before permitting the board of Shannon Development Company to transfer relevant assets of the company to the proposed Shannon Airport authority; and if she will make a statement on the matter. [15527/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** I propose to take Questions Nos. 86 and 90 together.

Responsibility for the proposed new Shannon Airport Authority is a matter for my colleague, the Minister for Transport, while I, as Minister for Enterprise, Trade and Employment, have responsibility for Shannon Development. I have been in contact with the Minister for Transport and with the board of Shannon Development concerning a suggested transfer of responsibility for the Shannon free zone at Shannon Airport from Shannon Development to the proposed new Shannon Airport Authority. I am also exploring other options concerning the role of Shannon Development in the context of the new airport authority and the forthcoming decentralisation of Enterprise Ireland to Shannon.

Detailed arrangements for the transfer of any assets, including full examination of their value, have yet to be determined and are part of the ongoing process. Until such time as this process is complete it is not possible to specify what legislative or administrative measures might be required.

Consultation with staff under the terms of Sustaining Progress is exclusively a matter for the board and management of Shannon Development.

**Decentralisation Programme.**

87. **Mr. Noonan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the progress that has been made in the proposed transfer of Enterprise Ireland to Shannon Town; the number of employees of Enterprise Ireland that have indicated a willingness to transfer to Shannon; and if she will make a statement on the matter. [15478/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The Minister for Finance, in his budget speech, announced the decision of the Government to decentralise 300 of Enterprise Ireland's Dublin based staff to Shannon.

It is intended that the move will take place as soon as possible but will be dependent on the conclusion of national, public sector wide, discussions on the implementation of the decentralisation programme and the availability of suitable accommodation in Shannon.

Through the Office of Public Works, OPW, expressions of interest for the provision of accommodation have been sought by way of



[Ms Harney.] public advertisement in the national newspapers. Ten responses have been passed to Enterprise Ireland by the OPW. These range from the development of purpose-built accommodation to the availability of a potential site or sites. Enterprise Ireland is considering the options in consultation with OPW.

Enterprise Ireland has nominated a senior manager to sit on a group established within the Department of Enterprise, Trade and Employment to oversee the implementation of the decentralisation decision.

As requested by the Department of Finance, Enterprise Ireland has prepared an information pack on the Shannon area. The pack includes information on a number of topics such as transport systems, business facilities, accommodation, education facilities and sports and leisure facilities in Shannon. Enterprise Ireland is currently working on a detailed implementation plan as foreseen in the Flynn report of 31 March 2004, but has already indicated to staff what functions will be part of any decentralisation.

The posts in Enterprise Ireland to be transferred to Shannon have been advertised as part of the central applications facility, CAF, and applications and expressions of interest have been invited from 12 May 2004.

Enterprise Ireland has no information on the number of employees that have indicated a willingness to transfer to Shannon.

88. **Mr. Noonan** asked the Tánaiste and Minister for Enterprise, Trade and Employment, if the decentralisation of Enterprise Ireland to Shannon town proceeds, if it is her intention to amalgamate Enterprise Ireland and Shannon Development; and if she will make a statement on the matter. [15479/04]

89. **Mr. Noonan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if the decentralisation of Enterprise Ireland to Shannon Town proceeds, will certain functions currently exercised by SFADCo be transferred to Enterprise Ireland; the functions she considers suitable for such a transfer; the way SFADCo will be restructured to carry out its residual functions; and if she will make a statement on the matter. [15480/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** I propose to take Questions Nos. 88 and 89 together.

I refer the Deputy to the reply I gave to a similar question on 4 February 2004. In that response, I stated that I had been in touch with the board of Shannon Development on the impact of the move of Enterprise Ireland — EI — staff to Shannon. At my request, the board considered the issue and had written to me in the matter. It believed there is a logical case for the integration of the activities of Shannon Development in relation to indigenous

businesses, which it carries out as agents for EI, into an expanded EI and that the modalities for such integration would have to be factored into the overall plans to give effect to the EI move. Since then I have been engaged in consultation with Shannon Development on the issue. This dialogue is ongoing and no final decision has been taken.

*Question No. 90 answered with Question No. 86.*

### **Casual Trading.**

91. **Mr. S. Ryan** asked the Tánaiste and Minister for Enterprise, Trade and Employment, in the context of the new regulations introduced which propose to remove certain fruit and vegetable goods from the scope of the Casual Trading Act 1995, to confirm if this now enables growers, their agents or employees to sell these products on public streets and roads; and if this order has been brought to the attention of the Garda authorities for implementation. [15528/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** I signed the Casual Trading Act 1995 (Section 2 (3)) Regulations 2004 (S.I. No. 191 of 2004) on 29 April 2004. My powers to add to the existing list of categories of selling exempted from the Act reflect similar powers conferred on local authorities in respect of their functional areas and I am aware that some local authorities have used these exemption powers. The regulations came into force on 1 May 2004 and operate during the period from 1 May to 30 September in any year. The regulations take outside the scope of the Casual Trading Act 1995 the selling of specified fruit and vegetables by growers their agents or servants during the exempted period in any year. The Casual Trading Act 1995 defines casual trading as “selling goods at a place (including a public road) to which the public have access as of right”. The effect of the regulations is to allow growers, their agents or servants to sell the specified fruits and vegetables on public streets and roads from 1 May to 30 September. However, the regulations do not exempt growers from other legislation covering for example road traffic or public order provisions. My officials have informed the Office of the Garda Commissioner of the making of the regulations as well as all 88 local authorities entitled to make by-laws under the Casual Trading Act 1995.

### **Industrial Development.**

92. **Mr. Neville** asked the Tánaiste and Minister for Enterprise, Trade and Employment her plans for business and industry to locate at the business park at Askeaton, County Limerick. [15651/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The attraction of business and industry to the business park at

Askeaton is a day to day operational matter for the relevant development agencies, IDA Ireland and Shannon Development. As the Deputy is aware, IDA Ireland is the national agency with statutory responsibility for the attraction of foreign direct investment to Ireland and its regions, while Shannon Development is responsible for indigenous industry in the area.

The Askeaton business park is a Shannon Development owned land bank, comprising approximately 227 acres. The main employer located there at present is Wyeth Nutritional which is an IDA supported company employing approximately 600 people. Both IDA Ireland and Shannon Development are actively promoting and marketing the business park at Askeaton to potential investors and are working closely to develop a common approach to planning at the park. Ultimately, decisions regarding where to locate a project, including what areas to visit as potential locations, are taken by investors.

I understand the Askeaton business park has been identified as an important site from a business and employment perspective for both the county and the region in the planning and land use transportation study, the mid-west regional planning guidelines and in the draft county development plan.

I am confident that the strategies and policies being pursued by IDA Ireland and Shannon Development will bear fruit in terms of the attraction of additional industry and jobs to the park.

### FÁS Training Programmes.

93. **Mr. R. Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of persons participating in the main schemes operated by FÁS over each of the years since 1998; and if he will indicate the costs in each year. [15705/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):** The main FÁS programmes in operation are community employment, job initiative and social economy. The participation rates and costs in respect of each programme are as follows:

Community Employment

Year	Participant / Places		Costs
	Average	Year-End	
			€ '000
1998	39,483	39,520	376,754
1999	37,904	36,579	375,553
2000	35,249	33,549	367,690
2001	33,034	30,809	350,145
2002	27,670	24,991	323,056
2003	21,962	19,848	274,977

Job Initiative

Year	Participant / Places		Costs
	Average	Year-End	
			€ '000
1998	1,046	1,442	14,109
1999	1,793	2,198	24,581
2000	2,602	2,582	35,437
2001	2,793	2,762	43,945
2002	2,663	2,525	44,955
2003	2,391	2,207	42,330

Social Economy

Year	Participant / Places		Costs
	Average	Year-End	
			€ '000
2001		101	3,442
2002	1,073	1,889	20,519
2003	1,862	2,370	36,460

The total funding allocation for employment schemes in 2004 has been fixed at €351 million, which will support up to 25,000 places across the three employment schemes.

### Fógraíocht Ranna.

94. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Cosanta an bhfuil comórtas i gceist i roghnú an nuachtáin náisiúnta Gaeilge ina gcuirfear fógraí Stáit ón Roinn Cosanta. [15134/04]

95. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Cosanta conas a chinntear fógraí Stáit óna Roinn a chur i nuachtán amháin thar nuachtán eile; an raibh an nuachtán *Lá* san áireamh sa liosta nuachtán náisiúnta Gaeilge as ar roghnaíodh *Foinse* le haghaidh fógraí. [15149/04]

96. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Cosanta cad é luach na bhfógraí Stáit a cuireadh sa nuachtán *Foinse* in 2003. [15164/04]

**Minister for Defence (Mr. M. Smith):** Tá sé ar intinn agam Ceisteanna Uimhreacha 94, 95 agus 96 a fhreagairt le chéile.

Níl sé ar intinn aon comórtas a chuir ar siúl a roghnú nuachtáin náisiúnta Gaeilge ina gcuirfear fógraí Stáit ón Roinn Cosanta.

Is é Brindley Advertising an conradh Stáit i gcomhair gach fógraíocht preas náisiúnta agus baineann mo Roinne úsáid as an comhlacht sin. Baintear úsáid freisin as iris náisiúnta, áitiúla, nó speisialtóra mar atá tráthúil agus braitheann sé ar bhonn go sroicheann an fógra an sprioclucht ar an costas is éifeachtach i ngach cás. Is é an costas ar mo Roinn féin ar fógraíocht i *Foinse* i 2003 ná €1,883.99.

### Defence Forces Property.

97. **Ms Harkin** asked the Minister for Defence

[Ms Harkin.]

the arrangements that have been put in place to ensure a suitable premises for the two permanent Defence Force members and the 120 RDF members in Carrick-on-Shannon given that they must vacate the premises from which they are currently operating by 30 June 2004. [15185/04]

**Minister for Defence (Mr. M. Smith):** A suitable alternative premises has been identified in Carrick-on-Shannon, County Leitrim, for the Reserve Defence Force unit concerned. A draft letting agreement is under consideration in my Department and in this regard the advice of the Chief State Solicitor has been sought with regard to the proposed terms and conditions.

98. **Dr. Cowley** asked the Minister for Defence the situation with regard to improvement works at the Reserve Defence Forces location in Castlebar, County Mayo, at which there are two accommodation blocks still without electricity and improvements are needed in the cookhouse and on the fire alarm system; and if he will make a statement on the matter. [15186/04]

**Minister for Defence (Mr. M. Smith):** Castlebar Barracks contains the headquarters of an infantry FCA battalion and the headquarters of a cavalry FCA battalion. A total of 29 personnel work in the barracks, but on average, only 15 are on duty on any given day. The main use of the barracks in previous years was the annual summer training camps for members of the Reserve Defence Force. However, because of health and safety factors, alternative arrangements were made to hold the summer camps last year and this year at other military posts, where accommodation and training facilities are of the highest standards.

The barracks is not used for accommodation purposes, and the cost of providing temporary facilities at the barracks for summer camps or the question of upgrading the present permanent accommodation and kitchen facilities to ensure compliance with building, health and safety and fire regulations raise value for money consideration.

I have no proposals at present to close any Reserve Defence Force facility but in regard to annual summer camps at Castlebar Barracks, I must have regard to value for money considerations and competing priorities for limited resources.

#### Departmental Properties.

99. **Mr. Ó Fearghail** asked the Minister for Defence if he will renew the lease between his Department and the Athgarvan Football Club, The Curragh, County Kildare. [15311/04]

**Minister for Defence (Mr. M. Smith):** The lease agreement between the Department and Athgarvan GAA Club covered a term of 21 years with effect from 1 October 1982. The club has sought to extend the tenure of the lease to a term of 99 years and that request is under

consideration. My Department expects to be in a position to respond to the club at an early date.

#### Fógraíocht Ranna.

100. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Talmhaíochta agus Bia an bhfuil comórtas i gceist i roghnú an nuachtáin náisiúnta Gaeilge ina gcuirfear fógraí Stáit ón Roinn Talmhaíochta agus Bia. [15135/04]

**Minister for Agriculture and Food (Mr. Walsh):** Cuirtear fógraí Stáit in *Iris Oifigiúil*. Tá gach fógraíocht eile déanta tré ár gníomhaireacht fógraíochta, a thugann comhairle dúinn ar pé foilsiúcháin is oiriunaí ó thaobh an sprioc daonra. Cuirtear formhór fógraíocht na Roinne sna Foilsiúcháin Talmhaíochta.

Statutory notices are placed in *Iris Oifigiúil*. All other advertising is placed through our advertising agency who advise on the basis of the most suitable publications from the point of view of meeting the target audience. Most of the Department's advertising is placed with specialised farming press.

101. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Talmhaíochta agus Bia conas a chinntear fógraí Stáit óna Roinn a chur i nuachtán amháin thar nuachtán eile; an raibh an nuachtán *Lá* san áireamh sa liosta nuachtán náisiúnta Gaeilge as ar roghnaíodh *Foinse* le haghaidh fógraí. [15150/04]

**Minister for Agriculture and Food (Mr. Walsh):** Cuirtear fógraí Stáit in *Iris Oifigiúil*. Tá gach fógraíocht eile déanta tré ár ngníomhaireacht fógraíochta, a thugann comhairle dúinn ar pé foilsiúcháin is oiriunaí ó thaobh an sprioc daonra. Cuirtear formhór fógraíocht na Roinne sna foilsiúcháin talmhaíochta. Tuigeann an gníomhaireacht fógraíochta atá ag an Roinn go bhuil *Lá* ar ceann de na foilsiúcháin Gaeilge atá ar fail go forleathan.

Statutory notices are placed in *Iris Oifigiúil*. All other advertising is placed through the Department's advertising agency which advises on the basis of the most suitable publications from the point of view of meeting the target audience. Most of the Department's advertising is placed with specialised farming press. The Department's advertising agency are aware of *Lá* as one of the Irish language newspapers in circulation.

102. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Talmhaíochta agus Bia cad é luach na bhfógraí Stáit a cuireadh sa nuachtán *Foinse* in 2003. [15165/04]

**Minister for Agriculture and Food (Mr. Walsh):** 'Sé an costas a bhí ar fógraíocht i *bhFoinse* i 2003 ná €1650.63

The cost of advertising in *Foinse* in respect of 2003 was €1650.63



### Grant Payments.

103. **Mr. Crawford** asked the Minister for Agriculture and Food when a person (details supplied) in County Monaghan can expect to receive their REP scheme payment; and if he will make a statement on the matter. [15178/04]

**Minister for Agriculture and Food (Mr. Walsh):** My Department has received no application for payment from the person named. He has until 30 June to apply without penalty. When his application is received it will be processed in accordance with the targets set out in the protocol on direct payments to farmers.

104. **Mr. Neville** asked the Minister for Agriculture and Food further to Parliamentary Question No. 206 of 13 May 2003, when the balance of a special beef premium payment will be made to a person (details supplied) in County Limerick. [15179/04]

**Minister for Agriculture and Food (Mr. Walsh):** The person named made four applications under the special beef premium scheme in respect of a total of 127 animals in 2002. Some 126 of these animals were paid in full, with the balancing payment issuing on 23 June 2003. One animal, which was found to be non-compliant with CMMS requirements at the time of application is awaiting payment. The query regarding this animal has now been resolved and full payment due on this animal will issue shortly.

### Sheep Breeding Programmes.

105. **Mr. Penrose** asked the Minister for Agriculture and Food if, in relation to the national genotype programme for scrapie resistance testing of sheep, the extra €5 for breed improvement participants has been withdrawn without consultation with the relevant organisation or partners with which this agreement was reached; if this matter can be clarified in full; and if he will make a statement on the matter. [15301/04]

**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 flock owners 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.

Flock owners 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 flock owner is free to choose any of the three NGP approved laboratories in which to have his or her samples tested and I fully expect

that these laboratories will vigorously compete with each other for business.

Apart from scrapie infected flocks, there is as yet no legal requirement on any flock owner to have sheep genotyped, although from April 2005 pedigree flock owners will be required to have rams genotyped. It is nonetheless important that flock owners in Ireland, both pedigree and commercial, begin as soon as possible the process of determining the genotype of their sheep, particularly breeding stock. To encourage flock owners to avail of the new service from the outset, my Department unilaterally took the initiative of providing, as a once-off incentive, a partial cost offset of €10 per test for the first 30,000 tests carried out under the NGP in 2004. This was a unilateral initiative taken by my Department to encourage from the outset flockowner participation in what is in essence a commercial service.

I regard this as a most important development for Ireland's sheep sector and I am anxious that the best possible service will be provided. It had been my intention to provide a cost offset of €15 for the relatively small number of flock owners involved in breed improvement programmes but this would have proved extremely problematic to operate in practical terms in parallel with the operation of the standard €10 cost offset regime. Nonetheless, I continue to recognise the worth of pedigree sheep breed improvement programmes, PSBIP. In that context my Department is at present considering whether a mechanism might be found for providing an additional €5 per test cost offset for PSBIP members who participate in NGP, without compromising the efficiency of the service to farmers generally.

I am pleased with the initial level of interest among flock owners in availing of this service. There is now an established flow of requests to my Department from flock owners seeking the necessary application forms, etcetera. I also note that commercial producers as well as pedigree breeders are showing significant interest. The NGP approved laboratories are ready to accept samples and I expect that in 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 would again encourage all flock owners to avail of this service at the earliest opportunity.

### Departmental Schemes.

106. **Mr. Connaughton** asked the Minister for Agriculture and Food the outcome of an appeal submitted by a person (details supplied) in County Galway under *force majeure* of the Fischler proposals; and if he will make a statement on the matter. [15323/04]

**Minister for Agriculture and Food (Mr. Walsh):** The person named submitted an application form for consideration of *force majeure* — exceptional circumstances on 21



[Mr. Walsh.]  
January 2004 in respect of the single payment scheme.

Processing of in excess of 15000 applications is ongoing and the person named will be notified of my Department's decision in his case very shortly.

#### **Grant Payments.**

107. **Mr. Perry** asked the Minister for Agriculture and Food if a decision will be made on the application by a person (details supplied) for a REP scheme appeal in view of the circumstances outlined; and if he will make a statement on the matter. [15330/04]

**Minister for Agriculture and Food (Mr. Walsh):** The agriculture appeals office received this appeal on 4 May 2004. Appeals require individual examination and are dealt with in the order in which they are received. The appeals office will contact the appellant shortly to arrange the oral hearing that he requested. It is not expected that there will be any undue delay in dealing with this case.

108. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason a slated house grant has not been paid to a person (details supplied) in County Galway; and if he will make a statement on the matter. [15546/04]

**Minister for Agriculture and Food (Mr. Walsh):** The person named is an applicant under the farm waste management scheme. Payment was made to the person concerned on 21 May 2004.

#### **Departmental Schemes.**

109. **Mr. Murphy** asked the Minister for Agriculture and Food if grants are available for pilot projects to grow cut foliage (details supplied). [15547/04]

**Minister for Agriculture and Food (Mr. Walsh):** My Department does not grant-aid pilot projects but under the NDP investment aid scheme for the development of commercial horticulture applicants may obtain grant aid towards the capital costs of specialised equipment across the full range in the horticulture sector. The closing date for the scheme for 2004 has passed.

#### **Departmental Agencies.**

110. **Mr. Naughten** asked the Minister for Agriculture and Food the plans he has to bring forward a supplementary estimate to provide additional funding to Teagasc; and if he will make a statement on the matter. [15551/04]

111. **Mr. Naughten** asked the Minister for Agriculture and Food if he will provide additional funding to Teagasc; and if he will make a statement on the matter. [15552/04]

**Minister for Agriculture and Food (Mr. Walsh):** I propose to take Questions Nos. 110 and 111 together.

Substantial Exchequer resources are provided each year to enable Teagasc to provide first class research, training and advisory services for Irish farmers and the food industry. The total funding provided by my Department to Teagasc for non-capital purposes has increased significantly in recent years, from €82 million in 2000 to €117 million this year. By any standards these are substantial resources and is a clear indication of the Government's continuing commitment to supporting Teagasc. In addition, we have in recent years been able to provide very substantial additional funding to Teagasc for capital development purposes. In the period 2000 to 2003 a cumulative total of almost €27 million was allocated to enable Teagasc to implement major capital development programmes at the training colleges and at the research centres. This year for capital purposes Teagasc will be able to use part of the retained proceeds from the sale of assets in 2003 and 2004 to fund its capital program in 2004.

I have no plans to provide additional funding to Teagasc this year.

112. **Mr. Naughten** asked the Minister for Agriculture and Food the supervisory role of the Department in relation to Teagasc; and if he will make a statement on the matter. [15553/04]

**Minister for Agriculture and Food (Mr. Walsh):** Under the Agriculture (Research, Training and Advice) Act 1988 Teagasc has delegated authority for the provision of agricultural research, training and advisory services to the agri-food sector. The role of the Minister is set out mainly in sections 3, 6, 8, 13, 15, 16 and in the First Schedule of this Act.

It is the responsibility of the Teagasc authority under the Act to exercise full and effective control over the organisation, including its day-to-day operations, and I have no role in this.

#### **Grant Payments.**

113. **Mr. Ring** asked the Minister for Agriculture and Food when a person (details supplied) in County Mayo will receive the 20% of their suckler cow premium due to them. [15556/04]

**Minister for Agriculture and Food (Mr. Walsh):** An application for premium for six animals under the 2003 suckler cow premium scheme was lodged in the name of a relative of the person named. The application was processed for payment and an 80% advance instalment amounting to €1,075.92 issued on 29 October 2003.

My Department has since learned that the applicant is deceased and while the 20% balancing instalment is due to issue, payment cannot be made until the solicitors acting for the legal personal representatives of the estate

submit probate or some legal documents with instructions as to who should receive this payment. The solicitors have been contacted regarding this matter and a reply from them is awaited.

114. **Mr. Murphy** asked the Minister for Agriculture and Food if he will give details of all outstanding payments due to a person (details supplied) in County Cork regarding ewe premium payments; and when payment will be made. [15617/04]

**Minister for Agriculture and Food (Mr. Walsh):** The person named was not an applicant under the 2003 ewe premium scheme. However, the herdnumber was registered in the name of the son of the person named on 21 December 2001 and he submitted applications under the 2003 and 2004 ewe premium schemes.

Payment under the 2003 ewe-supplementary premium and ewe national envelope was made on 21 October 2003 and 10 March 2004, respectively.

Under the 2004 ewe premium scheme an application involving 395 ewes was submitted on 23 December 2003. At an inspection of the flock on 6 February 2004 only 281 ewes were presented, 30 of which were rejected. The applicant was unable to account for the 114 missing ewes. Consequently he was advised on 9 May 2004 that this would give rise to a nil payment. He was formally notified of this decision on 12 May 2004 and he was advised that he could have this decision reviewed by forwarding a formal appeal to the local district inspector. He has not done so to date.

### Proposed Legislation.

115. **Mr. Penrose** asked the Minister for Agriculture and Food when he intends to introduce the necessary legislation to permit the introduction of a new land purchase annuity buy-out scheme; and if he will make a statement on the matter. [15618/04]

**Minister for Agriculture and Food (Mr. Walsh):** I propose to introduce a new land Bill this year, which will include a land purchase annuity buy out scheme.

### Grant Payments.

116. **Ms Cooper-Flynn** asked the Minister for Agriculture and Food if there is payment available to a person (details supplied) who planted their land between 1984 and 1988 under the western package and who is not in receipt of any payment for their crop or land. [15619/04]

**Minister for Agriculture and Food (Mr. Walsh):** I understand that the person in question received a number of afforestation grants under the western package scheme between 1984 and 1988. There is no provision for payment of forestry premiums under this scheme.

### Departmental Agencies.

117. **Mr. Naughten** asked the Minister for Agriculture and Food the last date on which he visited each Teagasc research centre; the reason for this visit; his plans to visit any such centres in the future; and if he will make a statement on the matter. [15620/04]

118. **Mr. Naughten** asked the Minister for Agriculture and Food the last date on which he visited each Teagasc agricultural college; the reason for the visit; his plans to visit any colleges in the future; and if he will make a statement on the matter. [15621/04]

**Minister for Agriculture and Food (Mr. Walsh):** I propose to take Questions Nos. 117 and 118 together.

The running of the research centres and agricultural colleges is an operational matter for Teagasc and I have no direct role in that regard. I regularly attend Teagasc events at the invitation of Teagasc. At its invitation I recently visited the Ballyhaise agricultural college to perform the official opening of the new training facility at the college and to present certificates to students. I also made an informal visit recently to Clonakilty Agricultural College which I tend to do from time to time.

I have been invited to open the 16th international joint course on agricultural education on 30 June 2004 at Kildalton Agricultural and Horticultural College and I have also been invited to present certificates to students at Clonakilty Agricultural College on 31 May 2004.

Late last year I visited Moorepark research centre at the invitation of Teagasc on the occasion of its food research open day.

### Grant Payments.

119. **Mr. S. Ryan** asked the Minister for Agriculture and Food, further to Parliamentary Question No. 151 of 18 May 2004, if he will provide the information as requested. [15678/04]

**Minister for Agriculture and Food (Mr. Walsh):** Six applicants in the potato sector were awarded grant aid under the 2001-02 tranche of the capital investment scheme for the marketing and processing of certain agricultural products. Details of amounts awarded and drawn down are set out in the accompanying table.

Name of Beneficiary	Amount awarded €	Amount drawn down €
Donegal Potatoes Ltd., Donegal	390,976	Nil
Meade Potato Co. Ltd., Co. Meath	287,825	137,055
Peter & Eddie Doyle, Co. Kilkenny	133,134	126,067
Patrick Howard, Co. Meath	650,745	199,871
Meadowfresh Foods, Co. Waterford	160,975	143,728

Name of Beneficiary	Amount awarded €	Amount drawn down €
Edward English, Co. Cork	172,470	101,744
Total	1,796,125	708,465

### Tax Code.

120. **Ms Harkin** asked the Minister for Finance if a person (details supplied) is liable for interest and penalties; and the rate at which this liability will be calculated. [14816/04]

**Minister for Finance (Mr. McCreevy):** Details of the interest rates and the range of penalties relating to the current Revenue Commissioners offshore project are set out in the Revenue booklet, Making a Qualifying Disclosure of an Offshore Related Tax Default to Revenue, which is available on the Revenue website or from any tax office. The rate of interest will depend on when the tax liability first arose. This rate has varied over the years. For practical reasons Revenue are allowing taxpayers to treat income arising in earlier years as referring to 1987-88, which means that interest owing to Revenue in relation to those earlier years can be calculated from the due date for 1987-88.

It is difficult to be precise about the level of penalties to be levied in any particular case without seeing the full circumstances. In general for anybody who gave notice of an intention to make a qualifying disclosure by the deadline date of 29 March 2004 and does so within 60 days, the normal fine or penalty will be reduced from 100% to 10% provided there is full co-operation. However, to the extent that a tax default arose for a period before April 1991, Revenue has no discretion to mitigate the penalty. This is because mitigation for pre-amnesty years was prohibited in the 1993 amnesty legislation.

### Fógraíocht Ranna.

121. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Airgeadais an bhfuil comórtas i gceist i roghnú an nuachtáin náisiúnta Gaeilge ina gcuirfear fógraí Stáit ón Roinn Airgeadais. [15136/04]

122. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Airgeadais conas a chinntear fógraí Stáit óna Roinn a chur i nuachtán amháin thar nuachtán eile; an raibh an nuachtán *Lá* san áireamh sa liosta nuachtán náisiúnta Gaeilge as ar roghnaíodh *Foinse* le haghaidh fógraí. [15151/04]

123. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Airgeadais cad é luach na bhfógraí Stáit a cuireadh sa nuachtán *Foinse* in 2003. [15166/04]

**Minister for Finance (Mr. McCreevy):** Tógfaidh mé Ceisteanna Uimh. 121, 122 agus 123 le chéile.

Tar éis phróisis chomórtais is é Brindley Advertising an ghníomhaireacht fógraíochta i gcás Ranna Rialtais. Is í an Roinn a mbíonn an

fógra á chur ar nuachtán aici, i gcomhairle leis an ngníomhaireacht fógraíochta, a chinneann ar na nuachtáin ar a gcuirfear aon fhógra ar leith, agus ábhar an fhógra agus an pobal ar a bhfuil an fógra dírithe á gcur san áireamh. Sa bhliain 2003 chuir an Roinn Airgeadais fógraí a chosain €1,545 ar *Foinse* agus €855 ar *Lá*.

### National Lottery Funding.

124. **Mr. G. Mitchell** asked the Minister for Finance if he will consider making available a brochure which is easily readable and detailed concerning the national lottery and the funds spent from it for the information of taxpayers (details supplied); and if he will make a statement on the matter. [15197/04]

**Minister for Finance (Mr. McCreevy):** There is available from my Department a fact sheet relating to the national lottery beneficiary fund, which is updated from time to time as appropriate, which gives details of national lottery funded schemes, the Departments and bodies that issue grants under these schemes, and contact details for those Departments and bodies. This fact sheet is available from the national lottery section of my Department. The disbursements in respect of national lottery grants from the different Departments is shown as an appendix in the Revised Estimates Volume, which is published annually, and is also available on the Department of Finance website.

### Tax Code.

125. **Mr. P. Breen** asked the Minister for Finance when an application for a waiver for a person (details supplied) in County Clare will be processed; and if he will make a statement on the matter. [15198/04]

**Minister for Finance (Mr. McCreevy):** The standard procedure in the type of case referred to by the Deputy is for any application for waiver of the State's interest to be investigated by the Chief State Solicitor and for advice to be given to the Minister for Finance by the Attorney General whereupon the Minister then makes a decision whether or not to grant the waiver sought.

The Deputy will appreciate that it is important in these cases that every step is taken to ascertain whether or not next of kin may exist who may have a legal entitlement to the estate. In this particular case, I understand that the necessary legal procedures have now been completed and that the Attorney General has given his advice. Accordingly, a response will issue to the applicants very shortly.

### Decentralisation Programme.

126. **Mr. Cuffe** asked the Minister for Finance if his attention has been drawn to the fact that the Flynn report recommended that the locations for staff in regard to decentralisation be decided prior to the launch of the central application



form; if, in view of the fact that the CAF was launched on 12 May 2004, he will suspend the CAF process until such time as all civil servants have information to hand in order that they can make an informed decision. [15220/04]

129. **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 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. [15512/04]

**Minister for Finance (Mr. McCreevy):** I propose to take Questions Nos. 126 and 129 together.

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 the 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.

#### **Garda Stations.**

127. **Mr. Deenihan** asked the Minister for Finance when a decision will be made on the acquisition of a site for the proposed new Garda station in Castleisland, County Kerry; and if he will make a statement on the matter. [15243/04]

**Minister of State at the Department of Finance (Mr. Parlon):** The Commissioners of Public Works have short-listed a number of sites in the Castleisland area for a new Garda station on behalf of the Department of Justice, Equality and Law Reform. The Commissioners of Public Works have recently made an offer on a suitable site and negotiations for the acquisition are progressing.

128. **Cecilia Keaveney** asked the Minister for Finance the timescale envisaged for the refurbishment or upgrading of a Garda station (details supplied) in County Donegal; if he will make a statement on its position as a national priority. [15264/04]

**Minister of State at the Department of Finance (Mr. Parlon):** It has been agreed between the Garda Síochána and OPW that the completion of works to Burnfoot Garda station must precede works to Buncrana Garda station for operational reasons. The scope of the works envisaged for Buncrana Garda station indicate a build phase of approximately 12 months. Buncrana is placed

34th on the Garda Síochána building programme priority list at present.

*Question No. 129 answered with Question No. 126.*

#### **Tax Code.**

130. **Mr. Stagg** asked the Minister for Finance the reason for the delay in issuing a refund of tax due to unemployment to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [15513/04]

**Minister for Finance (Mr. McCreevy):** I am advised by the Revenue Commissioners that no repayment of income tax is due to the taxpayer on account of unemployment, as no tax was deducted during his period of employment from 24 September 2003 to 28 November 2003 inclusive. This was confirmed to the taxpayer in a letter dated 16 December 2003.

#### **Litter Pollution.**

131. **Mr. Naughten** asked the Minister for Finance the plans the Office of Public Works have of placing rubbish bins in the Phoenix Park; and if he will make a statement on the matter. [15514/04]

**Minister of State at the Department of Finance (Mr. Parlon):** The situation in relation to the provision of bins in the Phoenix Park is being monitored on a continuous basis and additional bins will be placed at specific locations if this is considered warranted. However a blanket provision of additional bins throughout the park would not be in keeping with the character of this unique heritage site.

#### **Pension Provisions.**

132. **Ms Enright** asked the Minister for Finance the reason only one financial company can provide AVCs for public servants; his views on the fee structure that public servants have to pay in addition to insurance company charges; if he is concerned that this system may mitigate against those who change jobs or take career breaks; the reason he cannot approve pension schemes on an individual basis; if the IFSRA has looked into this matter; and if he will make a statement on the matter. [15653/04]

**Minister for Finance (Mr. McCreevy):** It is not correct to say that only one company can provide additional voluntary contribution, AVC, facilities for public servants. A number of companies currently provide such facilities for staff throughout the public service. My Department does not have any role in setting the fees pertaining to AVC schemes. In the Civil Service, for example, there are a number of such schemes sponsored by unions and staff representatives.

Once an AVC scheme has been agreed between a union and a provider, membership of such schemes is a private undertaking between



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the person concerned and the AVC provider. Membership is subject to the rules of the AVC scheme, which are, in turn, governed by general rules set by the Revenue Commissioners covering the maximum pension benefits, etcetera, which an individual can derive from membership. Departments facilitate staff by making deductions from pay on behalf of the AVC provider.

I am not in a position to say whether or not the IFSRA has examined any matters relating to AVC schemes.

The Deputy will be aware that the Commission on Public Service Pensions recommended the establishment of a single AVC type scheme for the public service, SPEARS. Discussions are currently under way with staff representatives and it is intended that a joint working group will be established in the near future with a view to examining detailed issues related to the establishment of such a scheme.

### State Laboratory.

133. **Ms O. Mitchell** asked the Minister for Finance if additional resources have been allocated to the State Laboratory to improve the turnaround time of analysis where deaths are to be the subject of an inquest; when such increased resources were allocated and the extent of the increase in allocation; and if he will make a statement on the matter. [15697/04]

**Minister for Finance (Mr. McCreevy):** I have been informed by the State Laboratory that the effective number of staff in its human toxicology section has increased from ten to 13 in recent years. Two of these additional staff were sanctioned in January 2002 and were fully operational in 2003. The laboratory also allocated the equivalent of an extra post to the section by re-ordering its priorities internally.

Despite the increase in staff, there is still a backlog of cases which have been referred by coroners, due to an increase of 50% in the past two years in the number of such cases and a general increase in the complexity of the analyses required.

A range of measures are being taken at present to reduce the turnaround time of samples sent to the laboratory and processed by its toxicology section. Additional priority is to be given to the coroners' cases over other work of the section and laboratory management are also reviewing the procedures and processes in the toxicology area with a view to automating as much as possible.

I am told by the management of the laboratory that the completion of the relocation to Backweston will enable the enhancement of the quality of service provided to all its clients, including the coroner service.

### Colombia Three.

134. **Mr. F. McGrath** asked the Minister for

Foreign Affairs if he will intervene directly with President Uribe of Colombia in the case of the Colombia three; and if he will make a statement on the matter. [15250/04]

### Minister for Foreign Affairs (Mr. Cowen):

Since the judge's decision in the case was announced on 26 April, officials from our Embassy in Mexico, which is also accredited to Colombia, have been in close contact with the Colombian authorities, as well as with the Dutch ambassador in Bogota, who is representing our interests, and the Irish honorary consul in Bogota, and have reported back to me on a regular basis.

The present position is that the Attorney General of Colombia has lodged an appeal against the judgement in the case. The men's lawyers made a petition to the judge to allow them to leave the country after their release from prison while the appeal was being heard. The judge has now ruled against this petition.

Both the Taoiseach and I have sent personal messages to the Colombian President and Foreign Minister, respectively, reiterating the desirability of facilitating the men's early departure from Colombia as the best way of ensuring their safety. I have also asked the Colombian authorities to expedite the hearing of the appeal so that this case can be concluded as quickly as possible.

I assure the Deputy that, as from the start of this case, everything possible will be done to ensure the safety and wellbeing of the three men.

### Fógraíocht Ranna.

135. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Eachtracha an bhfuil comórtas i gceist i roghnú an nuachtáin náisiúnta Gaeilge ina gcuirfear fógraí Stáit ón Roinn Gnóthaí Eachtracha. [15137/04]

136. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Eachtracha conas a chinntear fógraí Stáit óna Roinn a chur i nuachtán amháin thar nuachtán eile; an raibh an nuachtán *Lá* san áireamh sa liosta nuachtán náisiúnta Gaeilge as ar roghnaíodh *Foinse* le haghaidh fógraí. [15152/04]

137. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Eachtracha cad é luach na bhfógraí Stáit a cuireadh sa nuachtán *Foinse* in 2003. [15167/04]

**Minister for Foreign Affairs (Mr. Cowen):** Ba mhaith liom Ceisteanna Uimh. 135, 136 agus 137 a ghlacadh le chéile.

Braitheann rogha an mheáin fhógraíochta a úsáideann an Roinn Gnóthaí Eachtracha ar mhórán rudaí ina bhfuil comhthéacs, cuspóir, agus oiriúnacht an mheáin san áireamh. Chuir an Roinn fógraí san dá nuachtán liostaithe ag an dTeachta i rith an dá mhí déag deireannach. Tá sé ar intinn againn leanúint ar aghaidh leis an bpolasaí seo agus, i mo thuairim, ní gá comórtas a chur ar bun fá choinne na ceiste seo.

Chuir an Roinn dhá fhógra sa nuachtán *Foinse* i rith na mbliana 2003. Íocadh na gnáth táillí atá i bhfeidhm do Ranna an Stáit. Tá gach fógra a chuireann an Roinn socraithe le Brindley Advertising Limited, ag a bhfuil an conradh faoi láthair an seirbhís seo a chur ar fáil.

### Foreign Conflicts.

138. **Mr. Rabbitte** asked the Minister for Foreign Affairs if his attention has been drawn to serious and widespread reports of ethnic cleansing in Sudan, allegedly being carried out by the Janjaweed Militia with the support of the Sudanese Government; if he has taken action in relation to these reports; and if he will make a statement on the matter. [15200/04]

**Minister for Foreign Affairs (Mr. Cowen):** Over the course of the Irish Presidency, the EU has been to the forefront of the international community in trying to address the appalling humanitarian and human rights situation in Darfur. At its meetings in April and May, the General Affairs and External Relations Council declared its serious concern at the humanitarian and human rights violations in Darfur and called on the Government of Sudan to provide unhindered and safe humanitarian access to the region. The actions of the Janjaweed in Darfur are to be utterly condemned and the Government of Sudan must take action now to adequately protect civilians against these violent militias. This is a message that the EU has consistently conveyed to the Government of Sudan.

In response to such pressure, the Government of Sudan has established a commission of inquiry to investigate human rights violations in Darfur. We expect the commission to confirm the human rights violations reported by the acting UN High Commissioner on Human Rights and we will be seeking a swift response by the Government of Sudan to its findings.

Action by the EU was instrumental in bringing together the Government of Sudan and the two Darfur rebel groups for peace talks in Chad, which resulted on 8 April in a humanitarian ceasefire. The ceasefire has contributed to a relative improvement in the general security situation which has allowed greater access to internally displaced persons for humanitarian organisations. For the past year, the EU has continually applied pressure to the government of Sudan to provide greater access to Darfur for humanitarian organisations and I welcome the announcement last week by that Government that special permits will no longer be required for agencies wishing to travel to Darfur. It is imperative that this decision by the Government of Sudan is implemented on the ground. We will also press for the immediate lifting of other restrictions which impede humanitarian access.

EU humanitarian assistance to Darfur is likely to be in excess of €10 million for 2004, with a further €4 million for Sudanese refugees in Chad. My Department is in the process of releasing €1

million in emergency funding for Darfur, of which €750,000 will be channelled through the UN office for the co-ordination of humanitarian affairs. The EU is committed to working closely with the UN to ensure the success of the upcoming donors' co-ordination meeting on Darfur to be held in Geneva in June. The occasion will be used to send a further strong political message to the Government of Sudan that its inadequate response to the situation in Darfur cannot continue.

The EU and the UN will continue to work closely together on the situation in Darfur. As Presidency, we have asked EU member states who are also members of the UN Security Council to continue to push for a greater level of engagement by the Security Council on the issue of Darfur.

The EU is also working closely with the African Union to establish an African Union ceasefire monitoring mechanism for the Darfur region. The AU is ready to meet with the parties to the conflict in order to establish a ceasefire commission and we have sent a strong message to the Government in Sudan and to the Darfur rebels that such a commission must be established as a matter of urgency. When established, the monitoring mechanism should help strengthen the ceasefire currently in place and contribute to the overall security situation for local populations.

139. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if, in view of the recent horrific Israeli army attacks on civilians in the Gaza Strip using helicopter gunships, tanks, bulldozers and other armoured vehicles and including the destruction of water and electricity networks in gross violation of international law, he will use the EU Presidency to propose the suspension of preferential trade with Israel on the basis of persistent and systematic human rights violations, by invoking Articles 2 and 79 of the EU-Israel association agreement. [15728/04]

**Minister for Foreign Affairs (Mr. Cowen):** I made clear my deep concern over Israeli actions in the Gaza Strip in the statements which I issued on 13, 14 and 19 May. These acts have attracted widespread international condemnation, including from the Secretary General of the United Nations. The Israeli actions in Gaza were also the subject of United Nations Security Resolution 1544, adopted on 19 May.

The question of action by the European Union under the terms of the association agreement with Israel has been raised in this House on a number of occasions. Ireland has no plans to bring forward proposals to suspend the association agreement between Israel and the EU. The Government has, however, on many occasions expressed its grave disquiet at the impact of actions taken by the Israeli Government on the human rights of Palestinians. The European Union has also regularly conveyed

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its concerns to the Israeli authorities at the human rights implications of its security policies. Together with our partners in the Union, we will continue to press the Israeli Government to respect fully its obligations under international humanitarian law, in particular the fourth Geneva Convention, and under Article 2 of the EU-Israel association agreement. The Union once again conveyed its views to the Israeli authorities in a very clear manner at a meeting of the EU-Israel association council on 17 and 18 November of last year.

Notwithstanding our ongoing concerns, the Government is of the view that the suspension of the trade preferences contained in the association agreement would not be the most effective means of inducing a change in Israeli practices. The Government continues to believe that the appropriate approach is through dialogue with the Israeli authorities and by encouraging negotiation between Israelis and Palestinians. Furthermore, there is no likelihood under present circumstances that a proposal to suspend the trade preferences would achieve the necessary support from EU member states.

### Human Rights Issues.

140. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if, on the occasion of the Chinese Prime Minister's visit to Dublin, he pressed the Premier to open negotiations without preconditions with the Tibetan government in exile; if he expressed concern over the recent deterioration in China's human rights record in Tibet; if he pressed the Premier to immediately release Tibetan political prisoners (details supplied); and if he stressed the need for the appointment of an EU special representative for Tibetan affairs. [15729/04]

**Minister for Foreign Affairs (Mr. Cowen):** Discussions on the human rights situation in China, and the situation in Tibet have been ongoing at every level during our EU Presidency.

The Government has consistently called on the Chinese authorities to respect fully the rights of the Tibetan people, including prisoners. We will continue to address our ongoing concerns regarding the protection of human rights in Tibet along with the general human rights situation in China, both bilaterally and within the framework of the EU-China human rights dialogue. We will also continue to encourage and support direct talks between the representatives of the Dalai Lama and the Chinese authorities.

In the course of Premier Wen Jiabao's recent first official visit to Dublin, on 11 and 12 May 2004, the Taoiseach and I raised the issue of human rights. We outlined Ireland's strong commitment to the protection and promotion of human rights and fundamental freedoms. Both sides agreed on the importance of co-operation and dialogue in working together to bring about respect for international obligations. Premier

Wen noted that the continuing EU-China human rights dialogue was particularly useful in this regard. The Premier reported on the measures his Government are taking in the field of human rights, which included earlier this year the addition of a specific provision on human rights into the constitution of China.

The issue of Tibet was raised and our concerns outlined to the Premier by the Taoiseach. Our concerns were also discussed in greater detail at senior official level. As the Deputy will be aware, the EU primarily addresses ongoing concerns about the protection of human rights in Tibet, in the framework of the EU-China human rights dialogue. It is the considered view of the Government that this is the most effective form of engagement with China on human rights issues, and the method that has led to the most constructive discussions and progress. The human rights dialogue also offers us the most effective opportunity to raise and follow-up on individual cases of concern, such as those referred to by the Deputy.

In this regard, I recall that my colleague, the Minister of State with responsibility for overseas development and human rights, Deputy Kitt, in preparation for the EU-China human rights dialogue meeting which took place in Dublin on 26 and 27 February 2004, met first with representatives of Tibet Action Ireland, the Tibetan community in the UK and the Free Tibet Campaign. They discussed the general situation in Tibet, and human rights concerns in particular.

At the meeting which followed of the EU-China human rights dialogue the issue of human rights in Tibet was raised with the Chinese Government. The EU raised its concerns at the human rights situation in Tibet, highlighting in particular the imprisonment of Buddhist monks. The EU urged the Chinese authorities to address the human rights situation in Tibet, to investigate the reports of imprisonment of Buddhist monks and to renew its contacts with the representatives of the Dalai Lama. In response, the Chinese authorities indicated a willingness, in principle, to continue to meet representatives of the Dalai Lama, though no date for a future meeting was given.

Ireland, together with our EU partners, encourages the continuation of the dialogue between the Chinese authorities and representatives of the Dalai Lama. In this regard, I welcome the statement issued on 10 March 2004 by the Dalai Lama, in which he expressed the hope that this year may see a significant breakthrough in relations with the Chinese Government, and that he has instructed his envoys to continue the process of dialogue with Beijing at an early date. Similarly, it is encouraging that the Chinese delegation at the most recent session of the EU-China human rights dialogue indicated a willingness, in principle, to continue to meet representatives of the Dalai Lama.



In the course of our intensive official contacts with the Chinese authorities over the last few months, we have emphasised the importance of dialogue between Beijing and the Dalai Lama on the Tibet issue, and noted our strong desire for progress and positive developments on this matter, given that both sides are now expressing themselves ready to talk.

Regarding the question of the appointment of an EU special representative for Tibet, I have set out the Government's position on a number of occasions over the last six months. In March 2002, the Dalai Lama wrote to the Foreign Ministers of EU member states, including myself, asking that an EU special representative for Tibet be appointed. In a joint response at that time, the EU Ministers were unanimously of the view that nominating an EU special representative would not contribute positively to the situation.

The above position was reconsidered at the end of 2003 and it was decided that the position had not changed. It remains the common view of EU partners therefore that, in present circumstances, the most effective means of influencing the Chinese Government's position on Tibet is through direct contact.

### School Curriculum.

141. **Mr. Durkan** asked the Minister for Education and Science his proposals for the promotion of the arts in schools; and if he will make a statement on the matter. [15680/04]

**Minister for Education and Science (Mr. N. Dempsey):** Music, the visual arts and drama provide for sensory, emotional, intellectual and creative enrichment and contribute to the young person's holistic development and self esteem.

Arts education, visual arts, music and drama, is one of the seven subject areas that comprise the primary curriculum, which was revised in 1999. The primary curriculum support programme, PCSP, provides professional development support to teachers to assist them in implementing the curriculum. The PSCP is engaged in a wide range of support activities, including organising seminars for teachers, visiting schools and providing tailored support for individual schools and clusters of schools. Visual arts has already been implemented in schools.

The in-career development programme for music will take place in the school year 2004-05. All primary teachers will receive training in the new programme during that year. Teachers will begin to implement the programme during the following school year. In preparation for this roll-out, the PCSP has recruited a team and a supplementary panel of trainers for music and an assistant national co-ordinator who has particular responsibility for this team. The role of this team is to plan supports for the implementation of the music curriculum. These trainers are at present using the new methodologies in their own classrooms and sharing their experiences and expertise with the colleagues on the staff. They

also work closely with the education centre network in the provision of evening and summer courses. It is planned that inservice for drama will take place in the school year 2005-06 with implementation the following year.

To assist schools in buying the materials and resources necessary for the implementation of the visual arts curriculum, my Department issued a grant to all primary schools in autumn 2000, at a rate of £5.50 per pupil or, for schools with 60 pupils or fewer, a minimum of £330. In addition, in December 2000, a further £6.1 million was issued to support primary schools in their implementation of all aspects of arts education. This capitation grant amounts to £13 per pupil, or a minimum of £780 for schools with 60 pupils or fewer.

At post-primary level there are approved syllabuses for junior certificate in music and art, craft and design. In the senior cycle there are syllabuses in music and art. Modules in the arts are also available as part of the leaving certificate applied. In the transition year programme, schools offer a variety of modules which stimulate pupils' interest in the arts in general and which, in many cases, give them the opportunity to interact with practising artists in their own classrooms and in other contexts.

The leaving certificate syllabus in music was revised for first examination in 1999. To ensure the satisfactory implementation of this syllabus, a comprehensive two-year programme of in-career development for teachers of music, was set in place. Further courses for teachers are provided on an ongoing basis. The assessment structure allows students to specialise in the component of the course best suited to their interests and ability. The broad range of performance options available to students has increased accessibility to the subject and allows for students of diverse music backgrounds to participate in the subject. Leaving certificate art is being revised by the National Council for Curriculum and Assessment.

### Fógraíocht Ranna.

142. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Oideachais agus Eolaíochta an bhfuil comórtas i gceist i roghnú an nuachtáin náisiúnta Gaeilge ina gcuirfear fógraí Stáit ón Roinn Oideachais agus Eolaíochta. [15138/04]

143. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Oideachais agus Eolaíochta conas a chinntear fógraí Stáit óna Roinn a chur i nuachtán amháin thar nuachtán eile; an raibh an nuachtán *Lá* san áireamh sa liosta nuachtán náisiúnta Gaeilge as ar roghnaíodh *Foinse* le haghaidh fógraí. [15153/04]

144. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Oideachais agus Eolaíochta cad é luach na bhfógraí Stáit a cuireadh sa nuachtán *Foinse* in 2003. [15168/04]



**Minister for Education and Science (Mr. N. Dempsey):** Tá sé i gceist agam Ceisteanna Uimh. 142, 143, 144 a fhreagairt le chéile.

An cur chuige atá i bhfeidhm i dtaca le fógraíocht go ginearálta ná go ndeintear cinneadh i ngach cás ar leith, ag cur san áireamh na cúinsí a bhaineann leis an chás áirithe sin, mar shampla, an cineál ábhair atá i gceist, an dream a bhfuil an fógra dírithe air agus an riachtanas le luach ceart airgid a fháil. Ní bhíonn comórtas ná liosta nuachtán réamh-roghnaithe ar leith i gceist sa phróiseas seo.

Ba é costas na bhfógraí de chuid na Roinne seo a cuireadh sa nuachtán *Foinse* i 2003 ná €20,443.89.

### School Accommodation.

145. **Mr. Wall** asked the Minister for Education and Science the position regarding an application for an extra classroom for a school (details supplied) in County Kildare; and if he will make a statement on the matter. [15187/04]

155. **Mr. Durkan** asked the Minister for Education and Science the reason for the delay in providing urgently required accommodation at St. Corban's National School, Naas, County Kildare in view of the fact that at least one class has no accommodation whatsoever and temporary accommodation to cater for a class of 30; and if he will make a statement on the matter. [15237/04]

217. **Mr. Durkan** asked the Minister for Education and Science if provision will be made for temporary classroom accommodation for a school (details supplied) in County Kildare, in view of the fact that the school will have no choice but to use the physical education room as a classroom facility, with the result that there will be no physical education classes for these children and having due regard to the fact that the school authorities and parents have funded three classrooms without assistance from the Department; and if he will make a statement on the matter. [15691/04]

218. **Mr. Durkan** asked the Minister for Education and Science if provision will be made for one temporary prefab and toilet block for Maynooth post-primary school, Maynooth, County Kildare to enable the school to continue with its commitment to those students currently enrolled there; and if he will make a statement on the matter. [15692/04]

**Minister for Education and Science (Mr. N. Dempsey):** I propose to take Questions Nos. 145, 155, 217 and 218 together.

The school planning section has considered all applications for temporary accommodation for 2004. A list of successful applicants has been published on my Department's website at [www.education.ie](http://www.education.ie). In the context of the available funding and the number of applications for that funding, it was not possible to approve all

applications received and only those with an absolute and demonstrated need for additional accommodation were approved. The applications from the schools referred to were not successful on this occasion. The schools will be required to maximise existing accommodation to cater for the appointment of new teachers.

### Third Level Entry Requirements.

146. **Mr. Crowe** asked the Minister for Education and Science his Department's policy with regard to allocating college places to persons who are on the methadone programme; and if a level of negative discrimination applies in the case of such candidates. [15188/04]

**Minister for Education and Science (Mr. N. Dempsey):** Overall decisions on the criteria for entry to higher education are a matter of academic decision for each individual institution. The allocation of standard entry places on the basis of application through the CAO is solely on the basis that an applicant satisfies the academic entry requirements of a higher education institution for the course to which they are seeking entry.

In the interests of supporting increased access to higher education some institutions also operate systems of entry for persons from economically or socially disadvantaged sectors of society, such as school leavers from disadvantaged schools, mature students and students with disability. Such systems are also competitive and operate on the basis that an applicant satisfy the minimum academic entry requirements to a course, in tandem with an assessment of other prior achievements and the overall motivation and capacity of an applicant to succeed in meeting the academic demands of a particular programme.

Under the Equal Status Act 2000 higher education institutions are required not to discriminate in relation to the admission any person on the basis of gender, marital status, family status, sexual orientation, religion, age, disability, race or membership of the Traveller community. I am not aware of any specific issue in relation to the allocation of third level education places to persons who are on the methadone programme.

### Special Educational Needs.

147. **Mr. Crowe** asked the Minister for Education and Science the funding that can be made available to have a special needs teacher allocated to a school (details supplied) in Kilnamanagh. [15189/04]

**Minister for Education and Science (Mr. N. Dempsey):** I can confirm that my Department received applications for special education resources, SER, from the school referred to by the Deputy. Approximately 5,000 applications received between 15 February and 31 August 2003, including those from the school in question, 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 remaining 4,000 applications have 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: making a staffing allocation to schools based on a predicted incidence of pupils with special educational needs and making individual allocations in the case of children with more acute lower-prevalence special educational needs.

It is expected that the change to a weighted system will bring with it a number of benefits. The new system will reduce the need for individualised educational psychological assessment, reduce the volume of applications to my Department for additional resources for individual pupils, and give greater flexibility to schools, which will facilitate the development and implementation of improved systems and procedures in schools to meet the needs of pupils with low achievement and pupils with special educational needs.

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 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.

148. **Mr. Kehoe** asked the Minister for Education and Science when a school (details supplied) in County Wexford will be allocated the two special needs assistants recommended by his Department but not yet granted; and if he will make a statement on the matter. [15190/04]

149. **Mr. Kehoe** asked the Minister for Education and Science if the learning support teacher's hours in a school (details supplied) in County Wexford will be increased to provide learning support for the outstanding 20 children eligible under his Department's criteria; and if he will make a statement on the matter. [15191/04]

172. **Mr. Howlin** asked the Minister for Education and Science if, in relation to Ballycanew national school, Ballycanew, Gorey, County Wexford, officials of his Department have been in touch with school authorities in relation to their application for the appointment of a full-time learning support-resource teacher for the school; the position in relation to the provision of a full-time learning support-resource teacher for the school; the reason that the appointment of two special needs assistants, as recommended by the educational psychologists in 2003 and a further recommendation for one special needs assistant for 2004, has not been granted; if sanction for a prefab to accommodate the growing numbers at the school will be granted in the near future; and if he will make a statement on the matter. [15309/04]

**Minister for Education and Science (Mr. N. Dempsey):** I propose to take Questions Nos. 148, 149 and 172 together.

The school in question has the services of a shared learning support teacher. In addition, 10.5 hours part-time resource teaching support has been sanctioned at the school.

I can confirm that my Department received applications for additional special educational resource, SER, from the school in November 2003 and February 2004. 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

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resources already allocated for special educational needs within the school.

In the case of teacher resources, the outcome for each applicant school will be based on a new weighted system of allocation which I announced recently. This system, as part of which an additional 350 teaching posts will be allocated, will involve two main elements: making a staffing allocation to schools based on a predicted incidence of pupils with special educational needs; and making individual allocations in the case of children with more acute lower-prevalence special educational needs.

It is expected that the change to a weighted system will bring with it a number of benefits. The new system will reduce the need for individualised educational psychological assessment; reduce the volume of applications to my Department for additional resources for individual pupils, and give greater flexibility to schools, which will facilitate the development and implementation of improved systems and procedures in schools to meet the needs of pupils with low achievement and pupils with special educational needs.

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.

Applications for temporary accommodation are received on an ongoing basis within my Department's school planning section. All applications on hand at 31 March 2004 have been assessed for the purchase of temporary accommodation in 2004 and details of successful applications are published in section 10 of the revised 2004 school building programme which is available on my Department's website at [www.education.ie](http://www.education.ie)

All applications with an absolute and demonstrated need for additional accommodation were approved. 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. The application from the school, to which the Deputy refers, for additional accommodation will be considered in this context.

#### **Schools Building Projects.**

150. **Mr. Kehoe** asked the Minister for

Education and Science the reason a school (details supplied) in County Wexford was refused an application for a prefab building; the position regarding accommodating the children enrolled for September 2004; and if he will make a statement on the matter. [15192/04]

**Minister for Education and Science (Mr. N. Dempsey):** As previously stated to the Deputy, in the context of the available funding and the number of applications for that funding, only those schools with an absolute and demonstrated need for additional accommodation were approved. The application from the school to which the Deputy refers was not successful because it has available to it accommodation in its general purpose room, which could facilitate on this occasion.

#### **School Staffing.**

151. **Mr. F. McGrath** asked the Minister for Education and Science if all primary schools in Ballymun, Dublin 9, will not lose their resource teachers under any new proposals; and if he will work closely with the schools and give them the maximum support. [15193/04]

**Minister for Education and Science (Mr. N. Dempsey):** My officials have been involved in ongoing discussions on a weighted system of resource allocation with representative interests. At this stage it would be premature to anticipate the outcome for the schools in question. I can confirm, however, that the basic purpose of that review is to ensure that each school has the level of resources required to cater for its pupils with special educational needs.

#### **School Accommodation.**

152. **Mr. Crowe** asked the Minister for Education and Science if his attention has been drawn to the overcrowding in schools in Newtownforbes, Longford; and if he will recommend that a site be allocated towards the erection of a proper gaelscoil and that ground be allocated for the expansion of the existing secondary school in the area. [15194/04]

**Minister for Education and Science (Mr. N. Dempsey):** Gaelscoil an Longfoirt, County Longford, is currently operating from rented temporary accommodation. My Department provides 95% of the rental cost in grant aid. My Department is currently assisting the school in the acquisition of alternative temporary accommodation to facilitate increased enrolments. The long-term needs of the school will be considered in the context of a multi-annual building programme from 2005 onwards details of which will be announced later this year.

Enrolment policy is the responsibility of the boards of management of individual post-primary schools. My Department's main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking places in that



area. This may result in some pupils not obtaining a place in the school of their first choice.

There are three post primary schools serving the Longford town catchment area and my Department is satisfied that there are sufficient places available in these schools to cater for all pupils in the area.

### **Schools Building Projects.**

153. **Mr. Perry** asked the Minister for Education and Science when the plans for the Ursuline College, Sligo, will be sanctioned; the reason for the delays in view of the fact that the present facilities are inadequate and in need of urgent upgrading for a school with a growing population; and if he will make a statement on the matter. [15231/04]

**Minister for Education and Science (Mr. N. Dempsey):** The large-scale building project for the Ursuline College, Sligo, 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 2 rating by my Department in accordance with the published criteria for prioritising large-scale projects.

Indicative timescales have been included for large-scale projects proceeding to tender in 2004. The budget announcement regarding multi-annual capital envelopes will enable me to adopt a multi-annual framework for the school. Building programme, which in turn will give greater clarity regarding projects that are not progressing to tender in this year's programme including the Ursuline College. I will make a further announcement in that regard during the year.

### **Special Educational Needs.**

154. **Mr. Howlin** asked the Minister for Education and Science if his attention has been drawn to the fact that a person (details supplied) in County Wexford does not have access to learning support or remedial teaching although the report of an educational psychologist clearly indicates that consistent learning support will be required for the remainder of this person's primary education; the reason learning support is not available to this person; if learning support can now be provided for them; and if he will make a statement on the matter. [15236/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department's records show that the school referred to by the Deputy currently has the services of a shared learning support teacher.

In 2000, as part of my Department's reading initiative, learning support guidelines were provided to all schools and were aimed at ensuring that all children achieve appropriate levels of literacy and numeracy during the course of their primary education. The learning support

guidelines recommend high levels of co-operation between class teachers, learning support teachers and parents in supporting children who are experiencing learning difficulties.

In selecting pupils for remedial education, priority should be given to those pupils who achieve scores at or below the tenth percentile. In order to allow for measurement error, consideration may be given to selecting pupils who achieve scores up to and including the 12th percentile. Once schools are satisfied that the needs of pupils who have very low achievement or serious learning difficulties have been met, a limited degree of flexibility may be exercised in the deployment of the learning support teacher.

The principal teacher has overall responsibility for the school's learning support programme and for the operation of services for children with special educational needs. The Deputy may be interested to know that my Department is at present reviewing existing arrangements for the allocation of special educational supports to primary schools. In that context, my officials have been involved in on-going discussions on a weighted system of resource allocation with representative interests. At this stage it would be premature to anticipate the outcome for the school in question. I can confirm, however, that the basic purpose of that review is to ensure that each school has the level of resources required to cater for its pupils with special educational needs.

*Question No. 155 answered with Question No. 145.*

### **Schools Building Projects.**

156. **Mr. Durkan** asked the Minister for Education and Science further to his reply to a recent parliamentary question in respect of Tiernohan national school, County Kildare, if he will enter into discussions with the community and school authorities with a view to adopting a public private partnership with the objective of providing permanent classroom facilities, including a GP hall, in view of the fact that the local community have already raised a considerable sum toward site acquisition, and keeping in mind the rapidly increasing school population and that more than 50% of the present accommodation is by way of pre-fabs; and if he will make a statement on the matter. [15238/04]

**Minister for Education and Science (Mr. N. Dempsey):** An application for grant-aid towards improvement works has been received from the management authority of Tiernohan national school, Donadea, Naas. The application is being assessed in the school planning section of my Department. When a decision has been taken in the matter, contact will be made directly with the school authority.

Consideration of any new PPP projects will be based on an evaluation of the completed pilot PPP schools project together with a thorough



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assessment of affordability of any new projects in the context of the competing demands on the capital funding envelopes going forward. EUROSTAT recently announced changes to the accounting treatment of PPPs and these changes will also be taken into account in the consideration of any new projects.

### Special Educational Needs.

157. **Mr. Durkan** asked the Minister for Education and Science if a special needs assistant will continue to be made available to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [15239/04]

**Minister for Education and Science (Mr. N. Dempsey):** The pupil in question currently has the services of a special needs assistant. Special needs assistants may be approved to support a pupil who has a significant medical need for such assistance, a significant impairment of physical or sensory function or where their behaviour is such that they are a danger to themselves or other pupils. The criteria used for the assessment of the need for special needs assistant support is outlined in the Department's circular 07/02. Resources will be retained in schools where there is a continuing care need in accordance with the Department's circulars.

My Department continues to review the existing arrangements for the allocation of special educational supports to primary schools. The basic purpose of the review is to ensure that each school has the level of resources required to cater for its pupils with special educational needs.

I am anxious to ensure that the support services are properly targeted at the children who require them and that the substantially increased resources which are being made available in the special educational area have the desired effect of ensuring that all children assessed as having special needs receive the support they require.

### Departmental Schemes.

158. **Mr. Deenihan** asked the Minister for Education and Science if a grant will be provided to move the perimeter wall in front of Fybough national school to provide a car parking space for the teachers and for parents to pick up their children; and if he will make a statement on the matter. [15240/04]

**Minister for Education and Science (Mr. N. Dempsey):** The scope of the works referred to by the Deputy is appropriate for consideration under the summer works scheme, which was launched in December last. The closing date for applications under the 2004 scheme was 30 January, 2004. I note that the school did not make an application under this scheme.

It is planned to invite applications for the 2005 scheme later this year and full details will be posted on my Department's website at [www.education.gov.ie](http://www.education.gov.ie) as soon as possible.

In the meantime, the board of management should use their devolved grant for minor works to attend to any urgent works as required at the school.

### Schools Building Projects.

159. **Mr. Connaughton** asked the Minister for Education and Science the position regarding a new school at Cahergal, Tuam, County Galway; if a new site has been purchased for the school; when building will commence for the school; and if he will make a statement on the matter. [15252/04]

**Minister for Education and Science (Mr. N. Dempsey):** I am pleased to inform the Deputy that funding for a building project at Cahergal, Tuam, County Galway, is being provided as part of the 2004 school building programme.

This funding is being provided under a pilot initiative, which provides funding for boards of management to enable them address their accommodation needs without recourse to my Department. Boards of management control the rate of progression of their individual building projects.

In addition to the above, the property management section of the OPW, which acts on behalf of my Department in relation to site acquisitions generally, is currently exploring the possibility of acquiring a site to facilitate the new development at Cahergal national school.

Due to the commercial sensitivities of site acquisitions, it is not proposed at this stage to identify specific sites to be acquired. However, this information will be placed on my Department's website when the relevant acquisitions have been completed.

### Special Educational Needs.

160. **Ms Enright** asked the Minister for Education and Science the status of an application for a special needs assistant for a person (details supplied) in County Offaly who will be attending school in September 2004; and if he will make a statement on the matter. [15259/04]

**Minister for Education and Science (Mr. N. Dempsey):** I can confirm that my Department received an application for a special needs assistant for the pupil referred to by the Deputy on 29 April 2004.

The application will be considered by the National Educational Psychological Service, NEPS, and a decision will be conveyed to the school authorities as quickly as possible thereafter.

161. **Mr. Ring** asked the Minister for Education and Science when a person (details supplied) in County Mayo will be given a personal computer for education purposes. [15260/04]

**Minister for Education and Science (Mr. N. Dempsey):** I wish to draw the Deputy's attention to my earlier reply to Parliamentary Question No. 161 of 4 May 2004.

I understand that there is adequate computer funding available to the school to cater for the educational needs of the pupil in question. It is a matter for the board of management to determine if the pupil is permitted to use the computer equipment outside of the school.

162. **Ms Enright** asked the Minister for Education and Science when he will announce full details of the allocation of special needs posts for the school year 2004 to 2005; and if he will make a statement on the matter. [15265/04]

**Minister for Education and Science (Mr. N. Dempsey):** Transitional arrangements for the introduction of a weighted system of allocation of special needs teaching resources are being developed at present in consultation with representative interests. Details of the allocation of these posts will be announced as soon as these arrangements have been finalised.

#### **Schools Building Projects.**

163. **Ms Enright** asked the Minister for Education and Science when a site will be purchased for Gaelscoil Cholmcille, Larkhill Road, Santry, Dublin 9; his views on the site suggested on the Oscar Traynor Road; and if he will make a statement on the matter. [15266/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department is considering options for the long-term accommodation needs of Gaelscoil Cholmcille including the possible purchase of a site.

However, due to the commercial sensitivities surrounding site acquisitions the Deputy will appreciate that I am unable to comment on specific site purchase issues.

#### **School Transport.**

164. **Mr. Cregan** asked the Minister for Education and Science if he will approve the provision of a minibus in an area (details supplied) in County Laois to facilitate children who have had no school transport in the past; and if he will make a statement on the matter. [15275/04]

**Minister for Education and Science (Mr. N. Dempsey):** Under existing guidelines, post-primary pupils who reside no more than two miles from the route of service to their appropriate school are considered to have an adequate level of service.

All the pupils referred to by the Deputy are currently availing of school transport and reside on the route of service or between 0.8 miles and 1.6 miles from the route of service to their school.

The pupils concerned are considered to have an adequate level of service. In the circumstances a new service is not warranted in this case.

#### **Special Educational Needs.**

165. **Mr. S. Power** asked the Minister for Education and Science the number of special needs assistants that will be sanctioned for St. Conleth and Mary's primary school in Newbridge which already has the service of 4.5 special needs assistants of which 1.5 are due to leave in June 2004 and in September 2004, where 5 special needs assistants will be required. [15289/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department has received an application for the transfer of special needs assistant support to the school referred to by the Deputy and to increase the level of support to full time in respect of two pupils who are due to transfer to the school. This application is currently being considered and my officials will make contact with the school shortly in this regard.

#### **Schools Building Projects.**

166. **Mr. S. Power** asked the Minister for Education and Science the progress which has been made on the extension/amalgamation of Scoil Eoin, Scoil Mhuire, Athy, County Kildare; and if he will make a statement on the matter. [15290/04]

**Minister for Education and Science (Mr. N. Dempsey):** The large-scale building project for the schools referred to by the Deputy is listed in section 8 of the 2004 school building programme published on my Department's website at [www.education.ie](http://www.education.ie) This project is at stage 2, detailed sketch scheme, of architectural planning. It had been assigned a band 1 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 schools building programme which, in turn, will give greater clarity regarding projects that are not progressing to tender in this year's programme including, Scoil Eoin-Scoil Mhuire. I will make a further announcement in that regard during the year.

#### **School Staffing.**

167. **Mr. S. Power** asked the Minister for Education and Science when St. Patrick's national school, Morristown, Newbridge will be informed of the decision on their application for resource and special needs assistants; and if he will make a statement on the matter. [15291/04]

**Minister for Education and Science (Mr. N. Dempsey):** I can confirm that my Department has

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received applications for special educational resources, SER, for the school referred to by the Deputy.

The school currently has the services of one full time and one part time resource teaching posts, one shared learning support teaching post and two full time special needs assistants. Applications for SER received between 15 February and 31 August 2003 are currently being considered. 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 on or before 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 during 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 recently announced. This system, as part of which an additional 350 teaching posts will be allocated, will involve two main elements: making a staffing allocation to schools based on a predicted incidence of pupils with special educational needs; and making individual allocations in the case of children with more acute lower-prevalence special educational needs. It is expected that the change to a weighted system will bring with it a number of benefits.

The new system will reduce the need for individualised educational psychological assessment; reduce the volume of applications to my Department for additional resources for individual pupils; and, give greater flexibility to schools which will facilitate the development and implementation of improved systems and procedures in schools to meet the needs of pupils with low achievement and pupils with special educational needs. Transitional arrangements for the introduction of the weighted system are currently being developed 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.

### **Schools Refurbishment.**

168. **Mr. Ó Fearghail** asked the Minister for Education and Science if his Department has received an application for urgently required mechanical and electrical works at Scoil Bhríde Naofa, Kildare town; when such works might be approved; and if he will make a statement on the matter. [15292/04]

**Minister for Education and Science (Mr. N. Dempsey):** The scope of works required at the school referred to by the Deputy is appropriate for consideration under the summer works scheme. While the school's application under that scheme for 2004 was unsuccessful, it is open to the school's management authority to reapply for the key priority works required at the school as part of the 2005 summer works scheme details of which will be announced later this year.

### **School Accommodation.**

169. **Mr. Ó Fearghail** asked the Minister for Education and Science if he will acknowledge that an accommodation crisis exists at primary school level at Newbridge, County Kildare; if his attention has been drawn to the designation of Newbridge as a primary growth centre within the strategic planning guidelines for the greater dublin area and if a strategy exists within his Department to meet the inevitable high level of demand, not least in local Catholic Schools. [15293/04]

**Minister for Education and Science (Mr. N. Dempsey):** School planning section is responsible for planning the provision of suitable cost effective accommodation to underpin the delivery of first and second level education. Key functions of the section are ensuring that there are sufficient pupil places available at first and second level schools and that the use of existing accommodation is optimised.

Assessing the need for new or additional educational facilities involves a detailed appraisal of enrolment patterns in all existing schools in an area; an analysis of demographic trends in an area; a review of housing developments and, crucially, a determination regarding the capacity of existing schools to meet demands for new places that may be identified.

The Minister for Education and Science is included among the prescribed authorities to whom local authorities are statutorily obliged to send draft development plans or proposed variations to development plans. These plans are monitored and where necessary meetings with



local authorities are arranged to establish the location, scale and pace of major housing developments and their possible implications for school provision. Where appropriate, the local authority may be requested to reserve a site for educational purposes. In this way, every effort is made to ensure that there is adequate existing provision or, that timely arrangements are made to extend capacity where necessary. Liaison with existing schools is an important part of the process also as the school authorities would usually alert my Department where, in their view, the need for additional accommodation is anticipated.

Officials from the school planning section of my Department recently met with officials from Kildare County Council with regard to monitoring demographic changes and assessing the likely impact of planned new developments in County Kildare. While my officials have no evidence to support a claim of an accommodation crisis in Newbridge, my officials will keep in close contact with the council to monitor ongoing developments in the area.

### **Special Educational Needs.**

170. **Mr. Ó Fearghail** asked the Minister for Education and Science if, in view of the recommendation of the Task Force on Autism, his Department will sanction the establishment of an inclusion class at Scoil Mhicil Naofa, Athy, County Kildare (details supplied). [15294/04]

**Minister for Education and Science (Mr. N. Dempsey):** I can confirm that my Department has received an application to establish an inclusion class at the school referred to by the Deputy. The application is currently being considered and a response will issue to the school authorities as soon as a decision has been made.

### **School Staffing.**

171. **Mr. Penrose** asked the Minister for Education and Science if he will consider an application by a school (details supplied) for one to one resource teaching hours for a pupil (details supplied); and if he will make a statement on the matter. [15306/04]

**Minister for Education and Science (Mr. N. Dempsey):** I can confirm that my Department has received on 27 April 2004, an application for special educational resources, SER, for the pupil referred to by the Deputy.

SER applications received between 15 February and 31 August 2003, are currently being considered. 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 on 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 during 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 issued in September 2003. This circular contains practical advice on how to achieve the most effective deployment of resources already allocated for special educational needs within the school.

In the case of teacher resources, the outcome for each applicant school will be based on a new weighted system of allocation which I announced recently. This system, as part of which an additional 350 teaching posts will be allocated, will involve two main elements: making a staffing allocation to schools based on a predicted incidence of pupils with special educational needs; and making individual allocations in the case of children with more acute lower-prevalence special educational needs.

It is expected that the change to a weighted system will bring with it a number of benefits. The new system will reduce the need for individualised educational psychological assessment; reduce the volume of applications to my Department for additional resources for individual pupils; and give greater flexibility to schools, which will facilitate the development and implementation of improved systems and procedures in schools to meet the needs of pupils with low achievement and pupils with special educational needs.

Transitional arrangements for the introduction of the weighted system are currently being developed 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.

*Questions No. 172 answered with Question No. 148.*

### **School Absenteeism.**

173. **Mr. Carey** asked the Minister for Education and Science if a scheme exists within his Department to recognise full attendance of students at primary or post-primary schools; if not, if he will put a system in place to recognise such exceptional attendance records; and if he will make a statement on the matter. [15310/04]



**Minister for Education and Science (Mr. N. Dempsey):** The National Educational Welfare Board, established under the Education (Welfare) Act 2000 has been given a lead role in developing co-ordinated supports and strategies to promote and encourage regular attendance at school and to ensure that young people remain actively involved in education up to early adulthood.

Under the Education (Welfare) Act, the board of management of a recognised school shall prepare and submit to the National Educational Welfare Board a statement of the strategies and measures it proposes to adopt for the purposes of fostering an appreciation of learning among students attending that school and encouraging regular attendance at school. The statement of strategy shall, among other things, provide for the rewarding of students who have good school attendance records.

I will, of course, consider any proposals the National Educational Welfare Board brings before me to promote school attendance.

#### **School Closures.**

174. **Mr. Gogarty** asked the Minister for Education and Science the plans he has to keep Greendale community school in Kilbarrack, Dublin 5, open in view of the fact that there has been speculation that the school (details supplied) is to close due to falling numbers; if his attention has been drawn to the excellent standard of teaching at the school, with many students going on to third level for the first time in their family's history and the value to the wider community in its service in adult education. [15312/04]

**Minister for Education and Science (Mr. N. Dempsey):** The trustees of Greendale community school have notified my Department that a decision has been taken that the school should close. The timing of the actual closure has yet to be determined.

Given the pattern of falling enrolments at the school, together with surplus capacity in the general area, my Department concurs with the trustees' recommendation. The Department's main role in a school closure is to ensure that the best interests of the pupils are looked after in the period up to the closure and that alternative provision is available to accommodate the pupils who would have ordinarily attended Greendale community school.

#### **Special Educational Needs.**

175. **Mr. Carey** asked the Minister for Education and Science if he will establish from the appropriate authority the reason that adequate services have not been put in place to assist a person (details supplied) in Dublin 11 with fragile X syndrome; and if he will make a statement on the matter. [15313/04]

**Minister for Education and Science (Mr. N. Dempsey):** I wish to advise the Deputy that responsibility for the provision of the services referred to by the Deputy rests with the relevant health board. It would be inappropriate for me to comment on how the authority manages its resources. The Deputy may wish to take up the matter with the health board in question or with my colleague the Minister for Health and Children.

#### **Schools Building Projects.**

176. **Mr. Ring** asked the Minister for Education and Science the stage that the proposed extension to a school (details supplied) in County Mayo is now at. [15319/04]

177. **Mr. Ring** asked the Minister for Education and Science when funding was first applied for a school (details supplied) in County Mayo. [15320/04]

178. **Mr. Ring** asked the Minister for Education and Science when funding will be approved for a school (details supplied) in County Mayo; and the reason for the delay in the sanctioning of funding. [15321/04]

**Minister for Education and Science (Mr. N. Dempsey):** I propose to take Questions Nos. 176 to 178, inclusive, together.

The school referred to by the Deputy applied to my Department for improved accommodation in September 2000. The project is currently at stage 1/2/3 of architectural planning, detailed plans/costs. The future progress of this project will happen in the context of the multi-annual approach that I am adopting, further details of which will be available later this year.

#### **Special Educational Needs.**

179. **Mr. Perry** asked the Minister for Education and Science the moneys paid for the settlement of claims against the State brought by parents of special needs children; the estimated costs of future claims and the likelihood of additional claims; and if he will make a statement on the matter. [15334/04]

**Minister for Education and Science (Mr. N. Dempsey):** During the past three years my Department has paid €2,656,527.17 for the settlement of claims brought by parents of children with special needs. Some €38,318.52 has been paid to date this year.

With regard to the future, I accept that some claims will continue to be made against the state in the short to medium term. However I am confident that the number of such claims will reduce as a result of the significant increase in resourcing for special needs education in recent years. The ongoing improvement of these services will further reduce the likelihood of additional claims in the future.

180. **Cecilia Keaveney** asked the Minister for Education and Science the position in relation to an application for a special needs assistant for a person (details supplied); and if he will make a statement on the matter. [15470/04]

**Minister for Education and Science (Mr. N. Dempsey):** I can confirm that my Department received in January 2004, an application for a special needs assistant for the pupil referred to by the Deputy. The application will be considered by the National Educational Psychological Service, NEPS, and a response will issue to the school authorities as quickly as possible thereafter.

My Department has no record of receiving an application from the school with regard to improvements works necessary to facilitate this child's entry to the school. However, it is open to the school authority to submit details of the minimal works required to the school building unit of my Department for consideration

181. **Mr. R. Bruton** asked the Minister for Education and Science the support services and resources being provided for the autism unit in Greendale school; and if he has plans to improve the range of services available to better meet the needs of the children involved. [15471/04]

**Minister for Education and Science (Mr. N. Dempsey):** I am most anxious that all children, including children with autistic spectrum disorders, receive education appropriate to their needs. The facility in question is operating on a pilot-project basis and involves a comprehensive application of behaviour analysis to schooling approach. I wish to confirm that my Department is prepared to continue to provide funding for this facility for the next school year 2004-05.

My Department will, in due course, consider the reports of the inspectorate on autism-specific provisions and any issues arising therefrom will be raised directly with the management authority of this facility. Its future, beyond 2004-05, will be considered in the context of this process. I understand that the facility referred to by the Deputy caters for 24 pupils and that the budget allocated for the current school year is €928,705.

#### **School Staffing.**

182. **Mr. Noonan** asked the Minister for Education and Science if a resource teacher will be sanctioned to a person (details supplied) in County Limerick; and if he will make a statement on the matter. [15472/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department received an application for resource teaching support for the pupil referred to by the Deputy on 1 March 2004.

Applications for special educational resources, SER, received between 15 February and 31 August 2003 are currently being considered. 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 during 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 issued in September 2003. This circular contains practical advice on how to achieve the most effective deployment of resources already allocated for special educational needs within the school.

In the case of teacher resources, the outcome for each applicant school will be based on a new weighted system of allocation which I announced recently. This system, as part of which an additional 350 teaching posts will be allocated, will involve two main elements: making a staffing allocation to schools based on a predicted incidence of pupils with special educational needs; and making individual allocations in the case of children with more acute lower-prevalence special educational needs.

It is expected that the change to a weighted system will bring with it a number of benefits. The new system will reduce the need for individualised educational psychological assessment; reduce the volume of applications to my Department for additional resources for individual pupils; and, give greater flexibility to schools, which will facilitate the development and implementation of improved systems and procedures in schools to meet the needs of pupils with low achievement and pupils with special educational needs.

Transitional arrangements for the introduction of the weighted system are currently being developed in consultation with representative interests. As soon as those consultations have been completed, the detailed arrangements for processing applications for resources, including 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.

#### **Special Educational Needs.**

183. **Mr. Crowe** asked the Minister for Education and Science if his attention has been drawn to the problems facing primary schools throughout Ireland in September 2004 due to the

[Mr. Crowe.]

fact that his Department has not informed school management if they will be getting resource teachers for children who have been assessed as being in need of resource teaching as long as 15 months ago. [15474/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department received more than 8,400 applications for special education resources since 15 February 2003. Approximately 5,000 applications received between 15 February and 31 August 2003 are currently being considered.

Priority was given to almost 1,000 cases involving children starting school last September and all those cases were responded to on or before the commencement of the current school year. The remaining 4,000 applications have 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 during 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 issued in September, 2003. This circular contains practical advice on how to achieve the most effective deployment of resources already allocated for special educational needs within the school.

In the case of teacher resources, the outcome for each applicant school will be based on a new weighted system of allocation which I announced recently. This system, as part of which an additional 350 teaching posts will be allocated, will involve two main elements: making a staffing allocation to schools based on a predicted incidence of pupils with special educational needs; and making individual allocations in the case of children with more acute lower-prevalence special educational needs.

It is expected that the change to a weighted system will bring with it a number of benefits. The new system will: reduce the need for individualised educational psychological assessment; reduce the volume of applications to my Department for additional resources for individual pupils; and give greater flexibility to schools, which will facilitate the development and implementation of improved systems and procedures in schools to meet the needs of pupils with low achievement and pupils with special educational needs.

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 resource teaching support will be set out in a circular to be issued to schools before the end of the current school year.

### School Transport.

184. **Mr. Deenihan** asked the Minister for Education and Science if school transport will be provided for persons (details supplied); and if he will make a statement on the matter. [15475/04]

**Minister for Education and Science (Mr. N. Dempsey):** A report on this case has been requested from Bus Éireann. The Deputy will be advised of the position as soon as the report has been received and assessed.

### Schools Building Projects.

185. **Mr. Kenny** asked the Minister for Education and Science the position regarding the improvement and extension to St. Eunan's College, Letterkenny; when works will commence; and if he will make a statement on the matter. [15506/04]

**Minister for Education and Science (Mr. N. Dempsey):** A large-scale building project for St. Eunan's College, Letterkenny, County Donegal, is listed in section 9 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 early stages of architectural planning and has been assigned a band 3 rating by my Department in accordance with the published criteria for prioritising large-scale projects.

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 St. Eunan's College. I will make a further announcement in that regard during the year.

### School Management.

186. **Ms Shortall** asked the Minister for Education and Science the status of the board of management of the Finglas Child and Adolescent Centre; and if it is his intention to appoint a new board in the context of the recently completed review of this centre. [15507/04]

**Minister for Education and Science (Mr. N. Dempsey):** As is the case in all the children detention schools, Finglas Child and Adolescent Centre is managed by an administrative board of management pending the commencement of the relevant provisions of the Children Act 2001 which provides for statutory boards of management for the children detention schools.

The boards of management at the Finglas Centre and the schools in Lusk date from 1997 while the board of St. Joseph's school in Clonmel was appointed in 2002 and its composition mirrors the provisions of the Children Act 2001.



It is intended to appoint boards of management mirroring the provisions of the Children Act 2001 for the Finglas and Lusk schools.

The position regarding to the recently completed review of the Finglas Child and Adolescent Centre is that my Department has sought the views of the various stakeholders on the conclusions and recommendations of the review. A consultation period of three weeks has been provided for and during that time my Department will also consult with the Special Residential Services Board and the directors of the four other children detention schools.

### **School Staffing.**

187. **Mr. Stagg** asked the Minister for Education and Science the reason a special needs assistant has not been sanctioned to date for a person (details supplied) in County Kildare in view of the fact that this person is beginning their education in a mainstream setting and NEPS have recommended same; and if he will make a statement on the matter. [15508/04]

**Minister for Education and Science (Mr. N. Dempsey):** The school referred to by the Deputy currently has the services of two full time resource teachers, one full time learning support teacher and two special needs assistants. An application for additional special educational resources, SER, was received in respect of the pupil in question on 12 January 2004.

SER applications received between 15 February and 31 August 2003 are currently being considered. 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 on 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 during 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 issued in September 2003. This circular contains practical advice on how to achieve the most effective deployment of resources already allocated for special educational needs within the school.

In the case of teacher resources, the outcome for each applicant school will be based on a new weighted system of allocation which I announced recently. This system, as part of which an

additional 350 teaching posts will be allocated, will involve two main elements: making a staffing allocation to schools based on a predicted incidence of pupils with special educational needs; and making individual allocations in the case of children with more acute lower-prevalence special educational needs.

It is expected that the change to a weighted system will bring with it a number of benefits. The new system will: reduce the need for individualised educational psychological assessment; reduce the volume of applications to my Department for additional resources for individual pupils; and give greater flexibility to schools, which will facilitate the development and implementation of improved systems and procedures in schools to meet the needs of pupils with low achievement and pupils with special educational needs.

Transitional arrangements for the introduction of the weighted system are currently being developed 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.

### **Educational Projects.**

188. **Ms O'Sullivan** asked the Minister for Education and Science the criteria of the fund for the development of targeted educational responses to certain children at risk; the way educational projects and schools should apply for support from this fund; and if he will make a statement on the matter. [15509/04]

**Minister for Education and Science (Mr. N. Dempsey):** The objective of the fund for the development of targeted educational responses to certain children at risk is to develop preventative and supportive programmes which are targeted at children and young people who are at risk of educational disadvantage and social exclusion. A key focus of the initiative is the empowerment of local communities to develop innovative and flexible programmes that address identified needs of intended participants.

Application forms are available on request from the social inclusion unit of the Department of Education and Science in Athlone. Operation of the fund is currently being reviewed.

### **Schools Refurbishment.**

189. **Ms O'Sullivan** asked the Minister for Education and Science if he will sanction funding in 2004 to replace the windows of Presentation secondary school, Thurles, County Tipperary, in view of their very bad condition; and if he will make a statement on the matter. [15510/04]



**Minister for Education and Science (Mr. N. Dempsey):** Presentation secondary school made an application for replacement windows under the summer works scheme 2004. As part of the assessment of all applications received each application was categorised and assessed by reference to published criteria. In the context of available funding and the number of applications for that funding it was only possible to consider the priority one project as determined by each individual school. Window replacement fell under category E.

The available funding was distributed on a top down basis in accordance with the categorisation hierarchy. The purpose of this approach is to ensure precise targeting of funding. It was only possible to fund projects in categories in A, B and C this year.

As the application from Presentation secondary school was unsuccessful in the 2004 summer works scheme it will be open to the school's management authority to re-apply when the 2005 summer works scheme is announced later this year.

#### Schools Building Projects.

190. **Ms O'Sullivan** asked the Minister for Education and Science if he will sanction the commencement of the planning process for the building of a new school for Gaelscoil Bhríde, Teach Monatrea, Durlas, Contae Thiobroide Arann; and if he will make a statement on the matter. [15511/04]

**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 as part of the 2004 school building programme with a view to including them as part of a multi-annual school building programme from 2005. I expect to be in a position to make further announcements on this matter in the course of the year. The proposed new school for Gaelscoil Bhríde will be considered in this regard.

#### School Enrolments.

191. **Mr. McGuinness** asked the Minister for Education and Science if places have been granted to persons (details supplied) in County Kilkenny at the language unit Kilkenny, as they both urgently require speech therapy; the number on the waiting list for this service; the way he intends to deal with the issue; if a transport grant is being or will be paid in this case; and if he will make a statement on the matter. [15565/04]

**Minister for Education and Science (Mr. N. Dempsey):** I understand that the persons in question are on a waiting list for enrolment in the language unit in Kilkenny. The enrolment of pupils in the language unit is a matter for the

school's board of management and is considered in the context of criteria set out by it. I understand that the board will shortly be making decisions on pupil placements in the unit for the coming school year. The matter of transport grant will be considered following the offer of places by the school management.

#### School Staffing.

192. **Mr. Hayes** asked the Minister for Education and Science if services for dyslexic children will be made available at a school (details supplied) in County Tipperary; and if he will make a statement on the matter. [15568/04]

**Minister for Education and Science (Mr. N. Dempsey):** The school in question currently has the services of a shared learning support teacher based in the school and also a full time resource teaching post.

I can confirm that my Department received two applications for additional special education resources, SER, from the school. Approximately 5,000 applications for SER received between 15 February and 31 August, 2003, including one from the school in question, are currently being considered. Priority was given to almost 1,000 cases involving children starting school last September and all those cases were responded to on 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. Those applications are being further considered in the context of the outcome of surveys of special education resource provision conducted during 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 issued in September 2003. This circular contains practical advice on how to achieve the most effective deployment of resources already allocated for special educational needs within the school.

In the case of teacher resources, the outcome for each applicant school will be based on a new weighted system of allocation which I announced recently. This system, as part of which an additional 350 teaching posts will be allocated, will involve two main elements: making a staffing allocation to schools based on a predicted incidence of pupils with special educational needs; and making individual allocations in the case of children with more acute lower-prevalence special educational needs.

It is expected that the change to a weighted system will bring with it a number of benefits.

The new system will: reduce the need for individualised educational psychological assessment; reduce the volume of applications to my Department for additional resources for individual pupils; and give greater flexibility to schools, which will facilitate the development and implementation of improved systems and procedures in schools to meet the needs of pupils with low achievement and pupils with special educational needs.

Transitional arrangements for the introduction of the weighted system are currently being developed in consultation with representative interests. As soon as those consultations have been completed, the detailed arrangements for processing applications for resources, including those received after 31 August last, including one application from the school in question, will be set out in a circular to be issued to schools before the end of the current school year.

### **Special Educational Needs.**

193. **Mr. Hayes** asked the Minister for Education and Science if services for dyslexic children will be made available at a school (details supplied) in County Tipperary; and if he will make a statement on the matter. [15569/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department has no record of having received an application for special education resources, SER, from the school referred to by the Deputy.

Any application received will be considered in the context of the criteria set out in the relevant Department circulars and the existing level of SER provision in the school.

194. **Mr. Hayes** asked the Minister for Education and Science if services for dyslexic children will be made available at a school (details supplied) in County Tipperary; and if he will make a statement on the matter. [15570/04]

**Minister for Education and Science (Mr. N. Dempsey):** The school in question currently has the services of a shared learning support teacher.

I can confirm that my Department has received an application for additional special education resources, SER, from the school. Approximately 5,000 applications received between 15 February and 31 August 2003, including the application from the school in question, are currently 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 on or before the commencement of the current school year.

The remaining 4,000 applications have 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

during 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 issued in September 2003. This circular contains practical advice on how to achieve the most effective deployment of resources already allocated for special educational needs within the school.

In the case of teacher resources, the outcome for each applicant school will be based on a new weighted system of allocation which I announced recently. This system, as part of which an additional 350 teaching posts will be allocated, will involve two main elements: making a staffing allocation to schools based on a predicted incidence of pupils with special educational needs; and making individual allocations in the case of children with more acute lower-prevalence special educational needs.

It is expected that the change to a weighted system will bring with it a number of benefits. The new system will: reduce the need for individualised educational psychological assessment; reduce the volume of applications to my Department for additional resources for individual pupils; and give greater flexibility to schools, which will facilitate the development and implementation of improved systems and procedures in schools to meet the needs of pupils with low achievement and pupils with special educational needs.

Transitional arrangements for the introduction of the weighted system are currently being developed in consultation with representative interests. As soon as those consultations have been completed, the detailed arrangements for processing applications for resources, including 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.

### **School Staffing.**

195. **Mr. J. Bruton** asked the Minister for Education and Science if there is a completion date for the review of applications received between February and August 2003 for special needs assistants in primary schools; and if he will make a statement on the matter. [15629/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department received more than 8,400 applications for special education resources, including special needs assistant support, since 15 February 2003. The batch of approximately 5,000 applications received between 15 February and 31 August 2003 are currently being considered. Priority was given to almost 1,000 cases involving children starting school last September and all

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those cases were responded to on 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 during 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 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.

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

#### **Proposed Legislation.**

196. **Mr. Kehoe** asked the Minister for Education and Science when he intends to publish the Residential Institutions (Amendment) Bill; and the additional institutions that will be included in that Bill. [15630/04]

**Minister for Education and Science (Mr. N. Dempsey):** The inclusion of additional institutions on the Schedule of institutions in the Residential Institutions Redress Act 2002 does not require an amendment to the Act. Section 4 of the Residential Institutions Redress Act 2002 allows for the addition to the Schedule of institutions that are identified as reformatory schools, industrial schools, orphanages, children's homes and special schools in which children were placed and resident and in respect of which a public body had a regulatory or inspection function.

My Department has received correspondence from both individuals and survivor groups identifying a number of additional institutions that may be eligible for inclusion in the Schedule. The matter is under consideration and it is my intention that a list of additional institutions will shortly be brought before both Houses of the Oireachtas.

#### **Special Educational Needs.**

197. **Mr. Kehoe** asked the Minister for Education and Science the number of primary schools in the country that have dedicated facilities for children who have autism and Asperger's syndrome; the location of each facility; and the level of funding provided by his Department towards such facilities. [15631/04]

**Minister for Education and Science (Mr. N. Dempsey):** To date, 137 special classes have been established to provide dedicated educational support for children with autism. These classes include eight pre-school classes, 68 classes in mainstream national schools, including four classes for children with Asperger's syndrome and 61 classes in special schools.

All such facilities receive enhanced capitation grants and each of these classes operate at a maximum pupil teacher ratio of 6:1. My Department also allocates two special needs assistants to each group of six pupils. Additional special needs assistant support may be allocated on an assessed needs basis. A set-up grant of €6,500 towards the cost of furniture and equipment in each autistic class is also provided. Arrangements will be made to forward the Deputy a complete list of all the classes in the various locations nationwide.

#### **Schools Building Projects.**

198. **Mr. Healy** asked the Minister for Education and Science when he proposes to award the grant which was confirmed to the school by his ministerial colleague now that the building works have been completed at Ballingarry Presentation secondary school, County Tipperary. [15632/04]

**Minister for Education and Science (Mr. N. Dempsey):** The school to which the Deputy refers progressed a capital project without the prior agreement of my Department and is now seeking retrospective funding. Since the introduction of the school building programme, in which all projects to be funded from the annual allocation are listed, it is not possible to consider applications for retrospective funding.

#### **Health and Safety Issues.**

199. **Mr. Penrose** asked the Minister for Education and Science if he will take steps to put in place as a matter of great urgency appropriate safety measures at Mount Temple national school, Moate, County Westmeath; and if he will make a statement on the matter. [15633/04]

**Minister for Education and Science (Mr. N. Dempsey):** The issue of speed control measures, lights, road markings and increased parking at Mount Temple national school may be outside the vested site area of the school and should, therefore, be raised with the local authority.

It is open to the school's board of management to make an application under the summer works



scheme 2005 for necessary safety measures within the school's boundary. Details of the scheme will be available on my Department's website later this year.

### **Juvenile Detention Centres.**

200. **Ms O'Sullivan** asked the Minister for Education and Science if he has satisfied himself that there is an adequate number of places of detention for juvenile offenders; if he has plans to increase the number; and if he will make a statement on the matter. [15634/04]

**Minister for Education and Science (Mr. N. Dempsey):** There are five children detention schools which provide residential accommodation for children under 16 years who have been convicted of an offence or remanded in custody by the courts.

As the Deputy may be aware, the capacity of the Finglas Child and Adolescent Centre has recently been reduced from 26 to 12 beds. This reduction in capacity was recommended by Mr. Michael Donnellan, director of Trinity House school, in his recent review of the centre. With the reduced capacity at Finglas, the overall operational capacity of the five schools becomes 114, catering for 99 boys and 15 girls. Within this provision, the operational capacity may fluctuate from time to time to facilitate refurbishment and new developments, fire, health and safety and security concerns and to provide for young people with particularly challenging behaviour.

A key consideration for my Department in commencing the Children Act 2001 is the identification of the appropriate number of residential places required under the new arrangements. An independent international expert in residential care was commissioned to review the residential requirements for children detention schools so as to ensure that there are sufficient and appropriate places into the future. Having received the views of the Special Residential Services Board on this report, my Department is reviewing the current provision in the context of the commencement of the Children Act 2001.

The special residential services board has also recently introduced arrangements whereby all requests for beds in children detention schools from the courts are channelled centrally. Officials in my Department liaise with the board and maintain an ongoing review of the demand for beds across the sector.

### **Schools Building Projects.**

201. **Mr. Wall** asked the Minister for Education and Science the position of a school (details supplied) in County Kildare in relation to a proposed extension; if an application has been made; and if he will make a statement on the matter. [15635/04]

**Minister for Education and Science (Mr. N. Dempsey):** An application for major capital

improvement works has been received from the management authorities of the school in question.

The 2004 school building programme has now been published and full details regarding individual projects are available on my Department's website at [www.education.ie](http://www.education.ie). On the basis of the funding allocation and the competing priorities for that funding, it was not possible to include the school in question. However, a key strategy for building projects going forward will be grounded on the budget day announcement of multi-annual allocations for capital investment in education projects. All projects that are not going to construction as part of the 2004 school building programme will be re-evaluated with a view to including them as part of the multi-annual building programme from 2005 onwards. I expect to be in a position to make a further announcement on this matter during 2004.

### **School Placement.**

202. **Mr. Stagg** asked the Minister for Education and Science if national schools in the State, which have been grant aided by the State in various ways, can refuse the enrolment of a person who has never been baptised; and if he will make a statement on the matter. [15636/04]

**Minister for Education and Science (Mr. N. Dempsey):** It is the responsibility of managerial authorities of schools that are not in a position to admit all pupils seeking entry to implement an enrolment policy in accordance with the Education Act. In this regard a board of management may find it necessary to restrict enrolment to children from a particular area or a particular age group or, occasionally, on the basis of some other criterion.

On the question of restricting enrolment to children who have been baptised, under section 7 of the Equal Status Act 2000, a primary or post-primary school, which has as an objective the provision of education in an environment which promotes certain religious values, may refuse to admit as a student a person who is not of that denomination provided that the refusal is essential to maintain the ethos of the school.

### **Special Educational Needs.**

203. **Mr. McGuinness** asked the Minister for Education and Science if he will increase the number of hours of home tuition in the case of a person (details supplied) in County Kilkenny in view of the fact that they have a severe intellectual disability; and if he will make a statement on the matter. [15637/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department is dealing with the matter referred to by the Deputy and contact will shortly be made with the family of the child in question.



### Schools Building Projects.

204. **Mr. McGuinness** asked the Minister for Education and Science the status of a school project (details supplied) in County Wexford; and if he can expedite a decision in the case. [15638/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department is in receipt of an application for additional accommodation from the school to which the Deputy refers. The application 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 in a multi-annual school building programme from 2005, details of which will be announced later this year.

The school authority also made an application to my Department for grant-aid for fencing. The scope of the works required are appropriate for consideration under the summer works scheme, SWS. It is planned to invite applications under the 2005 SWS later this year. It will be open to the school to make an application for the required works under the new scheme.

### School Accommodation.

205. **Mr. Kehoe** asked the Minister for Education and Science, further to Questions Nos. 223 and 224 of 18 May 2004, the date the assessment will be complete; the stage it is at; and when he will be in contact with the school; and if he will make a statement on the matter. [15639/04]

**Minister for Education and Science (Mr. N. Dempsey):** The assessment in question, which is at a preliminary stage, involves a comprehensive analysis of changing demographics of the area necessitating detailed discussions with the local authority together with an evaluation of proposed housing schemes in the area. In the circumstances, it is not possible to provide a precise completion date. However, it is expected that the assessment will be completed this year at which point my Department will be in contact with the school authorities.

### Proposed Legislation.

206. **Mr. McCormack** asked the Minister for Education and Science when the extended list of schools and institutions will be included in the Residential Institutional Redress Act 2002; and when he proposes to lay this list before Dáil Éireann. [15640/04]

**Minister for Education and Science (Mr. N. Dempsey):** Section 4 of the Residential Institutions Redress Act 2002 provides for the addition of institutions that are identified as reformatory schools, industrial schools, orphanages, children's homes and special schools, in which children were placed and resident and in

respect of which a public body had a regulatory or inspection function, to the Schedule.

My Department has received correspondence from both individuals and survivor groups identifying a number of additional institutions that may be eligible for inclusion in the Schedule. Discussions have taken place between my Department and other Departments which may have provided a regulatory or inspection function in the operation of these facilities in order to ascertain whether these institutions are in fact eligible for inclusion. The matter is under consideration and it is my intention that a list of additional institutions will shortly be brought before both Houses of the Oireachtas.

### Schools Building Projects.

207. **Mr. Ó Fearghaíl** asked the Minister for Education and Science his Department's plans for a new secondary school for Monasterevin in view of the extensive damage done to St. Paul's secondary school in two very serious incidents; and if it is envisaged that a school could be delivered by way of a public private partnership. [15641/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department is negotiating the possibility of a site acquisition with the school authorities in question. Consideration of any new PPP projects will be based on an evaluation of the completed pilot PPP schools project together with a thorough assessment of affordability of any new projects in the context of the competing demands on the capital funding envelopes going forward. EUROSTAT recently announced changes to the accounting treatment of PPPs and these changes will also be taken into account in the consideration of any new projects.

### Special Educational Needs.

208. **Mr. J. Bruton** asked the Minister for Education and Science the allocation of funds he has granted to Culmullen school to allow the school to hire additional resource teaching staff; and if he will make a statement on the matter. [15642/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department has received a number of applications for resource teaching support from the school referred to by the Deputy since February 2003.

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 on 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 during 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, issued in September 2003. This circular contains practical advice on how to achieve the most effective deployment of resources already allocated for special educational needs within the school.

In the case of teacher resources, the outcome for each applicant school will be based on a new weighted system of allocation which I announced recently. This system, as part of which an additional 350 teaching posts will be allocated, will involve two main elements making a staffing allocation to schools based on a predicted incidence of pupils with special educational needs and making individual allocations in the case of children with more acute lower-prevalence special educational needs.

It is expected that the change to a weighted system will bring with it a number of benefits. The new system will reduce the need for individualised educational psychological assessment, reduce the volume of applications to my Department for additional resources for individual pupils, and give greater flexibility to schools, which will facilitate the development and implementation of improved systems and procedures in schools to meet the needs of pupils with low achievement and pupils with special educational needs.

Transitional arrangements for the introduction of the weighted system are currently being developed in consultation with representative interests. As soon as those consultations have been completed, the detailed arrangements for processing applications for resources, including 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.

### Schools Building Projects.

209. **Ms Enright** asked the Minister for Education and Science the reason an application for a new school, originally made in 1985 and running since that date, is not included on the school building programme; if his attention has been drawn to the fact that the school has only two permanent classrooms which were built in 1889 and the rest of the classrooms consist of pre-fabs, many of which are in appalling condition and each of which are seriously overcrowded and when he expects this school to be sanctioned a

new facility; and if he will make a statement on the matter. [15643/04]

**Minister for Education and Science (Mr. N. Dempsey):** In terms of the number of classrooms required at the school to which the Deputy refers, the existing accommodation of two permanent classrooms and four temporary classrooms is sufficient to cater for the schools current enrolment and staffing levels.

My Department agrees that the existing accommodation at the school is in need of replacement. The school management authority is in the process of acquiring a site for this development. When matters relating to the site acquisition have been finalised, the timing of the delivery of the new school will be considered in the context of the multi-annual building programme from 2005 onwards which is currently being framed by my Department.

### Education Provision.

210. **Ms Enright** asked the Minister for Education and Science if he intends to implement all or any of the findings of the McCarthy report into education provision in County Laois, when he intends to make a decision on this matter; and if he will make a statement on the matter. [15644/04]

**Minister for Education and Science (Mr. N. Dempsey):** Dr. Tom McCarthy was appointed as facilitator to assist in the development of a long-term plan for primary and post-primary school provision in the Portlaoise area. His recommendations indicated, *inter alia*, that educational provision at post-primary level required to be addressed as a matter of urgency.

Following the release of Dr. McCarthy's report, the key priority for my Department was to tackle the post-primary educational infra-structural requirements of Portlaoise. This issue assumed an even greater importance in the wake of the decision of the Patrician Brothers to withdraw from delivery of education at Ballyfinn. Accordingly, my Department fully adopted the recommendations of Dr. McCarthy's report in relation to post-primary schools.

In this context, the Deputy will be aware that plans for the construction of a new school for Portlaoise vocational school are included in the published 2004 school building programme. A site has been acquired for the new post-primary secondary schools in the town.

Officials on my Department are now concentrating on the needs of the national schools in the town. Officials recently visited each of the schools in the town in recent months to assess the current situation in regard to changing demographics. While my officials are satisfied that there are adequate places for primary pupils in the town, they will keep the matter under constant review.

### Enrolment Figures.

211. **Ms Enright** asked the Minister for Education and Science the capacity of each primary and post-primary school in County Laois individually; the number of these schools that have reached their full intake; and if he will make a statement on the matter. [15645/04]

212. **Ms Enright** asked the Minister for Education and Science the capacity of each primary and post-primary school in County Offaly individually; the number of these schools that have reached their full intake; and if he will make a statement on the matter. [15646/04]

**Minister for Education and Science (Mr. N. Dempsey):** I propose to take Questions Nos. 211 and 212 together.

The information requested by the Deputy is not readily available for all schools in counties Laois and Offaly. Compiling the information would represent an inordinate investment of staff resources which would be very difficult to justify. I will be glad to assist the Deputy with details of capacity issues in regard to any specific schools that may be of immediate interest to her.

### School Staffing.

213. **Ms Enright** asked the Minister for Education and Science if he has received an application from a school (details supplied) to set up an inclusion class comprising 15 children; if he will consider this application and supply the extra teacher requested; and if he will make a statement on the matter. [15647/04]

**Minister for Education and Science (Mr. N. Dempsey):** I can confirm that my Department has received an application to establish an inclusion class at the school referred to by the Deputy. The application is being considered and a response will issue to the school authorities as soon as a decision has been made.

### Site Acquisitions.

214. **Ms Enright** asked the Minister for Education and Science if he will fund the transfer of a school (details supplied) from its current site; if his attention has been drawn to the fact that this decision needs to be made prior to the 29 May 2004; and if he will make a statement on the matter. [15648/04]

219. **Ms O'Sullivan** asked the Minister for Education and Science if he will sanction the purchase of a site identified at Kilminchy for Gaelscoil Portlaoise, County Laois, in view of the fact that the school requires a planning retention order to stay in its current location and is in danger of closing as a result; and if he will make a statement on the matter. [15693/04]

**Minister for Education and Science (Mr. N. Dempsey):** I propose to take Questions Nos. 214 and 219 together.

The school planning section of my Department is actively considering the matter and expects to be in a position to communicate its considered view to the school authorities concerned within a matter of days.

### School Accommodation.

215. **Ms Enright** asked the Minister for Education and Science the reason a school (details supplied) was not sanctioned for temporary accommodation, despite being allocated an extra teacher from 1 September 2004; if temporary accommodation will be allocated prior to the commencement of the next school year; and if he will make a statement on the matter. [15649/04]

**Minister for Education and Science (Mr. N. Dempsey):** All applications for temporary accommodation have been considered by the school planning section of my Department. In the context of the available funding and, the number of applications for that funding, it was not possible to approve all applications received and, only those with an absolute and demonstrated need for additional accommodation were approved.

The need for additional accommodation at the school to which the Deputy refers 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.

### Schools Building Projects.

216. **Ms Enright** asked the Minister for Education and Science if he will advise on the application for a one room extension to a school (details supplied) in County Cavan; if the school will be granted an extension in the time allocated for the commencement of these works; and if he will make a statement on the matter. [15650/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department has devolved funding and responsibility for this particular project to the board of management of the school concerned. The issue of an extension of time in this case does not arise as the school has advised that the contractor will start on site this week.

*Questions Nos. 217 and 218 answered with Question No. 145.*

*Question No. 219 answered with Question No. 214.*

### Early School Leavers.

220. **Mr. R. Bruton** asked the Minister for Education and Science the estimated number of pupils who left school each year since 1998 without any qualification; without making the

transition to secondary school; without sitting the leaving certificate; and in each case the percentage these pupils constitute of the cohort of pupils involved. [15694/04]

**Minister for Education and Science (Mr. N. Dempsey):** The specific information which the Deputy requires is not available. The most recently published analysis by my Department of retention rates at second level was released in August 2003. The report indicates that of those who commenced the junior cycle programme in September 1994, approximately 3,600, 5.7%, left school before completing the junior certificate three years later; approximately 8,900 of those who sat the junior certificate did not sit the leaving certificate and approximately 12,500 young people, 18.2% leave school annually without the leaving certificate.

Analysis of the 1995 and 1996 cohorts of entrants is being prepared for publication within my Department. With cohort studies, there is an invariable time lag of approximately seven years

before final data can be analysed. This is to take account of transition year and-or possible repeat of the leaving certificate. My Department is examining how the post-primary pupil database could be utilised to provide contemporary data on drop-out on an annual basis.

My Department is also completing analysis work for the development of a primary pupil database which will facilitate the collation of comprehensive data on transfer rates from primary to post primary level in the future.

### Schools Statistics.

221. **Mr. R. Bruton** asked the Minister for Education and Science the number of pupils in primary schools, in secondary schools and in higher education, distinguishing University, Institute of Technology and other types of college in each year since 1998. [15695/04]

**Minister for Education and Science (Mr. N. Dempsey):** The information requested by the Deputy is set out in the following table.

Enrolments in Institutions Aided by the Department of Education and Science

	School Year				
	1998/99	1999/2000	2000/2001	2001/2002	2002/2003
<b>NUMBER OF FULL-TIME PUPILS AT :</b>					
<i>First Level</i>					
National Schools (Ordinary Classes Only)	436,735	428,339	423,344	424,707	427,529
National Schools with Pupils with Special Needs	8,412	8,743	9,092	9,376	9,384
Special National Schools	7,386	7,228	7,124	6,982	6,807
<b>Total First Level</b>	<b>452,533</b>	<b>444,310</b>	<b>439,560</b>	<b>441,065</b>	<b>443,720</b>
<i>Second Level</i>					
Secondary	211,369	203,418	197,376	192,436	189,093
Vocational	97,998	98,451	96,842	96,467	98,233
Community & Comprehensive	52,684	51,991	51,166	51,175	51,905
<b>Total Second Level</b>	<b>362,051</b>	<b>353,860</b>	<b>345,384</b>	<b>340,078</b>	<b>339,231</b>
<i>Third Level</i>					
H.E.A. Institutions	63,737	66,914	69,254	72,168	74,922
Institutes of Technology / Killybegs H.T.C. / Tipperary Institute	43,476	46,424	48,360	49,890	51,507
National College of Ireland, Mater Dei Institute & Pontifical College	641	1,434	1,417	1,508	1,696
Teacher Training					
Primary — HEA <sup>(1)</sup>	1,437	1,852	2,126	2,309	2,377
Primary Non-HEA	454	534	598	644	760
Home Economics	201	390	362	379	398
Higher Diploma in Education <sup>(1)</sup>	937	926	961	950	1,018
<b>Total Third Level</b>	<b>108,509</b>	<b>115,696</b>	<b>119,991</b>	<b>124,589</b>	<b>129,283</b>

<sup>(1)</sup> These figures are included in the category "H.E.A. Institutions" above.

### Higher Education Grants.

222. **Mr. R. Bruton** asked the Minister for Education and Science the number of students who are in receipt of higher education grants for university, for institute of technology and for other courses in each year since 1998. [15696/04]

**Minister for Education and Science (Mr. N. Dempsey):** The information requested by the Deputy is not immediately available in my Department. However, the information is being compiled from the records maintained in my Department and in so far as it is available in the format requested, the information will be issued directly to the Deputy as soon as possible.



### Fógraíocht Ranna.

223. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Cumarsáide, Mara agus Acmhainní Nádurtha an bhfuil comórtas i gceist i roghnú an nuachtáin náisiúnta Gaeilge ina gcuirfear fógraí Stáit ón Roinn Cumarsáide, Mara agus Acmhainní Nádurtha. [15139/04]

224. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Cumarsáide, Mara agus Acmhainní Nádurtha conas a chinntear fógraí Stáit óna Roinn a chur i nuachtán amháin thar nuachtán eile; an raibh an nuachtán *Lá* san áireamh sa liosta nuachtán náisiúnta Gaeilge as ar roghnaíodh *Foinse* le haghaidh fógraí. [15154/04]

225. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Cumarsáide, Mara agus Acmhainní Nádurtha cad é luach na bhfógraí Stáit a cuireadh sa nuachtán *Foinse* in 2003. [15169/04]

**Minister for Education and Science (Mr. N. Dempsey):** Tá sé i gceist agam Ceisteanna Uimhreacha 223, 224 agus 225 a thogáil le chéile.

Is ábhair ceist do mo Roinnse nuachtáin nó foilsíúcháin a roghnú nuair a cuirtear fógraí nó fógraí poiblí i nuachtáin. Déantar an roghnú ar an prionsaibil luach ar airgead, ag cur san áireamh an cinéal fógra agus an lucht cuspóra. Díoc mo Roinnse €1,168 i 2003 i leith fógraí-fógraí poiblí i *Foinse*.

### Telecommunications Services.

226. **Mr. Deenihan** asked the Minister for Communications, Marine and Natural Resources his Department's plans to provide broadband to Kenmare town, County Kerry; and if he will make a statement on the matter. [15182/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** My Department's regional broadband programme includes plans to roll out broadband to more than 90 towns with a population of 1,500 and over between now and 2006. Kenmare is one of the towns listed for inclusion.

### Feasibility Studies.

227. **Mr. Allen** asked the Minister for Communications, Marine and Natural Resources if funding has been made available to carry out a feasibility study for a marina (details supplied) at Schull, County Cork; and if he will make a statement on the matter. [15183/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** In March 2002, an application was submitted under the marine tourism grant scheme of the national development plan for funding towards a feasibility study for a marina at Schull, County Cork. However, the grant scheme was suspended in December 2002 due to lack of funding and each of the applicants were so notified.

No funding was available to the grant scheme in 2003 or in 2004. In light of the findings of the

mid-term review of the regional operational programmes completed by the ESRI, which recommended reallocation of funds to other priorities, it is unlikely that the scheme will be reactivated within the term of the national development plan.

### Geological Surveys.

228. **Mr. Hogan** asked the Minister for Communications, Marine and Natural Resources if a company (details supplied) did not carry out any geological surveys when it acquired lands south of the existing dolomite mine at Ballyredding, Bennettsbridge, County Kilkenny; the precise nature of the studies and field work that was carried out and that has subsequently led it to believe that a valuable deposit exists there which is the subject of a compensation claim and objection to the original preferred route of the construction of the motorway between Waterford and Killcullen at this location; and if he will make a statement on the matter. [15184/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** I understand that the company undertook a drilling based geological survey on the lands to the south of the existing dolomite mine at Maddoxtown, Ballyreddin, Bennettsbridge, County Kilkenny, in 1996.

The lands were acquired some years earlier. Arising from this work the company identified a potential resource area which was the subject of further limited drilling and geophysical studies. As I explained in my replies to Question No. 158 on 19 February 2004 and Question No. 91 on 4 March 2004, reports supplied by the existing mine lessee's experts were assessed by the technical staff of the Department's exploration and mining division. They are satisfied that sizeable deposits of dolomite exist.

### Telecommunications Services.

229. **Mr. O'Dowd** asked the Minister for Communications, Marine and Natural Resources the timetable for the north east broadband ring proposal for County Louth, in particular the installation timetable and order of installation in the towns of Dundalk, Drogheda and Ardee. [15280/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** The Deputy will be aware that in April 2004 I announced the go ahead for the construction of a metropolitan area network in the six north eastern towns. This project is now at the planning stage. The MANs will be built in Dundalk, Drogheda, Kingscourt, Carrickmacross, Monaghan and Cavan. Construction of the Drogheda and Dundalk MANs will commence later this year.

I recently announced the rollout of broadband to more 90 additional towns with a population of 1,500 and over. These towns will be provided with

broadband in a three-year programme between now and 2006. Ardee is one of the towns listed.

### **Fisheries Protection.**

230. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources the proposals he has in the matter of a buyout of drift net salmon fishermen; and if he will make a statement on the matter. [15326/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** As I previously outlined to the House, the overriding objective of the Government is to preserve the salmon resource in its own right and for the coastal and rural communities that it helps to support.

The economic goals for a sustainable commercial salmon fishery based on quality and value rather than volume and the development of salmon angling as an important tourism product are both fully compatible with the primary objective. For some time now, the Government has ruled out buy-out as an effective means of achieving the restoration of salmon stocks and instead promoted the application of quotas on commercial fishing and bag limits on angling to achieve catch reductions as the best instrument available to achieve this objective.

The current strategy of developing a sustainable commercial and recreational salmon fishery through aligning catches on the scientific advice by next year holds out the strong prospect of a recovery of stocks and of a long term sustainable fishery for both sectors.

As a result, I have no plans to introduce proposals to purchase commercial salmon fishing licences but I intend to keep the matter under review in the context of the policy outlined above.

### **Alternative Energy Projects.**

231. **Mr. Crawford** asked the Minister for Communications, Marine and Natural Resources the progress to date in providing additional access and support for wind farm applications who failed to get the go-ahead at the time of the last allocation; if he accepts that this is one of the most environmentally friendly ways to produce electricity and, especially with rising fuel prices, should be encouraged; and if he will make a statement on the matter. [15469/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** The most recent approved target for renewable energy technologies, under the alternative energy requirement programme, was to support the construction of 500 MW of new electricity generating capacity. Subsequently I announced a proposal to award contracts to support the construction of an additional 218 MW. However, I cannot allocate any of this additional capacity formally until EU Commission clearance under state aids rules is received. My Department is in

continuing formal and informal contact with the EU Commission and I am confident of a positive decision shortly. The dominance of wind technology in all support programmes conducted by my Department to date demonstrates our recognition of its positive environmental benefits.

### **Land Ownership.**

232. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources the owner of the land on both sides of the River Blackwater, for 1km both sides of Fermoy Bridge. [15564/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** My Department would not know who is the owner of the particular stretch of land as described by the Deputy. Record of title to the property in question would be a matter for the Land Registry.

### **Coastal Protection.**

233. **Ms B. Moynihan-Cronin** asked the Minister for Communications, Marine and Natural Resources if there is funding available to alleviate coastal erosion at a location (details supplied) in County Kerry; the meetings he and his immediate predecessor held with local residents to discuss this matter; if it is the case that funding was promised by his predecessor to deal with this problem; if so, the reason this funding has not been made available; if he would have the matter investigated immediately with a view to addressing the problem; and if he will make a statement on the matter. [15622/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** Responsibility for coast protection rests with the property owner whether it be a local authority or a private individual. In July 2002 my Department requested all coastal local authorities to submit proposals, in order of priority, for consideration in the context of the 2003-2006 national coast protection programmes. Kerry County Council submitted a proposal for coast protection works at Maharees estimated at €550,000 and was number six in order of priority. There was no Exchequer funding for this project in 2003. My Department has Exchequer funding of €780,000 million for coast protection for the entire country in 2004.

It is not possible to fund this project in 2004. The question of funding the proposal in the post 2004 period will be considered in the context of the Exchequer allocation for coast protection works going forward and overall national priorities. There is no record in my Department of funding allocated for the Maharabeg Cut, Maharees, and Castlegregory. Records show that local community representatives were requested to draw up a plan of the requirements for the area. No such plans were received in the Department.

### Alternative Energy Projects.

234. **Mr. Murphy** asked the Minister for Communications, Marine and Natural Resources his views on the fact that Air Grids assessment that wind energy will cost up to 25% extra to the end user; and if he has done anything to independently assess this prediction. [15623/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** The establishment of future targets and support mechanisms and the associated additional costs to increase the production of electricity from renewable energy sources are a matter for Government on my recommendation. As part of that process my Department, in consultation with Sustainable Energy Ireland, will advise on costs. My view is that until future targets and support options are settled the associated costs cannot be stated beyond very general assumptions.

At end 2003 I invited public comment on future targets and support mechanisms for renewable energy technologies in electricity production. Respondents were also requested to cost all proposals. The emphasis on costs calculations is to protect the consumer interest. I interpret the Eirgrid views on additional costs as a contribution to the consultation process.

The submissions received by my Department under the consultation process, including the submission received from Eirgrid, are currently being analysed with the technical assistance of Sustainable Energy Ireland. I have not subjected any of these to independent assessment and have no proposals to do so at this time.

235. **Mr. Murphy** asked the Minister for Communications, Marine and Natural Resources the reason the ESB did not co-operate with his renewal energy policy targets by not putting adequate grid resources in place. [15624/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** Upgrades to the electricity network generally are matters for the network operators in consultation with the Commission for Energy Regulation. Grid upgrade requirements for the connection of wind farms are specific to the location and capacity of the proposed wind farms and interaction with other proposed wind farms in close proximity. As a general rule to date, even where wind farms secure planning permission, they proceed to the construction phase only after the award of a power purchase agreement, primarily under my Department's alternative energy requirement programme.

Grid capacity demand cannot therefore be predicted even by reference to wind farm projects with planning permission. Furthermore capacity demand cannot be identified in advance of formal applications for connections by wind farm developers. In these circumstances, it would not be cost effective to require the network operator to make significant investment in grid upgrades,

which might or might not subsequently be sought by wind farm developers.

### Departmental Bodies.

236. **Mr. Murphy** asked the Minister for Communications, Marine and Natural Resources when he will appoint two new commissioners for energy. [15625/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** As prescribed by the Electricity Regulation Act 1999 the requisite consent of the Minister for Finance to the terms and conditions of employment, including remuneration, applicable to the two additional members of the Commission for Energy was received last week. My Department, since then, requested the Office of the Civil Service and Local Appointments Commission to host a competition for the selection of the two new energy commissioners. I hope that this can be arranged and completed without undue delay.

237. **Mr. Murphy** asked the Minister for Communications, Marine and Natural Resources the way in which the board of SEI is constituted; the experience its board members have to possess; and the duration of their term of office. [15627/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** The Sustainable Energy Act 2002 formally established Sustainable Energy Ireland as the statutory independent agency with responsibility for promoting the development of sustainable and renewable energy in Ireland. The board of Sustainable Energy Ireland was constituted with effect from 1 May 2002, when the Authority was formally established. There are 12 members on the board, including the chairman and chief executive. Section 10(9) of the Sustainable Energy Act 2002 provides that on the third anniversary of the establishment day, 1 May 2002, and thereafter, on each anniversary of the establishment day, three of the members of the board shall retire from office. The term of office for the chairman is five years and the chief executive serves as an ex-officio member of the board.

Section 10(3) of the Act states that each member of the board shall be a person who, in the opinion of the Minister, has experience and competence in relation to one or more of the following areas: renewable energy methodologies and technologies; conservation and efficient use of energy; environmental matters; education; engineering; economics; finance; the construction industry; urban development; energy production and supply; motor engineering; legal matters; trade union matters; transport; industry and commerce.

238. **Mr. Murphy** asked the Minister for Communications, Marine and Natural Resources if he has plans to nominate a representative from



the Irish Wind Energy Association to the board of SEI. [15628/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** There are no vacancies at present on the board of Sustainable Energy Ireland.

#### **Compensation Payments.**

239. **Ms B. Moynihan-Cronin** asked the Minister for Communications, Marine and Natural Resources the reason persons (details supplied) in County Kerry were not awarded compensation under a revitalisation scheme. [15675/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** Responsibility for the administration of the revitalisation programme for the Castlemaine harbour bottom mussel fishery was vested in Bord Iascaigh Mhara. All decisions were taken by BIM and accordingly it would not be appropriate for me to comment on individual cases.

#### **Sport and Recreational Development.**

240. **Mr. Deenihan** asked the Minister for Arts, Sport and Tourism the present position regarding the new Stadium at Lansdowne Road; and if he will make a statement on the matter. [15398/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** As I outlined in response to parliamentary questions on this matter earlier today, the preparatory work leading to the construction of a new stadium at Lansdowne Road is already under way. Since the Government's decision of 27 January to support a joint IRFU-FAI proposal to redevelop Lansdowne Road Stadium as a 50,000 all seated stadium, my Department has been working with both the IRFU and FAI to plan for and progress the implementation of the decision. A steering group has been established to advance the project and regular contact is maintained with both organisations.

The Lansdowne stadium project steering group has held a number of meetings. Chaired by the Secretary General of my Department, its membership comprises representatives of the IRFU, FAI, my Department and OPW. A priority for the group is to ensure that all the legal, financial, planning and procurement requirements are met in an efficient and timely manner so that actual construction work can get under way at the earliest possible date.

The delivery of the project will be the joint responsibility of the IRFU and the FAI through a special purpose vehicle, the establishment of which is nearing completion. The appointment of a project director is imminent. A formal grant agreement, between my Department on the one hand, and the IRFU and FAI on the other, is

currently being finalised. The indicative timeframe for the project includes a period of 11 months to complete the planning process. The construction phase is expected to take 29 months and is scheduled to commence in mid 2006 and to be completed by the end of 2008.

241. **Mr. Gregory** asked the Minister for Arts, Sport and Tourism if State funding made available to Bord na gCon is specifically for the use of that body; if no portion of it is redirected to the Irish Coursing Club (details supplied); and if he will make a statement on the matter. [15733/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** Under the provisions of the Greyhound Industry Act 1958 Bord na gCon is the statutory agency responsible for the promotion and development of greyhound racing in Ireland. All State funding allocated under section 12 of the Horse and Greyhound Racing Act 2001 to Bord na gCon is specifically for the use by the board in the performance of its functions.

Section 16(c) of the Greyhound Industry Act 1958 sets out the activities, which can be funded by Bord na gCon. Under this section it may provide funding to the Irish Coursing Club, ICC, for the preservation of hares in connection with authorised coursing meetings and assisting the club in the performance of its functions or contributing to the cost of schemes operated by the club for the improvement and development of greyhound breeding and coursing.

I have been informed by Bord na gCon that the ICC recently submitted a proposal to it requesting financial assistance. While the proposal has not been accepted by Bord na gCon it has approved in principle a finance package to support the Irish Coursing Club in the improvement of integrity and animal welfare issues. However, no funding has yet been paid in respect of this support and Bord na gCon is awaiting a specific proposal from the ICC in respect of the utilisation of the proposed funding for animal welfare and integrity issues.

#### **Fógraíocht Ranna.**

242. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Ealaíon, Spóirt agus Turasóireachta an bhfuil comórtas i gceist i roghnú an nuachtáin náisiúnta Gaeilge ina gcuirfear fógraí Stáit ón Roinn Ealaíon, Spóirt agus Turasóireachta. [15140/04]

243. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Ealaíon, Spóirt agus Turasóireachta conas a chinntear fógraí Stáit óna Roinn a chur i nuachtán amháin thar nuachtán eile; an raibh an nuachtán *Lá* san áireamh sa liosta nuachtán náisiúnta Gaeilge as ar roghnaíodh *Foinse* le haghaidh fógraí. [15155/04]



244. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Ealaíon, Spóirt agus Turasóireachta cad é luach na bhfógraí Stáit a cuireadh sa nuachtán *Foinse* in 2003. [15170/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** Tá sé i gceist agam Ceisteanna Uimhreacha 242, 243 agus 244 a thógáil le chéile.

Ní eagraíonn mo Roinnse comórtais chun nuachtáin a roghnú lena fhógraí preas a fhoilsiú. Tá na socrúithe ar fad a dhéantar i dtaca le fógraí preas bunaithe ar an aidhm go mbeidh siad le feiceáil ag an oiread den phobal agus is féidir. Rinneadh an cinneadh fógraí preas a chur i bhFoinse ar an mbunús go bhfuil scaipeachán cuimsitheach ag an nuachtán sin. Ach an méid sin ráite, beidh mo Roinn sásta breathnú mar is cóir ar *Lá* i dtaca le fógraí preas a chur ann amach anseo, de réir mar is cuí. Chuir mo Roinn dhá fhógra preas i bhFoinse in 2003 ar chostas iomlán de €1,305.

#### Swimming Pool Projects.

245. **Mr. Hogan** asked the Minister for Arts, Sport and Tourism when funds will be made available for the provision of a new swimming pool in Kilkenny city; and if he will make a statement on the matter. [15181/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** Kilkenny Borough Council applied for funding under the local authority swimming pool programme in respect of a proposed replacement swimming pool for Kilkenny and the Department's technical advisors found the preliminary report to be satisfactory. However, I am advised that Kilkenny Borough Council has decided on an alternative site to that originally proposed and a revised preliminary report based on the new location is awaited.

#### Sports and Recreational Development.

246. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism if he will consider introducing a community based nationally organised sporting and recreational facility with a view to meeting the requirements of children to teenagers at community level and including indoor and outdoor facilities; and if he will make a statement on the matter. [15679/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The Deputy will be aware that, since 1998, under the national lottery-funded sports capital programme, which is administered by my Department, funding of €321 million has been allocated to 4,250 projects, providing a range of high quality indoor and outdoor facilities across a wide spectrum of sports and activities which can be enjoyed and utilised by people of all age groups, interest and levels of participation. This generous allocation has ensured that almost every parish, town and city in the country has benefited from funding under the programme.

The sports capital programme places particular emphasis on the provision of facilities in areas designated as disadvantaged, with such projects requiring a reduced level of local funding contribution and also benefiting from extra marks during the assessment process of the application for funding. Many of the projects funded to date that were designated as disadvantaged under the RAPID and local drugs task force programmes are specifically targeted towards providing sports and recreational facilities for youth in these areas.

Under the local authority swimming pool programme, which is also administered by my Department, a total of €40 million has been paid since 1998 on the provision of new pools and the refurbishment of existing pools, which are very important in providing sport and leisure opportunities for all members of the community, including children and teenagers. The provision in my Department's 2004 Estimates for the swimming pool programme is €15 million.

My Department also funded the National Aquatic Centre at Abbotstown, which last year hosted the swimming events of the Special Olympics world summer games and the European short course swimming championships and is a key facility in the context of our high performance strategy for elite competitors as well as for clubs, learners and fun swimmers.

In January 2004 the Government committed itself to the development of a sports campus at Abbotstown. A phased and prioritised programme to deliver the component elements of the campus is now being developed by Campus and Stadium Ireland Development Limited, CSID. The scale of the campus is such that it can accommodate the requirements of sporting organisations for high quality pitches and training facilities for both amateur and ranking team sports. This should be of benefit not only to major sports organisations but also to our minority sports groups and to the individual athlete whose need for modern facilities is so important. I have given a commitment to provide the necessary funds to meet the sporting infrastructural requirements, which will be identified in the context of the Abbotstown plan. I am satisfied that the Government is meeting the demand for sporting and recreational facilities for youth around the country through its provision of enhanced funding for sport and within the current range of programmes.

#### Archaeological Sites.

247. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism the extent to which interesting artefacts or discoveries have been made through archaeological excavations or otherwise in recent times; and if he will make a statement on the matter. [15682/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** There has been an unprecedented level of infrastructural and private development work in Ireland in recent years. In 2003 there

were more than 2500 licensed excavations, the vast majority of which were development led. These excavations have covered all periods from the prehistoric period through to modern times and included archaeological activity in every county. The nature and volume of artefacts recovered has varied hugely in line with the nature and extent of developments and the types of archaeological sites affected. In many instances concentrations of artefacts have been discovered where no monuments were previously recorded or visible.

All archaeological objects which have no known owner at the time of discovery and which are found in this way, are the property of the State and become part of the national collections. Both the artefacts and the information and knowledge gained from their excavation can then be made available for the benefit of all and at a number of different levels.

### Arts Funding.

248. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism the reason he has not met the promoters of the Anna Livia Opera Festival, Dublin; and if he will make a statement on the matter. [15683/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I have met the promoters of the Anna Livia Opera Festival and explained that Government support for the arts is, in the main, channelled through the Arts Council, which is autonomous in the disbursement of its funds. It would therefore not be possible for me to make funding directly available to this festival.

### Sports Capital Programme.

249. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism the funds he has dispersed in 2004 to various sporting organisations; and if he will make a statement on the matter. [15684/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** On 7 May 2004 I announced provisional allocations to 717 projects totalling €50.8 million in funding under the national lottery-funded 2004 sports capital programme, which is administered by my Department. Details of these allocations are available on my Department's website, *dast.gov.ie*. In addition I have approved a grant of €500,000 to the Olympic Council of Ireland towards the acquisition of a new headquarters for the OCI. As at the end of April 2004, an amount of €11.72 million has been approved and paid in 2004 to capital projects for which grants had previously been allocated under the sports capital programme.

### Arts Funding.

250. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism the number of organisations he has met in connection with the future

development and promotion of the arts; and if he will make a statement on the matter. [15685/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** A list of the organisations that I have met regarding the arts according to my office records is in the appendix herewith.

Appendix.

Organisations with which meetings were held from 2002 to present:

Abbey Theatre  
 Anna Livia International Opera Festival  
 Arts Council.  
 Association of Professional Dancers in Ireland.  
 Chester Beatty Library.  
 Comhaltas Ceolteoirí Éireann  
 Cork City Council  
 Cork Opera House  
 Cultural Relations Committee  
 DIT Conservatory of Music & Drama  
 Filmmakers Ireland  
 Forum for Music Ireland  
 Foynes Flying Boat Museum  
 Freelance Technician Industry (TV)  
 Gaiety School of Acting  
 Gate Theatre  
 Gerard Manley Hopkins Society  
 Ireland-Romania Cultural Foundation  
 Irish Film Board  
 Irish Traditional Music Archive  
 Kerry County Council.  
 Mermaid Arts Centre, Bray.  
 Miramax  
 Mullingar Integrated Arts Centre  
 Music Board of Ireland  
 Music Network  
 National Archive  
 National Association of Principals and Deputy Principals  
 National Concert Hall  
 National Gallery  
 National Library.  
 National Museum.  
 Opera Ireland  
 Patrick Kavanagh Rural & Literary Resource Centre  
 Pavee Point Travellers Centre  
 RTE  
 Theatre Forum  
 West Cork Music Company  
 Wexford Festival Opera.  
 World Entertainment 2000.

*Question No. 251 answered with Question No. 35.*

*Question No. 252 answered with Question No. 54.*

### **Tourism Industry.**

253. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism the extent to which he expects the tourism industry to grow in 2004; and if he will make a statement on the matter. [15689/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** Our tourism agencies have set an ambitious target of approximately 4% growth in visitor numbers again this year. Both Tourism Ireland and Fáilte Ireland have put in place a comprehensive suite of marketing activities across all product niches and markets to help realise those objectives.

In am glad to say that the CSO figures for the first two months of this year show a promising start to the year, with numbers up 10% on the same period in 2003. However, these are very early figures and, if we are to maintain this positive start for the remainder of the year, we must continue to have an unrelenting focus on maintaining competitiveness in a way that is economically sustainable for the sector. With the help of the substantial Government investment this year of over €110m in the sector, the tourism agencies and the industry are well-placed to make the most of the opportunities and challenges that lie ahead.

*Question No. 254 answered with Question No. 50.*

### **Fógraíocht Ranna.**

255. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Sláinte agus Leanaí an bhfuil comórtas i gceist i roghnú an nuachtáin náisiúnta Gaeilge ina gcuirfear fógraí Stáit ón Roinn Sláinte agus Leanaí. [15141/04]

256. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Sláinte agus Leanaí conas a chinntear fógraí Stáit óna Roinn a chur i nuachtán amháin thar nuachtán eile; an raibh an nuachtán *Lá* san áireamh sa liosta nuachtán náisiúnta Gaeilge as ar roghnaíodh *Foinse* le haghaidh fógraí. [15156/04]

257. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Sláinte agus Leanaí cad é luach na bhfógraí Stáit a cuireadh sa nuachtán *Foinse* in 2003. [15171/04]

**Minister for Health and Children (Mr. Martin):** Tógfaigh mé Ceisteanna 255 go dtí 257 le chéile.

Tá sé de rún agam ceisteanna 15141/04, 15156/04 agus 15171/04 a thógáil le chéile. Chaith mo Roinn €11,797.50 (gan CBL) ar fhógraí sa nuachtán *Foinse* i 2003. Nuair a bhíonn fógraí á gcur i nuachtáin, déantar na nuachtáin go léir a mheas agus roghnaítear iad ag cur san áireamh na spriocléitheoirí don fhógra faoi leith. Déanann an tAonad um Chothú Sláinte pleanáil is ceannaítear spás sna meáin cumarsáide bunaithe ar an Joint National Research Survey a dhéanann

measúnú ar nósanna léitheoireachta agus stíl bheatha an phobail. Sé an suirbhé seo an léirmheas cuimsitheach ar an dtionscal meáin cumarsáide ar a gcannaítear an chuid is mó d'fhógraí. Déanfaidh mé a dheimhniú go gcuirfear an nuachtán *Lá* san áireamh agus nuachtáin á roghnú chun fógra a fhoilsiú.

### **Housing Aid for the Elderly.**

258. **Mr. Ring** asked the Minister for Health and Children the position regarding an application for a person (details supplied) in County Mayo for grant aid under the special housing aid for the elderly scheme. [15201/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** As the Deputy will be aware the housing aid scheme for the elderly in the Mayo area is operated by the Western Health Board on behalf of the Department of Environment, Heritage and Local Government. 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.

### **Hospital Procedures.**

259. **Mr. Naughten** asked the Minister for Health and Children if cyclodiode treatment is available in hospitals; the locations at which the procedure is performed; the frequency of this procedure being performed at each facility; and if he will make a statement on the matter. [15202/04]

**Minister for Health and Children (Mr. Martin):** The information requested by the Deputy is not routinely collected by my Department. My Department has, therefore, asked the chief executive officer of each health board and the regional chief executive of the Eastern Regional Health Authority to investigate the position in relation to the matters raised by the Deputy and to respond to him directly.

### **Hospital Services.**

260. **Dr. Cowley** asked the Minister for Health and Children if his attention has been drawn to the situation at Mayo General Hospital, at which there is no resident speech therapist available for patients; if his attention has further been drawn to the fact that a person (details supplied) in County Mayo has been unable to have essential speech therapy despite the urgent need for same and that this person is one of many young persons who require this service and are being denied it due to his negligence in providing services for those in need; and if he will make a statement on the matter. [15203/04]

**Minister for Health and Children (Mr. Martin):** The provision of services, including speech therapy, at Mayo General Hospital is the responsibility of the Western Health Board. My Department has asked the chief executive officer

of the board to investigate the position on the matter raised and to reply directly to the Deputy.

261. **Dr. Cowley** asked the Minister for Health and Children if his attention has been drawn to the lack of facilities and support at Mayo General Hospital for amputees; if his attention has further been drawn to the fact that the north-west amputee support group was promised five years ago an on-site workshop, which would enable clinic to carry out repairs and alterations, but that this has not been provided; if his attention has further been drawn to the fact that amputees who require repairs to their prosthesis have to travel to Dublin with their prosthesis or else post them leaving patients without a spare limb; if his attention has been drawn to the fact that the facilities of clinics are unacceptable, in that all patients have to change in an open area with no privacy and that there is insufficient parking spaces for these patients who attend the clinic. [15204/04]

**Minister for Health and Children (Mr. Martin):**

The provision of services, including facilities and support for amputees, at Mayo General Hospital is the responsibility of the Western Health Board. My Department has asked the chief executive officer of the board to investigate the position in relation to the matter raised and to reply directly to the Deputy.

262. **Mr. Allen** asked the Minister for Health and Children the reason there is no dialysis unit for children in the Southern Health Board area; the further reason children from the Southern Health Board area have to travel to Temple Street Hospital or Crumlin children's hospital in Dublin to have dialysis treatment and have to do so on a weekly basis; the further reason an ambulance service is not offered similar to that offered by the South Eastern Health Board; and when he proposes to sanction the funding for a dialysis unit for children in the Southern Health Board area and to investigate the reasons the Southern Health Board will not provide funding towards the cost of children having to travel to Dublin for treatment due to the treatment not being available in their own catchment area. [15205/04]

**Minister for Health and Children (Mr. Martin):**

Responsibility for the provision of services for residents of Cork and Kerry is, in the first instance, a matter for the Southern Health Board. My Department has, therefore, asked the chief executive officer of the Southern Health Board to investigate the matter and reply directly to the Deputy.

**Health Board Staff.**

263. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children if his attention has been drawn to the case of a person (details supplied) who is unable to work here due to the fact that

the Irish Medical Council will not accept their medical certificate renewal from the Iraqi Medical Council due to the current political crisis in that country; and if this person will be allowed to continue their valuable paediatric work here. [15206/04]

**Minister for Health and Children (Mr. Martin):**

The responsibility for the registration and regulation of the activities of medical practitioners lies with the Medical Council under the Medical Practitioners Act 1978. In the particular case referred to by the Deputy, I am informed by the Medical Council that the doctor concerned was last registered in Ireland in 1995. The council's rules require that where a doctor allows two years to elapse since his or her name was last entered in the register, the council may treat the case as if it were a new application for registration. The council also informs me that, although it had particular difficulty in verifying the certificate of good standing provided by the particular doctor concerned, following protracted inquiries, it has managed to do so.

No final decision has been made on the application in this case at this stage, as the references provided by the doctor were of uncertain origin. The council's registration committee intend to examine the case at its meeting on 9 June 2004. At that stage, a decision will be made as to whether or not a fresh application for temporary registration will be required. The Medical Council has informed me that it makes every effort to ensure that all applicants for registration are dealt with fairly. At the same time, however, the council must ensure the safety of patients by operating rigorous procedures for the granting of registration to any medical practitioner.

**Health Service Reform.**

264. **Mr. Perry** asked the Minister for Health and Children if the health board facilities in Manorhamilton will be included in the new health structures and given the status of a regional office in view of the fact that up to €14 million of funding has already been invested; and if he will make a statement on the matter. [15230/04]

**Minister for Health and Children (Mr. Martin):**

Under the Interim Health Service Executive (Establishment) Order 2004, the interim HSE has the responsibility to devise a plan for the establishment of a national unified structure for the delivery of health services, and the integration of the management, administrative and service delivery structures of health boards. The matter referred to is primarily for the board of the Interim Health Service Executive in its task of preparing a plan to manage the health service from January 2005. In developing such a plan, I agree that consideration must be given to the availability of the existing infrastructure in terms of systems, accommodation and other resources. I am satisfied that the board is taking all of these



[Mr. Martin.] matters into account in its deliberations. When I get the recommendations of the board I will bring them to Government for decision.

### Health Board Services.

265. **Mr. G. Mitchell** asked the Minister for Health and Children if a person (details supplied) in Dublin 12 will be allowed orthodontic treatment without further delay. [15244/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the provision of orthodontic treatment to eligible persons in Dublin 12 rests with the Eastern Regional Health Authority. My Department has asked the regional chief executive to investigate the matter raised by the Deputy and to reply to him directly.

266. **Cecilia Keaveney** asked the Minister for Health and Children if a school dentist is attending persons in an area (details supplied) in County Donegal; and if he will make a statement on the matter. [15255/04]

**Minister for Health and Children (Mr. Martin):** The management of dental services in the North Western Health Board area is the statutory responsibility of the chief executive officer. Therefore, my Department has asked the chief executive officer to investigate the matter raised by the Deputy and to reply to her directly.

267. **Mr. Gormley** asked the Minister for Health and Children if he or any member of staff in his Department has been lobbied by the Irish Society for Autism for support in resisting pressure from the South Western Area Health Board. [15256/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** Officials in my Department have kept in touch with the South Western Area Health Board regarding the discussions which have been taking place between a number of the health boards and the organisation mentioned by the Deputy. As part of this process, my officials would be aware of some of the issues raised by the organisation during the course of their discussions with the health boards. However, the organisation in question would be aware from its contacts with my Department over the years that the approach taken by my Department to matters related to the provision of services is that these should be addressed in the first instance through the relevant health board or boards. While the Department did receive some correspondence in 2002 from individual families involved in the organisation concerning some aspects of these discussions, there has been no "lobbying" as such in relation to the overall service matters under discussion.

268. **Mr. Connaughton** asked the Minister for Health and Children when approval will be given

for an application for special housing aid for the elderly submitted by a person (details supplied) in County Galway with the Western Health Board; and if he will make a statement on the matter. [15258/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** As the Deputy will be aware, the housing aid scheme for the elderly in the Galway area is operated by the Western Health Board on behalf of the Department of Environment, Heritage and Local Government. My Department has, therefore, asked the chief executive of the board to investigate the matter raised by the Deputy and reply directly to him as a matter of urgency.

269. **Mr. Ring** asked the Minister for Health and Children the way in which an appeals officer who works for the Western Health Board can give an independent and unbiased opinion and decision on individual cases; and if he will make a statement on the matter. [15277/04]

270. **Mr. Ring** asked the Minister for Health and Children the number of appeals dealt with by the appeals officer in the Western Health Board in the past three years; the breakdown of the appeals; and the number which were successful and unsuccessful. [15278/04]

271. **Mr. Ring** asked the Minister for Health and Children the identity of the appeals officer for the Western Health Board; the number of appeals officers employed for the Western Health Board; the salary of the appeals officer; if the position was advertised; the number of applications received for the position; and the number of interviews held in order to fill the position. [15279/04]

**Minister for Health and Children (Mr. Martin):** I propose to take Questions Nos. 269 to 271, inclusive, together.

Responsibility for the appeals system and related matters rests in this instance with the Western Health Board. My Department has therefore asked the chief executive officer to investigate the matters raised by the Deputy and respond to him directly.

272. **Mr. F. McGrath** asked the Minister for Health and Children if he will consider the case of a person (details supplied) in Dublin 5 and the steps he intends to take to assist. [15288/04]

**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 Dublin 5 area is, in the first instance, the responsibility of the Northern Area Health Board acting under the aegis of the Eastern Regional Health Authority. My Department has, therefore, asked the chief executive of the authority to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

### Benchmarking Awards.

273. **Mr. R. Bruton** asked the Minister for Health and Children if he has made provision in the budgets being granted to health boards to pay benchmarking awards in respect of persons providing home help; if he has received reports from the health boards on the extent to which benchmarking awards have been paid to home help providers; and if he will make a statement on the matter. [15297/04]

**Minister for Health and Children (Mr. Martin):** Provision was made for benchmarking payments to home helps in the parallel benchmarking agreement. My Department provided appropriate funding to the health boards to cover the outlay required for the implementation of this agreement this year in the letter of determination. Sanction for the payment of the initial phase of this agreement has already issued. The second phase of benchmarking is currently being verified in accordance with the provisions of Sustaining Progress. Sanction, if approved, will issue in the coming weeks. Responsibility for actual payments to home helps rests with each health board and to the voluntary agencies under their aegis.

### Health Board Services.

274. **Ms O. Mitchell** asked the Minister for Health and Children the reason funding has not been released to open the new health centre in Ballymun; and when it is anticipated that funding will be released to allow the commissioning of services in the new health centre. [15299/04]

**Minister for Health and Children (Mr. Martin):** My Department has recently been in discussions with the Eastern Regional Health Authority and the Northern Area Health Board regarding this project. My Department is currently awaiting a report from the ERHA and the NAHB on a number of issues regarding this proposal.

275. **Mr. Penrose** asked the Minister for Health and Children if he will investigate and take steps to ensure that a person (details supplied) in County Westmeath is immediately admitted to Tullamore General Hospital for ENT treatment; and if he will make a statement on the matter. [15300/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the provision of hospital services to residents of County Westmeath rests with the Midland Health Board. My Department has, therefore, asked the chief executive officer of the board to investigate the matter raised by the Deputy and to reply to him directly.

### Services for People with Disabilities.

276. **Mr. J. Bruton** asked the Minister for Health and Children the steps he intends to take to provide funding for an early intervention centre (details supplied) in south-east Meath. [15304/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** Responsibility for the funding of services for people with intellectual disability or autism in the Meath region lies, in the first instance, with the North Eastern Health Board. My Department has asked its CEO to investigate the matter and to reply directly to the Deputy.

### Health Board Services.

277. **Mr. Morgan** asked the Minister for Health and Children if he will intervene to ensure that a nursing home bed at St. Joseph's Hospital, Longford, will be made available for a person (details supplied) in County Longford who is due to be discharged from Mullingar General Hospital and who is in need of constant medical attention; the reason a bed has not been made available for the person; and when he expects a bed to be made available. [15307/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** The provision of health services in the Longford area is, in the first instance, the responsibility of the Midland Health Board. My Department has asked its CEO to investigate the matter and to reply directly to the Deputy, as a matter of urgency.

### Hospital Services.

278. **Mr. Carey** asked the Minister for Health and Children if a person (details supplied) in Dublin 11 who is not a medical card holder is entitled to a breast prosthesis. [15315/04]

**Minister for Health and Children (Mr. Martin):** As part of the development of services for symptomatic breast disease patients, designated funding was made available to each health board and the ERHA to enable them to provide a prosthesis service to all breast cancer patients, irrespective of the patients medical card status. Since 2001 my Department provided approximately €1.2 million to ensure that all post operative breast cancer patients requiring prosthesis and bra fitting are provided with the initial prosthesis and two bras free of charge. This year my Department provided an additional €15 million to meet service pressures in oncology, including symptomatic breast disease services.

My Department has asked the CEO of the Northern Area Health Board to investigate the matter and to reply directly to the Deputy.

### General Practitioner Co-operatives.

279. **Mr. O'Shea** asked the Minister for Health and Children, further to Question No. 347 of 18 May, if he will clarify in relation to paragraph two of the reply if it was the South Eastern Health Board that made the final decision in regard to the geographical areas to be covered by Caredoc co-operatives; and the order of their commencement. [15324/04]

**Minister for Health and Children (Mr. Martin):**

As stated in my response to the parliamentary question previously tabled by the Deputy on the matter, responsibility for decisions on geographical areas to be covered by general practitioner out-of-hours co-operatives and the order of their commencement are matters for the CEOs of the relevant health board. The decision about the order of geographical areas brought into Caredoc since its establishment in 1999 was made by the South Eastern Health Board.

**Hospital Services.**

280. **Mr. O'Shea** asked the Minister for Health and Children if he has set up the expert group to examine organ donation procurement and utilisation policy. [15327/04]

**Minister for Health and Children (Mr. Martin):**

The health strategy, Quality and Fairness — A Health Strategy for You, includes a commitment to further develop organ transplantation services. In the near future I shall establish an expert group to examine organ donation, procurement and utilisation policy here as part of the strategy commitment and with a view to increasing donation and utilisation rates.

**Health Board Services.**

281. **Mr. Perry** asked the Minister for Health and Children if a person (details supplied) in County Sligo will immediately be called for their orthodontic treatment in view of extenuating circumstances (details attached). [15331/04]

**Minister for Health and Children (Mr. Martin):**

Responsibility for the provision of orthodontic treatment to eligible persons in County Sligo rests with the North Western Health Board. My Department has asked its CEO to investigate the matter and to reply directly to the Deputy.

282. **Mr. Perry** asked the Minister for Health and Children when a person (details supplied) in County Sligo will receive a home care package in view of their life long medical condition; and if a family member who is not resident in the home will be appointed. [15333/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The provision of health services in the Sligo area is, in the first instance, the responsibility of the NWHB. My Department has asked its CEO to investigate the matter and to reply directly to the Deputy, as a matter of urgency.

**Compensation Payments.**

283. **Mr. Perry** asked the Minister for Health and Children the moneys paid for the settlement of claims against the State brought by parents of special needs children; and the estimated costs of future claims and the likelihood of additional claims. [15335/04]

**Minister for Health and Children (Mr. Martin):**

To date the moneys paid for settlement of claims against my Department brought by parents of special needs children is approximately €3.9 million. Due to the nature of these cases and the court process therein, it is not possible to estimate future claims or associated costs.

**Hospital Services.**

284. **Mr. Naughten** asked the Minister for Health and Children when a person (details supplied) in Dublin 7 will be called for an operation at Beaumont Hospital; and if they are entitled to have the procedure performed under the treatment purchase fund scheme, in view of the fact that they have been on a waiting list for four years. [15488/04]

**Minister for Health and Children (Mr. Martin):**

Responsibility for the provision of services to residents of counties Dublin, Kildare and Wicklow rests with the Eastern Regional Health Authority. Services at Beaumont Hospital are provided under an arrangement with the authority. My Department has asked its CEO to investigate the matter and to reply directly to the Deputy.

The national treatment purchase fund has asked all of the health boards to identify public hospital patients that have waited the longest on inpatient lists to offer them treatment. Public patients, who satisfy the criteria, can apply to their general practitioners, medical consultants or their local health boards for treatment under the NTPF.

**Health Board Services.**

285. **Mr. Allen** asked the Minister for Health and Children if a person (details supplied) in County Cork will have their situation reviewed. [15489/04]

**Minister for Health and Children (Mr. Martin):**

Responsibility for the provision of services for residents of County Cork is, in the first instance, a matter for the Southern Health Board. My Department has asked its CEO to investigate the matter and reply directly to the Deputy.

**Smoking Ban.**

286. **Mr. Murphy** asked the Minister for Health and Children the reason smoking concessions are allowed in nursing homes but not in long-stay community hospitals. [15531/04]

**Minister for Health and Children (Mr. Martin):**

The smoke-free workplaces measures apply, with limited exceptions, to all enclosed places of work. The exemptions are specified in the Public Health (Tobacco) (Amendment) Act 2004. An exemption will apply where a long-stay community hospital meets the specified requirements. A decision to allow the smoking of tobacco products in exempted premises is a matter for the management of the premises.



concerned. The fact that a premises is exempted does not confer a right to smoke in that location. Neither does it affect the duty of care an employer has in respect of his or her employees.

#### **Health Board Services.**

287. **Mr. McGuinness** asked the Minister for Health and Children if a submission made to the SEHB social workers by a person (details supplied) in County Kilkenny on their request for improved visiting rights for their children will be expedited; if the case can be reviewed as soon as possible. [15532/04]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** Responsibility for the matter rests with the South Eastern Health Board. My Department has asked its CEO to reply directly to the Deputy.

#### **Hospital Staff.**

288. **Mr. Kenny** asked the Minister for Health and Children if and when he intends to appoint a nephrologist to Letterkenny General Hospital, County Donegal, in view of the fact that there is a two year waiting list for the service. [15533/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the provision of services at Letterkenny General Hospital rests with the North Western Health Board. Recently my Department gave approval to the board to proceed with a recruitment process for the appointment of a consultant nephrologist to Letterkenny and Sligo General Hospitals.

289. **Ms O. Mitchell** asked the Minister for Health and Children if and when he intends to appoint an orthodontic surgeon for Letterkenny General Hospital, County Donegal. [15534/04]

**Minister for Health and Children (Mr. Martin):** The recruitment of orthodontic staff in the NWHB area is the statutory responsibility of its CEO. My Department has asked him to investigate the matter and to reply directly to the Deputy.

#### **Communication Masts.**

290. **Mr. Kenny** asked the Minister for Health and Children the reason the recommendations of a committee on non-ionising radiation emissions, issued on 12 November 1998, and with particular reference to elements 9.16, 9.17 and 9.18, have not been implemented; and his proposals to accept and deal with them. [15535/04]

**Minister for Health and Children (Mr. Martin):** In 1998 the Oireachtas Joint Committee on Public Enterprise and Transport published a report entitled Non-ionising Microwave Radiation Emissions from Communication Masts. It made a number of recommendations concerning planning and exempt developments, monitoring, public information, operators and

health. Recommendations 9.15 — 9.18 refer to health issues.

With regard to 9.15, 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 here are required to comply with them. The monitoring of emission levels from masts is a function of the Office of the Director of Telecommunications Regulation.

To date scientific research has not established a causal relationship between electromagnetic radiation and ill health. In the absence of evidence of a causal relationship between electromagnetic radiation and ill health, the approach adopted here is to minimise exposure in accordance with the 1999 EC recommendations. They are based on the 1998 guidelines of the International Commission on Non-ionising Radiation covering the frequency range from 0-300GHz. At present I have no plans to set up an expert panel as outlined in recommendation 9.16 of the report.

With regard to recommendation 9.17, a review group established under the aegis of my Department has prepared a draft national environmental health action plan entitled A Shared Vision for Quality of Life. It addresses the issue of radio frequency radiation. The draft plan has been referred to Departments and State agencies involved in environmental health for their comments and observations. EU and international developments will impact on the finalisation of the NEHAP. Two initiatives are the European Environment and Health Strategy-Action Plan 2004-2010 by the EU and Children's Environment and Health Action Plan for Europe by the WHO. They are due to be completed by July and will allow the finalisation of NEHAP to progress.

With regard to item 9.18, research is ongoing on the issue. My Department will continue to review the findings of all new peer reviewed studies.

The Oireachtas 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.

#### **Health Board Services.**

291. **Mr. McGuinness** asked the Minister for Health and Children the assessments of a person (details supplied) in County Kilkenny of their speech and language difficulties; if recommendations or interventions have been or will be recommended; the amount of therapy they have or will receive; the place at which the person is at present; the placement recommended for the future; and if the assessments and reports will be made available to their parent. [15536/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The provision of



[Mr. T. O'Malley.] health-related services, including speech and language therapy, for people with physical or sensory disabilities is a matter for the Eastern Regional Health Authority and the health boards in the first instance. My Department has asked the CEO of the SEHB to examine the matter and to reply directly to the Deputy, as a matter of urgency.

### Medical Certificates.

292. **Mr. McGuinness** asked the Minister for Health and Children, further to Parliamentary Question No. 138 of 26 February, regarding a person (details supplied) in Dublin 8, he will expedite a decision in their application for a primary medical certificate; and if he will also review the decision not to grant mobility allowance. [15537/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** A reply issued from the ERHA to the Deputy on 26 April. The application for a mobility allowance was refused on medical grounds following an assessment and a subsequent appeal, both of which were conducted and reviewed by designated medical officers.

An application for a primary medical certificate was made on 2 February. It is being considered by the community care area 3, Dublin south city. If criteria is met a certificate will be recommended for issue.

### Health Board Services.

293. **Mr. Stagg** asked the Minister for Health and Children the reason a speech therapist has not been assigned to a centre (details supplied) of the Irish Wheelchair Association in Clane, County Kildare; the reason the services of a physiotherapist have been withdrawn from it; and if he will reinstate the service. [15538/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The provision of health services, including speech and language therapy and physiotherapy, to people with physical or sensory disabilities is a matter for the ERHA and the health boards in the first instance. My Department has asked the authority's CEO to investigate the matter and to report directly to the Deputy, as a matter of urgency.

294. **Mr. Stagg** asked the Minister for Health and Children, further to Question No. 319 of 6 April, if the full complement of beds are in use in Maynooth community care unit. [15539/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** The provision of health services in the Kildare area is, in the first instance, the responsibility of the South Western Area Health Board. It acts under the aegis of the ERHA.

My Department does not routinely collate the information requested. I have asked the authority's CEO to supply me with the relevant details. I will forward the information to the Deputy, as a matter of urgency.

### Nurses' Remuneration.

295. **Mr. Kenny** asked the Minister for Health and Children the arrangements he has made to issue retired psychiatric nurses with top-up payments and back payments due to them by agreement; the number of psychiatric nurses involved; when he expects that payments will be made. [15540/04]

**Minister for Health and Children (Mr. Martin):** I presume the Deputy is referring to the Labour Court decision No. 033 (CD/02/607) on the inclusion of an acting-up allowance in the calculation of premium pay. A circular sanctioning the implementation of the decision issued from my Department on 7 May 2003. Responsibility for the payment of arrears to retired psychiatric nurses rests with the health boards and the ERHA. My Department has requested that the CEOs investigate the matters raised and respond directly to the Deputy.

### Irish Blood Transfusion Service.

296. **Ms Lynch** asked the Minister for Health and Children the cost of building and commissioning the new Dublin centre of the Irish Blood Transfusion Service; if the sum was in excess of the budgeted figure; if so, the precise excess; the annual operational costs; and the annual number of donations processed, separately for the Dublin and Cork centres of the said board. [15541/04]

**Minister for Health and Children (Mr. Martin):** The original estimated total project cost, covering fees, construction and equipment, for the board's new headquarters at the construction commencement date of June 1998 was €46,091,492.

During the contract the fitting out of the nucleic acid amplification technology testing component of the project was deferred when it became evident that developments and enhancements in the technology were imminent. The NAT contract was carried out in 2003 and the estimated total final project cost is €49 million. The final account for fit-out has not yet been agreed.

The annual operational costs of the IBTS headquarters is €1,748,000 and broken down as follows:

	€
Utilities	718,000
Cleaning	300,000
Security	180,000
Maintenance	550,000.

The annual number of donations processed is 103,000 in Dublin and 43,000 in Cork.

297. **Ms Lynch** asked the Minister for Health and Children if the Irish Medicines Board has reported any deficiencies in the operation of the Dublin centre of the Irish Blood Transfusion Service in the past five years; if so, the date of the report, the nature of the perceived problem and the remedies taken to specify the problem; and the date by which the matter was rectified in each instance. [15542/04]

**Minister for Health and Children (Mr. Martin):** In March 1997 Mr. Justice Finlay published a report of the Tribunal of Inquiry into the Blood Transfusion Service Board. He recommended that the IMB should inspect the centres in Dublin and Cork at least twice annually and report their results to the Minister for Health.

Since 1997 the IMB has reported to the Minister each year and the reports were subsequently laid before both Houses of the Oireachtas. Each report focuses on ongoing activities during the year and assesses their conformity with prevailing standards of good manufacturing practice in accordance with Directive 91/356/EC and other relevant standards of quality assurance. The reports draw attention to issues of non-compliance in both centres and also acknowledge improvements and developments in the service. The IBTS responds to each report with details on corrective actions and a timescale for implementation. I have arranged to have copies of all reports sent to the Deputy.

From the reports it is evident that the IBTS has undergone a major change with new processes and facilities being developed. In the earlier years the IMB reported persistent GMP deficiencies in a number of areas including quality management, personnel, processes and equipment, documentation and quality control. More recent reports acknowledge a “steady improvement in the GMP compliance of the IBTS.” The reports acknowledge that the opening of the new national headquarters in James’s Street, Dublin, contributed significantly to the improvement.

#### **Housing Aid for the Elderly.**

298. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will have their application for grant aid under the special housing aid for the elderly scheme dealt with; and when funding will be approved. [15543/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** The Western Health operates the scheme in the Mayo area on behalf of the Department of the Environment, Heritage and Local Government. My Department has asked the board’s CEO to investigate the matter

and to reply directly to the Deputy, as a matter of urgency.

#### **Hospital Services.**

299. **Mr. Costello** asked the Minister for Health and Children the average length of time persons in accident and emergency units have waited for beds in each of the past five years; and the average length of time persons have waited in each month of 2004 to date. [15544/04]

**Minister for Health and Children (Mr. Martin):** The information requested by the Deputy is not routinely collected by my Department. My Department has asked the CEOs of the Eastern Regional Health Authority and the health boards to send the information to the Deputy.

300. **Mr. Costello** asked the Minister for Health and Children the number of beds available in the Mater Hospital in each of the past five years; the number of wards closed in each of the past five years; the number of beds closed today; when it is expected to have all the beds available again. [15545/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the funding of services at the Mater Hospital rests with the ERHA. My Department has asked its CEO to investigate the matter and to reply directly to the Deputy.

301. **Mr. McGuinness** asked the Minister for Health and Children if places have been granted to persons (details supplied) in County Kilkenny at the language unit Kilkenny, as they both urgently require speech therapy; the number waiting for the service; the way he intends to deal with the issue; and if a transport grant will be paid in the case. [15566/04]

**Minister of State at the Department of Health and Children (Mr. T. O’Malley):** The provision of health services, including speech and language therapy, for people with physical or sensory disabilities is a matter for the ERHA and the health boards in the first instance. My Department has asked the CEO of the South Eastern Health Board to examine the matter and reply directly to the Deputy, as matter of urgency.

#### **Nursing Education.**

302. **Mr. Hayes** asked the Minister for Health and Children if the Government will make bursaries available in 2004 to assist persons pursuing nursing training in England. [15567/04]

**Minister for Health and Children (Mr. Martin):** Students undertaking the nursing degree programme may qualify for a means tested higher education grant from the Department of Education and Science similar to all third level students.

[Mr. Martin.]

I have made inquiries of my colleague the Minister for Education and Science, Deputy Noel Dempsey. His Department's higher education grant scheme provides maintenance grants 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 that is maintained or assisted by recurrent grants from public funds.

Students attending approved courses in other 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 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 1998-1999 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.

The number of training places available here has increased by 70% across the three disciplines of general, psychiatric and mental handicap nursing since 1998. They are as follows:

Discipline	1998	2004
General Nursing	759	1,057
Psychiatric Nursing	92	343
Mental Handicap Nursing	117	240

The number of training places was increased in direct response to the identified needs of the services involved. It is a key element of my overall strategy for ensuring that sufficient home trained nurses are produced for our health services in the future.

Applications for the nursing degree programme continue to greatly exceed the number of places available. Therefore, I do not see the need to introduce bursaries for individuals pursuing nursing training in England.

#### Health Board Services.

303. **Mr. Neville** asked the Minister for Health and Children the new services to be provided by the Midland Health Board in view of increased spending on suicide prevention and research of €336,000 in the area. [15654/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** Responsibility for the provision of services rests with the Midland Health Board. My Department has asked its CEO to investigate the matter and to reply to the Deputy directly.

304. **Mr. Naughten** asked the Minister for Health and Children if the current embargo on home help will be lifted by health boards due to the extreme hardship it causes to vulnerable persons. [15656/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** I assume the Deputy is referring to the situation in the Western Health Board's catchment area. My Department has asked its CEO to investigate the matter and to reply directly to the Deputy, as a matter of urgency.

305. **Mr. Gregory** asked the Minister for Health and Children when the necessary funding will be made available for the opening of long-stay beds in Cherry Orchard Hospital, Dublin 10 so that elderly patients in St. James's Hospital, Dublin 8, can be transferred there. [15657/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** The provision of health services in the Dublin 8 area is, in the first instance, the responsibility of the South Western Area Health Board. It acts under the aegis of the ERHA. My Department has asked the board's CEO to investigate the matter and to reply directly to the Deputy, as a matter of urgency.

306. **Mr. McGuinness** asked the Minister for Health and Children the funding available to individuals who require urgent orthodontic treatment and do not have the means; if a person (details supplied) in County Kilkenny can avail of treatment as a public patient. [15658/04]

**Minister for Health and Children (Mr. Martin):** Under the Health Act 1970, only children are eligible for orthodontic treatment on the basis of defects noted at school health examinations carried out while attending national school. Tax relief is available in respect of orthodontic treatment costs obtained privately.

Responsibility for the provision of orthodontic treatment to eligible persons is the statutory responsibility of the health boards and authority in the first instance. My Department has asked the relevant board's CEO to investigate the matter and to reply directly to the Deputy.

#### Medical Cards.

307. **Ms Cooper-Flynn** asked the Minister for Health and Children if special consideration is given to polio survivors in the State when they apply for a medical card; and other assistance they can avail of as many of them are over 60 years of age and require a lot of after care due to age and post-polio syndrome. [15659/04]



**Minister for Health and Children (Mr. Martin):**

Responsibility for the provision of medical cards is, by legislation, a matter for the CEO of the relevant health board or authority. No particular groups in society, other than persons over 70 years of age, are automatically entitled to medical cards. Each case is assessed on its merits.

All matters, such as the long-term illness scheme, aids and appliances, physiotherapy, and home support, are for the relevant health board to decide.

**Housing Aid for the Elderly.**

308. **Mr. Wall** asked the Minister for Health and Children the reasons a person (details supplied) in County Offaly cannot receive financial assistance for urgent home repairs from the Midland Health Board; the reason funding is not available; the reason a commitment cannot be given to this senior citizen considering their age; if he will investigate the matter. [15660/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** The health board operates the scheme in the Offaly area on behalf of the Department of the Environment, Heritage and Local Government. My Department has asked the board's CEO to investigate the matter and to reply directly to the Deputy, as a matter of urgency.

**Hospital Parking Charges.**

309. **Mr. McGuinness** asked the Minister for Health and Children if a €3 parking charge at St. Luke's Hospital, Kilkenny, can be reduced to €1 in line with city centre charges; if a day rate will be considered for those visiting a number of times each day. [15661/04]

**Minister for Health and Children (Mr. Martin):**

Responsibility for the provision of services at the hospital is, in the first instance, a matter for the South Eastern Health Board. My Department has asked its CEO to reply directly to the Deputy.

**Hospital Services.**

310. **Mr. McHugh** asked the Minister for Health and Children when a person (details supplied) in County Galway will receive an appointment they have waiting a number of weeks for from the University Hospital Galway. [15698/04]

**Minister for Health and Children (Mr. Martin):**

The provision of services to residents of County Galway is the responsibility of the Western Health Board. My Department has asked its CEO to investigate the case and to reply directly to the Deputy.

**Hospitals Building Programme.**

311. **Mr. McHugh** asked the Minister for Health and Children, further to the Adjournment debate on 25 February, when he will announce approve a project at Tuam Hospital. [15699/04]

**Minister of State at the Department of Health**

**and Children (Mr. Callely):** Responsibility for the provision of health services in the Galway area rests with the WHB in the first instance. In October 2002 it submitted a planning brief for the hospital to my Department.

At present my Department is examining the health capital programme for 2004 and beyond to ascertain what new projects can be progressed through either planning or construction stages. Account shall be taken of existing commitments and the overall funding resources available. My Department will continue to liaise with the board on the proposed development in the light of its overall capital funding priorities.

**Medical Cards.**

312. **Mr. Stanton** asked the Minister for Health and Children the criteria for eligibility for a medical card in the State, if determining eligibility is solely a feature of the persons means; if medical cards are granted to categories of persons by virtue of an underlying condition that affects them or by virtue of other criteria. [15731/04]

**Minister for Health and Children (Mr. Martin):**

All applications for medical cards, except those for persons aged 70 years and over, are assessed by the local health boards on the grounds of medical need and income.

Entitlement to health services here is primarily based on means. Under the Health Act 1970, determination of eligibility for medical cards is the responsibility of the CEO of the appropriate health board. Persons aged 70 years and over are automatically entitled to a medical card. They are issued to persons who, in the opinion of a CEO, are unable to provide general practitioner medical and surgical services for themselves and their dependants without undue hardship.

Income guidelines are drawn up to assist in the determination of a person's eligibility. They are revised annually in line with the consumer price index. The guidelines are not statutorily binding. A medical card may be awarded if a CEO considers that a person's medical needs or other circumstances justify it even though their income exceeds the guidelines.

**Departmental Schemes.**

313. **Mr. Stanton** asked the Minister for Health and Children the last illness to be included in the long-term illness scheme; his proposals for it to include additional conditions; if polio was considered suitable for inclusion in the scheme. [15732/04]

**Minister for Health and Children (Mr. Martin):**

Under the 1970 Health Act a health board may arrange for the supply, without charge, of drugs, medicines and medical and surgical appliances to people with a specified condition and for the treatment of that condition under the long-term illness scheme. The conditions are: mental handicap, mental illness for people under 16



[Mr. Martin.]

years only, phenylketonuria, cystic fibrosis, spina bifida, hydrocephalus, diabetes mellitus, diabetes insipidus, haemophilia, cerebral palsy, epilepsy, multiple sclerosis, muscular dystrophies, parkinsonism, conditions arising from thalidomide and acute leukaemia. In 1975 parkinsonism, acute leukaemia, muscular dystrophies and multiple sclerosis were added. No further conditions have been added since then. The scheme was originally set up on an *ad hoc* basis in respect of a single illness. No specific criteria for inclusion were established at the time. There are no plans to amend the list of eligible conditions.

Other schemes provide assistance towards the cost of approved drugs and medicines for people with significant ongoing medical expenses. People who cannot, without undue hardship, arrange for the provision of medical services for themselves and their dependants may be entitled to a medical card. Eligibility for a medical card is solely a matter for the CEO of the relevant health board. In determining eligibility, the CEO has regard to the applicant's financial circumstances. Health boards use income guidelines to assist in determining eligibility. Where a person's income exceeds the guidelines, a medical card may be awarded if the CEO considers that the person's medical needs or other circumstances would justify this. Medical cards may also be issued to family members on this basis. Non-medical card holders, and people with conditions not covered under the long-term illness scheme, can use the drugs payment scheme. Under the scheme no individual or family unit pays more than €78 per calendar month towards the cost of approved prescribed medicines.

#### **Prompt Payment of Accounts.**

314. **Mr. Sargent** asked the Minister for Health and Children the reason health boards do not comply with legislation on the prompt payment of accounts and cause great hardship to small companies, such as those that supply prosthetic products and leg extension stents, providing essential services and putting a question mark over continued existence. [15724/04]

**Minister for Health and Children (Mr. Martin):** The health boards and the ERHA are required to provide details, as part of their annual reports, of payment practices and compliance with the Prompt Payment of Accounts Act 1997 and the amending EC regulations of 2002. They are subject to audit by the Comptroller and Auditor General. To my knowledge there has been no reported non-compliance, in a material respect, with the legislation for the latest available audited annual financial statements for the year ended 31 December 2002.

It is not possible to ensure all payments to suppliers are made on time. Where such instances arise interest on late payments to suppliers should be paid in accordance with the legislation.

Responsibility for compliance with the legislation on the prompt payment of accounts rests with the CEOs of health boards and the authority. My Department has asked the CEOs to investigate the matter and to reply directly to the Deputy.

#### **Shannon Airport.**

315. **Mr. Noonan** asked the Minister for Transport if the new airport authority at Shannon will have a wider airport development role or will the task remain with Shannon Development. [15481/04]

333. **Mr. Noonan** asked the Minister for Transport his policy on the ongoing viability of the future development of Shannon Airport. [15497/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 315 and 333 together.

Responsibility for Shannon Development rests with my colleague, the Tánaiste and Minister for Enterprise, Trade and Employment. She has been in contact with the board of that agency on its role in light of the forthcoming decentralisation of Enterprise Ireland to Shannon and the advent of the new autonomous Shannon Airport Authority.

Regarding the future development of Shannon Airport I refer the Deputy to the relevant sections of my reply to Questions Nos. 59, 89, 91, 96, 107, 123 and 129 on 4 May:

With regard to Shannon, Dublin and Cork Airports, the numbers employed in future years will depend on a number of factors, including business plans and strategies of the new independent boards and the efforts of the boards, management and staff to grow existing services and attract new services. I have made it clear that I believe that each of the three airports, including Shannon, will be a commercial success and will maximise sustainable employment both within the airports companies themselves and in their catchment areas.

The new arrangements are designed to strengthen and expand each of three airports and to give both Shannon and Cork a fresh start under strong and visionary leadership. Through more focused commercial operation, all three airports can perform better and each can play a greater role in stimulating and supporting regional and national economic activity to the benefit of their customers, both airlines and passengers, and of Irish tourism, trade and industry.

#### **National Car Test.**

316. **Ms Enright** asked the Minister for Transport the reason a vehicle failed a national car test by not having the name of the county in Irish on the number plate; and if it is an

unnecessary provision in view of the reason for introducing the test. [15530/04]

**Minister of State at the Department of Transport (Dr. McDaid):** The format, dimensions and technical specifications of registration plates for display on motor vehicles are provided for in the Vehicle Registration and Taxation (Amendment) Regulations 1999 and were made by the Revenue Commissioners. The regulations provide, *inter alia*, that a registration plate shall exhibit the index mark and placename of the relevant licensing authority. They also specify that the placename to be used for each of the 29 licensing authorities shall be the Irish version of the county concerned. The requirements for index marks and placenames are long-standing and date back to the Road Vehicles (Registration and Licensing) (Amendment) Regulations 1990.

A check on the registration plate to establish whether it complies with statutory requirements has been part of the test since its introduced in 2000. No charge is made by the service for a retest where a vehicle fails because of an inadequate registration plate.

#### Fógraíocht Ranna.

317. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Iompair an bhfuil comórtas i gceist i roghnú an nuachtáin náisiúnta Gaeilge ina gcuirfear fógraí Stáit ón Roinn Iompair. [15142/04]

318. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Iompair conas a chinntear fógraí Stáit óna Roinn a chur i nuachtán amháin thar nuachtán eile; an raibh an nuachtán *Lá* san áireamh sa liosta nuachtán náisiúnta Gaeilge as ar roghnaíodh *Foinse* le haghaidh fógraí. [15157/04]

319. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Iompair cad é luach na bhfógraí Stáit a cuireadh sa nuachtán *Foinse* in 2003. [15172/04]

**Minister for Transport (Mr. Brennan):** Tá sé molta Ceisteanna Uimhreacha 317, 318 agus 319 a thógaint le chéile.

Nuair a chuireann an Roinn seo fógra isteach i nuachtáin bíonn roinnt ceisteanna le plé. Ag tógail san áireamh an saghas duine a léann an nuachtán, scaipeadh an nuachtáin, agus na costaisí. Tar éis na ceisteanna seo a chuir san áireamh déantar cinneadh. Sé príomh aidhm na Roinne seo nuair a chuirtear fógra i nuachtán, teastaíonn uainn go dtéann an teachtaireacht amach chuig leitheidirí a theastaíonn an t-eolas áirithe seo uathu.

Chaith an Roinn Iompair €2,340 roimh cáin, VAT ar fhógraí sa nuachtán *Foinse* i 2003.

#### Motor Vehicle Testing.

320. **Mr. Kehoe** asked the Minister for Transport if a tractor and trailer must undergo a test. [15217/04]

321. **Mr. Kehoe** asked the Minister for Transport if there are circumstances in which a

tractor and trailer, under eight metres in length, must undergo a test. [15218/04]

**Minister of State at the Department of Transport (Dr. McDaid):** I propose to take Questions Nos. 320 and 321 together.

The classes of vehicles liable for vehicle testing are set out in the First Schedule to the European Communities (Vehicle Testing) Regulations 1991. Agricultural tractors do not come within their scope. The regulations apply to buses, ambulances and motor vehicles and trailers that are used for the carriage of goods. They only apply where a trailer has a design gross vehicle weight exceeding 3,500 kg or an unladen weight exceeding 1,524 kg. A trailer that is designed and used primarily for agricultural work and is used on a public road only incidentally does not come within the scope of the regulations.

#### Rail Services.

322. **Mr. Cuffe** asked the Minister for Transport the way in which the DART upgrade is progressing; when it is anticipated that weekend closures will cease; and when commuters will experience an improvement in services following the upgrade. [15227/04]

**Minister for Transport (Mr. Brennan):** I am informed by Irish Rail that weekend DART closures will continue between Pearse Station and Greystones until 31 July 2004, after which normal weekend services will resume between these stations. Irish Rail will then commence work on northside DART stations and weekend closures will take place from August until mid-2005 approximately. As the project reaches completion, some further weekend closures on the southside may be necessary.

The current phase of DART upgrade works are anticipated to be complete by the end of 2005. Thereafter the operation of eight-car DARTs will deliver a 30% capacity increase with the provision of enhanced station facilities for all commuters.

#### Schools of Motoring.

323. **Mr. Perry** asked the Minister for Transport the funding available to provide financial assistance for the set up of schools of motoring. [15234/04]

**Minister for Transport (Mr. Brennan):** There is no funding available from my Department for the setting up of schools of motoring.

#### Parking Regulations.

324. **Mr. Deenihan** asked the Minister for Transport if he will consider extending penalty points for motorists who use car parking spaces reserved for disabled drivers, in view of the severe hardship this is causing many drivers; and if he will make a statement on the matter. [15251/04]

**Minister for Transport (Mr. Brennan):** The Government road safety strategy 1998-2002 recommended that a system of penalty points should be introduced with the specific focus of tracking a range of motoring offences that have a direct impact on road safety. The Road Traffic Act 2002, which provides the legislative basis for the penalty points system, reflects that focus and the 69 offences identified as penalty point offences are directly related to road safety. The only offence on parking included in the list is the offence of dangerous parking as such activity has a direct influence on road safety. While I have no plans to extend the penalty points system to other offences at this time, I will keep the system under review.

#### **Airport Development Projects.**

325. **Mr. P. Breen** asked the Minister for Transport if, further to Parliamentary Question No. 431 of 23 March 2004, his Department or the IAA has been able in the interim period to ascertain the number of landowners affected by the three orders in question at Dublin, Shannon and Knock Airports; and if he will make a statement on the matter. [15267/04]

**Minister for Transport (Mr. Brennan):** The orders the Deputy refers to in his question were made under Section 14 of the Air Navigation and Transport Act 1950. The orders in question were made between 1988 and 1993, and relate to circular protected areas of 300 metres radius from the IAA's DVOR-DME equipment at Rowlestown west, County Dublin; Kilgarriff west, Charlestown, County Mayo, and Knockaun, Shannon, County Clare.

Neither my Department nor the Irish Aviation Authority has records which would indicate the number of landowners affected by the three orders in question, either at the time of making, or whether changes in land ownership subsequently may have changed the number of landowners affected. There is no requirement in the 1950 Act to identify landowners in advance of making the orders.

326. **Mr. P. Breen** asked the Minister for Transport further to Parliamentary Question No. 635 of 27 April 2004 relating to the differences between the ERM maps and the Aer Rianta EIS consultation brochure, if his attention has been drawn to the fact that the western threshold of proposed runway 10/28 as shown on the ERM maps is approximately 250 metres east of Kingston cross roads whereas this very same threshold is shown on the Aer Rianta EIS consultation brochure of October 2002 as being approximately 500 metres east of the aforementioned Cross Roads leading to considerable confusion on the part of the public regarding the precise location of this proposed runway threshold; and if he will make a statement on the matter. [15268/04]

**Minister for Transport (Mr. Brennan):** As I indicated in my earlier reply of 27 April 2004 on this matter, I am not aware of any significant difference between the ERM report and Aer Rianta's consultation brochure of October 2002 in the context of the purpose for which each of those documents were produced. The consultation brochure was produced by Aer Rianta as part of the public information process associated with the preparation of an environmental impact statement to accompany a future runway planning application to the local planning authority. The ERM report comprised a study on the development of public safety zones in the vicinity of Dublin, Shannon and Cork Airports.

Both of these documents depicted, for illustrative purposes, the proposed runway 10/28 and while there was a minor difference, of the order of approximately 100 metres, in the depiction of the western threshold of that runway as between the draft ERM report of June 2003 and the Aer Rianta consultation brochure, this was brought to ERM's attention during the public consultation process and was corrected in the final version of the report which was submitted to myself and the Minister for the Environment, Heritage and Local Government in September 2003. Both documents now depict the western threshold of the proposed runway as being approximately 425 metres east of Kingston Cross Roads.

327. **Mr. P. Breen** asked the Minister for Transport if his attention has been drawn to the ICAO aerodrome obstacle chart, type A, for runway 11/29 at Dublin Airport, in particular obstacle 11 thereon; the details of the said obstacle, with particular reference to its identity, date of construction, distance from the nearby runway threshold, length, breadth, height and its height relative to the notional 1.1% slope on the chart in question at its innermost edge that is nearest to the nearby runway threshold; and if he will make a statement on the matter. [15269/04]

**Minister for Transport (Mr. Brennan):** The matters to which the question relates are appropriate to Aer Rianta and its safety licensing authority, the Irish Aviation Authority.

328. **Mr. P. Breen** asked the Minister for Transport if, during Report and Final Stages of the Air Navigation and Transport (Amendment) Bill 1997, the then Minister, Senator O'Rourke, stated in Dáil Éireann on 27 May 1998 that protected area powers, if granted to Aer Rianta, would represent a wide range of safety related powers to transfer to a commercial State body and that, in effect, a person's rights in relation to private property could be limited by enabling the company to restrict development if such proposal were adopted; and if he will make a statement on the matter. [15270/04]



**Minister for Transport (Mr. Brennan):** I have checked the record of the relevant debate in Dáil Éireann and I can confirm that the comments attributed by the Deputy to my predecessor are essentially correct. My reply to the Deputy's earlier Question No. 636 of 27 April 2004 on this matter is not inconsistent with those comments.

329. **Mr. P. Breen** asked the Minister for Transport further to Parliamentary Question No. 640 of 27 April 2004, if, in relation to the earlier draft public safety zone, PSZ maps (details supplied) and taking cognisance of the fact that such maps differed significantly from those contained in the subsequent ERM report of June 2003, he will outline in tabular form, in respect of all runways at each State airport, the respective levels of perceived air traffic movements on which such PSZs were based; and if he will make a statement on the matter. [15271/04]

**Minister for Transport (Mr. Brennan):** When Environmental Resources Management, ERM, was preparing its report on public safety zones, it consulted with the local authorities in question a number of times. During those consultations, which took place over a period of about one year, ERM have advised that they used a number of different maps that were shown to the local authorities.

ERM have advised that as the study was progressing, both the mathematical modelling and risk analysis being used by ERM to determine the public safety zones, as well as the flight movement data being used in its analysis, were being refined. Therefore, while the approximate shape, size and position of the public safety zones was becoming clear, their precise delineation on the maps being used by ERM was subject to change.

As part of their public consultation process before finalising their report, ERM published details of the sizes of the public safety zones it was proposing, along with details of how it arrived at those particular zones.

### Road Safety.

330. **Mr. Haughey** asked the Minister for Transport his plans to increase the speed limits on some roads; and if he will make a statement on the matter. [15286/04]

**Minister for Transport (Mr. Brennan):** The Road Traffic Acts provide for the direct application of speed limits to all roads. A broadly based working group that was established last year to review speed limit policies, against the backdrop of the adoption of metric values for such speed limits, have presented a comprehensive report that incorporates recommendations across a range of areas. The report is available on my Department's website and copies have been placed in the Oireachtas Library.

The group has recommended that default road speed limits, which are applied directly under an Act of the Oireachtas, should range from 120 km/h, equivalent to 74.580 mph, on motorways to 50 km/h, equivalent to 31.075, in built-up areas. The recommendations include that a default limit of 100 km/h, equivalent to 62.150 mph, should apply to a national road and a default limit of 80 km/h, equivalent to 49.720 mph, for non-urban regional and local roads.

I have given careful consideration to the group's proposals and I intend to bring the necessary legislative proposals needed to support the new speed limit structure based on the group's report before the Oireachtas shortly. The Road Traffic Acts provide that local authorities may make bylaws through which the speed limits that apply on a default basis can be changed in respect of roads specified in such bylaws. These bylaws are made by the elected members of the local authorities following consultation with the Garda Commissioner and, in the case of national roads, with the consent of the National Roads Authority. In the context of an overall review of speed limits carried out against the background of the metrication of such limits generally, county and city managers were asked in January 2003 to examine the position in their areas. The primary focus of the examination was to ensure that the disapplication of default speed limits and the application of special speed limits were supported by bye laws. In addition, the authorities were asked to look at instances where speed limits might not be appropriate and to take any action they deemed to be appropriate.

My Department subsequently wrote to managers in March 2004 repeating the request to look at possible instances of inappropriate speed limits and outlining the overall position in relation to the progress for metrication of speed limits later this year. Both the Automobile Association and the Society for the Irish Motor Industry recently presented me with lists of locations in respect of which they had received representations questioning the speed limits currently in place. To assist managers in the review referred to above, they have been advised of the locations identified in the submissions of the two organisations. Managers have specifically been asked to look at these locations and if the local authority considers that the speed limit is not appropriate, that steps should be taken to introduce appropriate amendments to the bye laws, which will see more appropriate speed limits applied. Where, on the other hand, the local authority considers that a speed limit in question is appropriate, they have been asked to consider the provision of a sign informing road users of the need for that limit.

331. **Mr. Haughey** asked the Minister for Transport his plans to prevent the use of mobile phones by drivers in their vehicles; and if he will make a statement on the matter. [15287/04]



**Minister for Transport (Mr. Brennan):** I have been advised by the Attorney General that the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) (No.2) Regulations 2002 are open to challenge in the Courts on the grounds that they may be *ultra vires*. A legislative framework to address the overall regulatory questions arising from the development of in-car technologies, which would include mobile phones, is being pursued at present.

#### Driving Instruction.

332. **Mr. Perry** asked the Minister for Transport if grant assistance is available to persons undertaking driving instruction as part of a rehabilitation programme; and if he will make a statement on the matter. [15332/04]

**Minister for Transport (Mr. Brennan):** There is no grant assistance available from my Department for driving instruction. Applicants for a heavy goods vehicle or a bus driving test who are unemployed for a continuous period of 12 months on the date of the application, and who are registered with FÁS, are not required to pay an application fee to undergo the driving test.

*Question No. 333 answered with Question No. 315.*

#### Aviation Arrangements.

334. **Mr. Noonan** asked the Minister for Transport his negotiating position with the US authorities regarding changes in the bilateral air agreement with the USA, including the Shannon stopover; the timeframe envisaged for the implementation of any changes agreed; if changes will be introduced incrementally or on a once-off basis; and if he will make a statement on the matter. [15498/04]

**Minister for Transport (Mr. Brennan):** Officials from my Department met US officials in Washington DC on 4 and 5 May 2004 to explore the Ireland-US bilateral aviation arrangements in the context of progress on an EU-US open-skies agreement. My officials emphasised the importance of Shannon airport for the economy of the west of Ireland, in particular in the context of Ireland's national spatial strategy which aims to counterbalance the growth of Dublin by focusing economic activity at a number of other locations.

My officials also outlined the Irish Government's decision to separate Dublin, Shannon and Cork airports into autonomous airport authorities to enable them to maximise their own potentials. In that context, they indicated that Shannon needs a period of years in which to transform its business plans and marketing strategies. The eventual effect of an EU-US open-skies deal, should such a deal emerge, would be to leave the choice of airports with the airlines. In the absence of special bilateral arrangements between Ireland and the

United States in such a case, there is a risk that the open-skies arrangement could mean a sudden end to the current Shannon stop requirement, which could have immediate negative impacts for Shannon.

I will meet the US Secretary for Transportation, Norman Mineta, at a meeting of European Transport Ministers later this week and I will re-emphasise to him that an acceptable arrangement for Shannon must be reached before I will be in a position to agree to any EU-US aviation agreement that might be put to the Transport Council on 10 and 11 June 2004.

#### Airport Development Projects.

335. **Mr. Grealish** asked the Minister for Transport the amount of taxpayers' money that has been invested in Galway airport since its foundation; the value for money audits and budgetary checks that are currently in place; the Government's position on the proposed management buyout of the airport; if this goes ahead, if the taxpayers will be able to recoup the money invested; and if he will make a statement on the matter. [15499/04]

**Minister for Transport (Mr. Brennan):** Galway airport is the trading name of Corrib Airport Limited, a subsidiary of Galway Chamber of Commerce and Industry which holds 90% of the issued shares in the airport company. A proposal by the management team at the airport for a management buy-out of the chamber of commerce's shareholding in the company was recently declined by the chamber. It is understood that the matter is now closed. Regarding any possible future change of ownership of Galway airport, interested parties would be aware that, under the terms of an infrastructure grant agreement between the Minister and the airport company in September 2000, the prior written consent of the Minister would be required for any major change in shareholding or control of the airport company.

The primary purpose of the financial support made available to Galway airport, and to the other five regional airports in the State, is to facilitate continued viable and safe air access for the regions concerned, and to allow those airports to contribute to the achievement of balanced regional development. According to records held by my Department, total grant assistance of approximately €7 million has been made to Galway airport since its foundation in the mid 1980s. This sum is comprised of capital grants totalling €5.6 million, including €0.750 million in EU funding in the early 1990s, plus €1.4 million in non-capital grant assistance towards expenditure incurred on marketing, safety and security measures.

The Department commissioned a value for money audit of an ongoing runway development project at the airport in 2002, in response to escalating cost projections associated with the project at the time. A revised project

specification, designed to facilitate full completion of necessary runway safety improvements within the original grant allocation is currently being considered by officials in my Department in consultation with the Irish Aviation Authority. Internal control systems operated in my Department are designed to ensure that grant assistance to all regional airports is paid in accordance with Government accounting procedures.

### Driving Tests.

336. **Mr. O'Shea** asked the Minister for Transport further to Parliamentary Question Nos. 128,129 and 130 of 1 April 2004 the improvement that has taken place in the waiting time for a driving test in Waterford and Dungarvan; and if he will make a statement on the matter. [15505/04]

**Minister for Transport (Mr. Brennan):** While waiting times in Waterford and Dungarvan have not improved since 1 April 2004, an additional driver tester has been assigned to the Waterford test centre for a period of at least six months. He will commence work in the centre with effect from 8 June 2004. He will also carry out tests in the Dungarvan test centre while on rotation from Waterford. This will provide additional capacity at both test centres and should result in improved waiting times on the basis of current application levels.

### Taxi Regulations.

337. **Mr. R. Bruton** asked the Minister for Transport the steps which he plans to take to introduce proper standards into the taxi business to ensure that only suitable persons obtain a licence to operate and to ensure that a proper standard of service is available from those who are licensed; and that best practice standards are applied to the delivery of the service in Dublin. [15674/04]

**Minister for Transport (Mr. Brennan):** In accordance with a commitment under An Agreed Programme for Government, the Taxi Regulation Act 2003 was enacted in July 2003 to provide a legislative basis for the establishment of a commission for taxi regulation and an advisory council to the commission for taxi regulation. This legislation followed amending regulations

made in 2002 to provide for the phased introduction of a taximeter printer requirement for taxis to issue printed fare receipts. This independent commission will provide a central focus of responsibility for the future policy direction needed to support, develop and improve the services provided by taxis and other small public service vehicles and their drivers in Dublin and nationally. The emphasis will be on new qualitative standards and enhanced service.

Following a recent competition for the post of commissioner for taxi regulation, I hope to be in a position to establish the commission and appoint a commissioner in the coming months. The Taxi Regulation Act 2003 also facilitates the replacement of the current regulatory system applying to the licensing and operation of small public service vehicles and their drivers, and the development, under the auspices of the commission for taxi regulation, of new qualitative standards relating to the operation and driving of small public service vehicles. It will be open to the commission for taxi regulation to bring forward changes to the existing vehicle requirements and driver vetting procedures that currently apply under the public service vehicle regulations.

In line with this qualitative focus, I have indicated to the advisory council to the commission for taxi regulation, which I established in November 2003, that I am particularly interested in their advice on issues relating to quality enhancement and standards for small public service vehicles and their drivers, including general vehicle condition and appearance, accessibility, standard vehicle colour for taxis and driver training. I have recently received advice from the council on issues such as seatbelt wearing by small public service vehicle drivers, tax clearance and driver identification. I have decided to accept this advice and the necessary orders and regulations are being progressed in my Department.

### Public Transport.

338. **Mr. R. Bruton** asked the Minister for Transport the number of passengers carried by mainline rail, by suburban rail and DART, by Dublin Bus and by Provincial bus in each year since 1998. [15704/04]

**Minister for Transport (Mr. Brennan):** CIE has provided the information requested by the Deputy which is outlined in the following table.

Passenger Numbers

Passenger Journeys	1998 m.	1999 m.	2000 m.	2001 m.	2002 m.	2003 m.
Iarnród Éireann	9.8	10.2	9.7	10.9	11.3	11.3
Mainline	2.6	2.6	2.4	2.6	2.7	2.7
Suburban DART	19.7	19.9	19.6	20.8	21.5	21.6
Bus Átha Cliath	134	139	134	143	147	149
Bus Éireann	84.4	84	84.3	87.4	89.3	92

### Road Safety.

339. **Mr. Curran** asked the Minister for Transport if he will make improvements to the penalty points system so that the points could be endorsed on the entry in the licence record either at the time of the offence is committed or that the fine is paid. [15706/04]

**Minister for Transport (Mr. Brennan):** The penalty points system, which is provided for in the Road Traffic Act 2002, is now operational in respect of speeding, driving without insurance and seat belt wearing offences. Penalty points are applied to the driving licence records of those convicted of such offences, and to those who pay a fixed charge, in the case of speeding and seat belt wearing offences, to the Garda to prevent the instigation of court proceedings.

I intend to introduce penalty points for careless driving with effect from 1 June 2004. This measure should have a further positive influence on the driving behaviour of those who have little regard for road traffic law. Penalty points are endorsed on the licence record held in the National Driver File, NDF, for those convicted of driving without insurance. Penalty points are endorsed on the licence record held in the NDF upon conviction for the offences of speeding and non-wearing of seat belts, or upon payment of a fixed charge. In the case of latter offences, the system operates in such a way that the offer of paying a fixed charge is always provided and a person has 56 days within which to pay the charge. The 56-day period comprises an initial 28 day period within which a fixed charge — €80 for speeding or €60 for non-wearing of seat belts — can be paid, followed by a further 28 day period within which a fixed charge of €120 for speeding or €90 for non-wearing of seat belts can be paid. If a person opts not to pay, the case is taken to court. These periods are built into the system and ensure that every opportunity is afforded to the person to pay the fixed charge and avoid a court hearing. There is therefore an inevitable and intrinsic time-lapse between the issue of the notices, the payment of the fixed charge and the notification of the endorsement of penalty points. The fact that, at present, the processing of notices by the Garda is operated on a manual basis, is a further contributory factor to those time lapses. The timing of the issue of fixed charge notices is a matter for the Garda Síochána. The Road Traffic Act 2002 contains a specific structure that applies directly to the effective application of penalty points on the licence record of an individual. Section 5 of the Act provides that where penalty points are to be endorsed in a record, a notification of that endorsement must be issued to the licence holder involved. The notice sets out in particular the basis for the endorsement of the points. Section 7 of the Act provides that, save in very limited and quite specific instances, the operative date for penalty points is 28 days from the date of the notice issued under Section 5.

As soon as my Department is notified that a fixed charge has been paid or that a court conviction has been secured in respect of a penalty point offence this information is processed and the notice is issued to the person concerned on behalf of my Department by the Department of the Environment, Heritage and Local Government, which administers the NDF. This process is normally carried out in about two weeks.

### Departmental Appointments.

340. **Mr. Crowe** asked the Minister for Justice, Equality and Law Reform if he will investigate the case of a person (details supplied) in County Tipperary who, on 17 May 2004, was refused Garda clearance to continue working at the Passport Office in Molesworth Street, Dublin, in which they had worked as a clerical officer for the past three months; and the grounds on which the Garda refused clearance will be sought. [15199/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** It is standard practice for the views of my Department to be sought as to suitability in respect of certain public service appointments. My Department makes a decision as to whether opposition is to be expressed to the prospective appointment on the basis of information received from the Garda Síochána. Each case is given careful consideration and is judged on its own merits. It is not the practice and it would be contrary to the public interest to disclose the grounds either generally or in any particular case upon which such opposition is expressed.

### Driving Tests.

341. **Mr. R. Bruton** asked the Minister for Justice, Equality and Law Reform if the same test mark requirement is required of non national drivers as for Irish drivers in respect of the driver competence test to obtain a public service vehicle licence; and if he will make a statement on the matter. [15308/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** A pass mark of 70% is required from all candidates in the public service knowledge test which is set and administered by the Garda carriage office. There are no proposals to change this requirement.

### Road Traffic Offences.

342. **Mr. Carey** asked the Minister for Justice, Equality and Law Reform the reason penalty points were only applied to a person (details supplied) on 9 February 2004 when the offence was committed on 17 September 2003 and the appropriate fine was paid in October 2003; and if he will make a statement on the matter. [15314/04]



### Minister for Justice, Equality and Law Reform

**(Mr. McDowell):** The matter raised by the Deputy is an operational matter for the Garda Síochána and as such I have no role in it. However, I have made inquiries and I am informed by the Garda authorities that the payment of the fixed charge notice by cheque was received on 21 November, 2003. The Garda fixed penalty office retained the cheque for 14 days to allow payment to clear. I understand that once the cheque cleared, the Garda authorities transmitted the records onto the Department of the Environment who in turn duly informed the driver that the penalty points would be notified to his licence for a three year period with effect from four weeks from the date that the notification issued as required by sections 5 and 7 of the Road Traffic Act 2002.

The Deputy will appreciate that the penalty points system is currently operating on a semi-manual basis. This will be rectified later this year when the fixed charge processing system becomes operational.

### Fógraíocht Ranna.

343. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí an bhfuil comórtas i gceist i roghnú an nuachtáin náisiúnta Gaeilge ina gcuirfear fógraí Stáit ón Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí. [15143/04]

344. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí conas a chinntear fógraí Stáit óna Roinn a chur i nuachtán amháin thar nuachtán eile; an raibh an nuachtán Lá san áireamh sa liosta nuachtán náisiúnta Gaeilge as ar roghnaíodh Foinse le haghaidh fógraí. [15158/04]

345. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí cad é luach na bhfógraí Stáit a cuireadh sa nuachtán *Foinse* in 2003. [15173/04]

### Minister for Justice, Equality and Law Reform

**(Mr. McDowell):** Tógfaidh mé Ceisteanna Uimhreacha 343 go dtí 345 le chéile.

Is féidir liom a chur in iúl don Teachta gur gnólacht fógraíochta a theachtann an conradh Rialtais d'idirbhearta den chineál sin a chuireann fógraí sna nuachtáin thar ceann mo Roinne. I dtaca leis seo de, tá curtha in iúl dom, i gcás go raibh fógraí á gcur i nuachtán Gaeilge, gur roghnaíodh an foilseachán *Foinse* mar gurbh é an t-aon nuachtán Gaeilge a bhí ar eolas é a raibh dáileadh leathan air sa dlínse seo.

Is féidir liom a chur in iúl don Teachta nár cuireadh an nuachtán *Lá* san áireamh mar, go dtí le gairid, ní raibh oifigigh iomchuí mo Roinne ar an eolas faoina dháileadh sa dlínse seo. Is féidir liom a chur in iúl don Teachta, chomh maith, gur €8,906.87 luach na bhfógraí a cuireadh le *Foinse* le linn 2003.

### Family Law.

346. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform his views on the establishment of a central register for joint guardianship agreements; and his proposals in this regard. [15207/04]

### Minister for Justice, Equality and Law Reform

**(Mr. McDowell):** I am aware of the case that has been advanced for establishing a register of the type referred to by the Deputy. The full implications of doing so are being examined in my Department in the context of a family law Bill which is being prepared. Accordingly, it would be premature to reach a definitive conclusion on the matter now.

### Visa Applications.

347. **Mr. Deenihan** asked the Minister for Justice, Equality and Law Reform the reason persons (details supplied) were refused visas to visit here; and if he will make a statement on the matter. [15208/04]

### Minister for Justice, Equality and Law Reform

**(Mr. McDowell):** I can inform the Deputy that the visa applications in question were approved on appeal on 20 May 2004.

### Community Policing.

348. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if the maximum advice, support and assistance will be given to a person (details supplied) in Dublin 3 to deal with their complaint regarding anti-social behaviour. [15209/04]

### Minister for Justice, Equality and Law Reform

**(Mr. McDowell):** I am informed by the Garda authorities that they are aware of the reports regarding incidents of anti-social behaviour in the area in question. I am further informed that the area will continue to receive particular Garda attention from both the community police unit and mobile patrols. I am assured by local Garda management that the person concerned will receive advice, support and assistance in dealing with her complaint.

### Visa Applications.

349. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the grounds on which the decision to refuse a visa in respect of an application by a person (details supplied); if he will reconsider the decision in view of the person's family connections with this country; and if he will make a statement on the matter. [15210/04]

### Minister for Justice, Equality and Law Reform

**(Mr. McDowell):** The person in question made an application for a study visa in December 2003. The application was refused because it had not been established, on the basis of the documentation supplied to my Department, that



[Mr. McDowell.]

the applicant would observe the conditions of the visa. In particular, it was felt that the applicant had not displayed sufficient evidence of her obligations to return home following her proposed six month course of study. A letter from the applicant's reference in Ireland stated that the applicant may consider extending her language course beyond the proposed six month period. It is open to the applicant to appeal against the refusal by writing to the visa appeals officer in my Department.

350. **Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform the reason for the denial of visas to persons (details supplied). [15211/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The visa applications in question relate to a 6 year old and 12 year old minor non-EEA nationals and were for the purpose of visiting the mother resident in the State. Both visa applications were refused as it had not been established that the children's father had consented to them travelling to the State. There were also some inconsistencies noted in the information supplied in support of the applications. It is open to the persons in question to appeal against the refusal of the visas by writing to the visa appeals officer in my Department.

#### **Garda Stations.**

351. **Mr. M. Brady** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that a development (details supplied) adjacent to Fr. Collins Park, Donaghmede, includes a Garda station which has been passed by Dublin City Council. [15212/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I made inquiries to the Garda authorities and I understand that they are not aware that the development referred to by the Deputy adjacent to Fr. Collins Park, Donaghmede, includes the provision of a Garda station.

#### **Closed Circuit Television Systems.**

352. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform if he can provide Irish research on the efficacy of Garda closed circuit television systems in crime deterrence or detection. [15225/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that the Garda research unit carried out an internal evaluation of the CCTV systems in Dublin and Tralee in 1999. While the evaluation identified potential benefits of CCTV such as reduced crime and disorder, increased detentions, improved public feelings of safety, more effective deployment of police resources

and improved court processing of guilty pleas, the evidence of that particular evaluation was not fully conclusive. This was mainly due to methodological difficulties such as data limitations and a difficulty in isolating CCTV effects from other influences.

The Garda research unit is currently evaluating the effects of CCTV in Dún Laoghaire, Dundalk and in Galway and Salthill. The main focus of this evaluation is on crime and detection levels before and after camera installation. Crime and detection levels are also being examined in Drogheda and Blackrock, which do not have Garda CCTV systems, to assess general trends and possible crime displacement. Research findings will not be available for some time, as the evaluation involves the comparison of data for the 12 month periods before and after camera installation.

I am further informed that two other projects are currently underway. The Garda annual policing plan for 2004 has committed the research unit to carrying out a review of the cost and benefit of extending CCTV systems to all areas with a population in excess of 7,000. The Garda annual policing plan for 2003 provided for the assessment of the proactive use of CCTV systems as a means of gathering criminal intelligence. It is anticipated that both projects will be completed later this year.

#### **Crime Prevention.**

353. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the plans he has put in place to provide more police on the streets in areas in which marginalised sections of society frequent, in particular in and around areas where gay, lesbian, bisexual, transgender persons socialise, to reduce the number of shocking violent attacks that are taking place against members of the GLBT community; if, in addition his Department has consulted with the voluntary community group, Johnny, that provides services to gay and bisexual men in Dublin and the greater Dublin area regarding this issue. [15226/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities that they have for a number of years maintained a good relationship with the gay community and are in regular contact with those who represent the gay perspective on a variety of issues. I have been further informed that 14 Garda have received special familiarisation training and were appointed as liaison officers to the gay, lesbian, bisexual and transgender community, GLBT. These gardaí are based in Pearse Street, Cabra, Cabinteely, and Bridewell in Dublin, Cork city, Limerick, Waterford, Kilkenny, West Galway, Longford, Westmeath and Dundalk in the domestic violence and sexual assault unit and community relations.

The Garda authorities have also established a national advisory panel, which includes members

who represent the GLBT perspective, to assist and inform gardaí on matters relating to their community.

Garda management is satisfied that the areas frequented by members of the GLBT community are adequately policed and some of these areas are also monitored by CCTV cameras. The policing requirements in these areas are reviewed on an ongoing basis so as to enable a response to any particular eventuality should the need arise.

My Department has not had any consultations with the Johnny group. However, Garda community relations section has made the group aware of the services of the Garda Síochána available to them in relation to crime prevention and are available to meet with the group if they so wish.

#### **Departmental Funding.**

354. **Mr. Allen** asked the Minister for Justice, Equality and Law Reform if funding will be made available to the National Men's Council of Ireland which represents married families to allow it prepare a strategy that will enable it to work to protect the status of the married family. [15257/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I regret that my Department has no funds from which it can assist in the matter referred to by the Deputy. The body in question might wish to explore funding possibilities with the Department of Community, Rural and Gaeltacht Affairs and with the family support agency.

#### **Northern Ireland Issues.**

355. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform if he intends to publish the names of the persons known to be members of the Army Council of the Provisional IRA as referred to in his radio interview of 18 May 2004 and taking his reply of Question No. 436 of 30 March 2004 into account; and if he will make a statement on the matter. [15493/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I do not consider that it would be in the public interest at this stage to go beyond what I have already said publicly about this matter.

#### **Visa Applications.**

356. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform if a decision can be expedited in relation to a visa application in view of the medical and family circumstances. [15515/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The visa application to which the Deputy refers was made in December 2002. It was refused as it was not established on the basis of the documentation supplied that the applicant, a then 26 year old male, would observe

the conditions of the visa. In particular, it was considered that the applicant had not displayed evidence of any obligations to return home following his proposed visit.

The applicant stated that he was unemployed. No evidence was submitted to show he had any resources or ties to his country of origin or how he intended to maintain himself while in the State. An affidavit from the applicant's relatives in Ireland stated that they wished him to come to Ireland to take care of their children for a six month period. An appeal was made against the refusal. The visa appeals officer, having re-examined the application, upheld the original decision. It is open to the applicant to make a fresh application with up to date supporting documentation and the matter will be considered again.

#### **Garda Investigations.**

357. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform if Garda investigations have been finalised in relation to a person (details supplied) in County Clare; and if he will make a statement on the matter. [15516/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities that their investigations into this matter have been completed and a file forwarded to the Director of Public Prosecutions. I understand that the Garda authorities are awaiting directions in this case.

#### **Child Care Services.**

358. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform the position on an application made in January 2003 for a grant for a group (details supplied) in County Louth. [15517/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I understand from enquiries I have made that an application from this group for a substantial capital grant of more than €2.6 million was submitted in February 2003. All large-scale capital projects such as the application referred to by the Deputy are referred by ADM Limited to an independent external building specialist to assess the suitability of the proposal and its value for money.

The equal opportunities child care programme for 2000-2006, or EOCP, is a seven year development programme, the progress of which was commented upon very favourably by the mid-term evaluators of both the regional operational programmes and the National Development Plan 2000- 2006. Expenditure under the programme covers the period to end 2007 and must take place in a planned manner as must grant approvals to ensure that the programme can meet its financial commitments at all times.

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There has been considerable demand from community-based groups for capital grant assistance under the programme and every county has benefited from significant grant commitments to provide new and enhanced community based child care facilities and indeed to support capital developments in the private child care sector. ADM, on behalf of my Department, is carrying out an extensive review of the programme's capital commitments to date, numbering more than 1,100 and at a value of € 114 million, to ensure that grant commitments previously entered into will be realised. Projects may be awaiting planning permission or the completion of tender processes before reasonable assurance can be taken that they will proceed and, if they do not, the funding set aside can be decommitted and made available to another project.

In addition, my Department has recently reviewed the different budget lines under the EOCP including the capital programme to ensure that the most effective use is made of all remaining funding in accordance with the programme's objectives. Some transfers between measures were recommended and require the approval of the regional assemblies. I expect that this technical process will be completed shortly and that it will bring to at least €157 million the total allocation for the capital development of child care under the present EOCP. This amount includes an element for the administration by ADM Limited of the capital programme. At the same time, an extensive review of child care provision on the ground has taken place to identify obvious service gaps, the filling of which will be a priority using the remaining capital funding which currently amounts to about €35 million.

I intend to allocate the remaining capital funding under this strand of the Government's commitments to child care to address the most immediate service gaps. As a result, all the projects in the pipeline, are being reviewed again by ADM Limited on the basis of geographical need, the range of services being offered and the capacity of the groups to complete a project before the end of the programme. Those projects which best meet the criteria will receive priority. The review process will be repeated as necessary to maximise the benefits deriving from this phase of the EOCP.

The day-to-day administration of the EOCP is undertaken by Area Development Management Limited, which has been engaged by my Department to carry out thorough assessments against the programme criteria of all applications for grant assistance under the programme, on my behalf. On completion of the assessment process, applications are considered by the programme appraisal committee, chaired by my Department, which makes a funding recommendation to me before I make a final decision on the matter. The

current review of the applications in the pipeline will be concluded as speedily as possible to facilitate the development of additional child care places at the earliest opportunity and to ensure that the funding is drawn down in the planned manner I referred to earlier before the end of 2007.

I do not doubt but that the success of the present strand of the EOCP and the need to continue to make child care available to support the child care needs of our still growing work force will support my case for ongoing capital and current funding from Government for this key sector. Indeed should any additional funding become available before the end of the present national development plan, I would expect that the programme would again benefit from transfers.

### **Firearms Offences.**

359. **Ms Cooper-Flynn** asked the Minister for Justice, Equality and Law Reform when he intends to introduce new legislation for harsher sentences for those convicted on firearms offences in view of the substantial increase in the number of firearms in circulation. [15518/04]

360. **Ms Cooper-Flynn** asked the Minister for Justice, Equality and Law Reform if he intends to introduce a gun amnesty. [15519/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 359 and 360 together.

I refer the Deputy to my recent reply to Question No. 30 of 5 May 2004 on this matter. The position remains unchanged. I am examining proposals on a firearms amnesty and I will revert to the House in due course.

### **Visa Applications.**

361. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the arrangements that are in place to assist approximately 300 families that have been asked to vacate their accommodation provided by the reception and integration agency due to the fact that they are citizens of one of the new EU accession states. [15520/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The reception and integration agency, RIA, which operates under the aegis of the Department of Justice, Equality and Law Reform, is responsible for meeting the accommodation needs of asylum seekers. The RIA has advised me that it is accommodating approximately 180 persons in total from the ten new EU member states.

The position on the cohort of nationals of the ten new EU member states is that, since 1 May, their immigration status is underwritten by EU treaty rights, including a right to participate in the labour market. As no Irish citizen or EU citizen from any of the other 15 member states



participating in the labour market is provided with full board accommodation on the style of the direct provision system funded by the taxpayer, it would be an inequity to facilitate the continuance of such an arrangement for nationals of the new EU member states. In the circumstances, the RIA has asked the nationals from these new EU member states to vacate their state funded direct provision accommodation as soon as practicably possible. The RIA will be following up on this in the coming weeks and will, of course, be cognisant of hardship cases.

The citizens of the ten new EU member states who were in direct provision prior to 1 May 2004 may be entitled to a range social assistance payments which are a matter, in the first instance, for the Minister for Social and Family Affairs.

#### **Departmental Staff.**

362. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform the number of officials from the Office of the Refugee Applications Commissioners office that are working in the Refugee Appeals Tribunal in Hanover Street, Dublin, on each day in which refugee appeals hearing taking place there; and if he will make a statement on the matter. [15521/04]

363. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform his views on the fact that all presenting officers who represent the Refugee Applications Commissioner at each applicant's oral hearing are working immediately prior to each oral appeal hearings on the same floor and in the same office as staff from the Refugee Appeals Tribunal; and if he will make a statement on the matter. [15522/04]

364. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform his views on the fact that all such presenting officers after each oral appeal hearing at which they have represented the Refugee Applications Commissioner, resort to their office section in the office of the Refugee Appeals Tribunal immediately after all oral hearing; and if he will make a statement on the matter. [15523/04]

365. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform if it is in the interest of impartiality or that justice should be seen to be done that officials from the office of the Refugee Applications Commissioner should at any stage be working in the office of the Refugee Appeals Tribunal at any stage other than the duration of each appeal hearing having regard to the fact that their office have already refused each appellant before the Refugee Appeals Tribunal refugee status; and if he will make a statement on the matter. [15524/04]

366. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform if similar facilities apply to legal representatives of persons applying for refugee status at the office of the Refugee Appeals Tribunal, as apply to the office of the

Refugee Applications Commissioner with regard to access to the same areas; and if not the reason therefor; and if he will make a statement on the matter. [15525/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 362 to 366, inclusive, together.

As the Deputy will be aware, under the Refugee Act 1996, two independent statutory offices were established to consider applications and appeals on refugee status and to make recommendations to the Minister for Justice, Equality and Law Reform on whether such status such be granted to asylum applicants. These two offices are the Office of the Refugee Applications Commissioner, ORAC, which considers applications for a declaration as a refugee at first instance, and the Refugee Appeals Tribunal, RAT, which considers appeals from negative recommendations of the commissioner.

I would also point out that the heads of those offices, namely, the Refugee Applications Commissioner and the chairperson of the Refugee Appeals Tribunal also occupy independent statutory positions under the 1996 Act and the manner in which they carry out their functions and, for example, assign their staff, is a matter for them within the framework of their statutory responsibilities.

I am informed that the ORAC is one of a number of Departments and agencies which have been accommodated by the Office of Public Works at 6-7 Hanover Street, Dublin 1, which is also occupied by the RAT. Staff of the ORAC known as presenting officers represent the Refugee Applications Commissioner at appeals hearings and occupy a wing of the building in which only those staff reside. Those ORAC staff do not have access to any RAT accommodation other than rooms in which appeals hearings are held and ORAC and RAT staff do not share any floor in the building concerned. A presenting officer is called to attend an appeals hearing when the hearing is ready to commence. I am informed that a similar arrangement is in place for applicants, their legal representatives, interpreters and other participants at an appeals hearing. At the present time, some 36 staff from the Office of the Refugee Applications Commissioner work at 6-7 Hanover Street. I reiterate that irrespective of the accommodation arrangements for their staff, both agencies are independent of each other in relation to the asylum decision-making process.

#### **Garda Deployment.**

367. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform if an area, details supplied, is adequately policed; if sufficient resources are made available to the local police district to ensure this; and if he will make a statement on the matter. [15662/04]



**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 area referred to by the Deputy forms part of the Kevin Street sub-district. The personnel strength of Kevin Street Garda station as at 24 May 2004 was 116, all ranks.

The policing of this area consists of patrols by local uniformed gardaí, the district detective unit, the special resource unit and the community policing unit. In addition, the divisional crime task force, the district drug unit and the Garda mountain bike unit also patrol the area.

A Garda youth diversion project called DÁN operates in this district, including the catchment area referred to by the Deputy. Through a combination of intervention and prevention, the DÁN Garda youth diversion project aims to divert young people from becoming involved in criminal or anti-social behaviour, and provide suitable activities to facilitate personal development and encourage civic responsibility and work towards improving the long-term employability of the participants. In achieving the above objectives, the project seeks to support and improve local Garda-community relations and to enhance the quality of life in this area.

Local Garda management is satisfied that the current structures in the Kevin Street district are adequate to ensure that the district receives an efficient policing service.

#### Visa Applications.

368. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform the position on a visa application, details supplied. [15663/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The visa application in question has recently been approved.

#### Courts Service.

369. **Mr. Deenihan** asked the Minister for Justice, Equality and Law Reform if he will raise the limit of the District Court from its present level to €30,000; and if he will make a statement on the matter. [15664/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Sections 13 and 14 of the Court and Court Officers Act 2002 provided for significant increases in the monetary and jurisdictional limits of the Circuit and District Courts. As the Deputy will be aware, the Personal Injuries Assessment Board, PIAB, has recently been established. I will consider the commencement of sections 13 and 14 when sufficient time has elapsed to consider the impact the board has had on the compensation regime.

#### Crime Levels.

370. **Mr. Gregory** asked the Minister for

Justice, Equality and Law Reform, further to Question No. 368 of 18 May 2004, the estimated number of criminal gangs operating in the State. [15665/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that statistics supplied by the Garda Síochána to Europol during 2003 for inclusion in its annual report of the organised crime situation across the EU listed 17 major criminal gangs and approximately 100 groups overall operating in this country at that time.

However, the Deputy will appreciate that the position in relation to criminal gangs does not remain static. Such groups are volatile. Their composition changes frequently and their existence can be of variable duration. Frequently, criminal gangs tend to comprise criminals who are not affiliated to a particular gang but who operate on an *ad hoc* basis, committing criminal offences with others who may be associated with one or more groupings as the opportunity for acquiring cash-property arises.

Estimation of the number of criminal gangs operating here remains an important part of the criminal intelligence analysis process, which is an ongoing exercise in the Garda Síochána.

#### Closed Circuit Television Systems.

371. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform if his Department has made progress in relation to providing the necessary finance to permit the installation of closed circuit television cameras, CCTV, in or around Mullingar town, which has been requested by all of the relevant authorities; when a decision will be made in this regard; and if he will make a statement on the matter. [15666/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that an application for a Garda CCTV system in Mullingar has been received by the CCTV advisory committee. This committee was established by the Garda Commissioner to advise on all matters relating to CCTV systems. This application is under consideration by the advisory committee along with applications from other cities and towns throughout the country. It should be noted that there are already 17 CCTV schemes nationwide which are either at installation, tender or planning stages.

#### Registration of Title.

372. **Mr. McHugh** asked the Minister for Justice, Equality and Law Reform if he will instruct the Land Registry office to expedite a registration of title, details supplied, which was lodged with the Land Registry office several years ago; and if he will make a statement on the matter. [15700/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Registrar

of Titles that this is an application for first registration which was lodged on 9 April 1998. Dealing number D1998GY002092A refers. I am further informed that this application was completed on 20 May 2003.

### Visa Applications.

373. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform if he will issue a visa to a person, details supplied, who wished to visit Ireland on a holiday; and if he will make a statement on the matter. [15726/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I was unable to establish from the information provided if the person has made a visa application. My Department has established a separate visa office in Beijing which processes all visa applications made in China. As the person in question is a Chinese national, she should contact that visa office, which is located at the Irish embassy in Beijing, to make her visa application to visit Ireland.

### Anti-Racism Measures.

374. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he will comment on the recent finding of the National Consultative Committee on Racism and Interculturalism, NCCRI, that the Government's proposal to remove the right to citizenship by birth has fuelled a sharp increase in racist incidents in the State and that a large number of pregnant non-national women have been targeted for racial abuse. [15727/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I understand from the NCCRI that the claims made by the Deputy, which I believe emanate from recent newspapers reports, are somewhat exaggerated and may be only partially correct.

The Garda racial and intercultural office monitors racist incidents reported to the Garda Síochána and the office has informed me that there has not been a sharp increase in the number of racist incidents reported to gardaí since the announcement of the proposed referendum. That office also informed me that there has been no reporting to the Garda Síochána of the alleged racial abuse of a large number of pregnant women.

### Noise Pollution.

375. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government if he has proposals to grant the Garda additional powers to take all reasonable steps to turn off intruder alarms on vehicles and buildings, particularly when such alarms cause environmental nuisance to nearby workers and residents. [15526/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Section 107 of

the Environmental Protection Agency Act 1992 provides local authorities with powers to require measures to be taken to prevent or limit noise. I am aware that intruder alarms gave rise to 7%, 37 complaints, of the noise complaints made to Dublin City Council in 2002, down from 11% in 2001, and the third lowest of all categories of complaints. Where the council receives a complaint, an advisory letter is issued to the owner-occupier with guidelines on how to comply with the requirements of the relevant standard for alarms. Nevertheless, I recognise that alarms are a source of neighbourhood noise. A number of arrangements are in place to reduce the incidences of unnecessary noise from alarms and to tackle persistent incidence of such noise.

The National Standard Authority of Ireland, NSAI, published a voluntary standard specification, SI 199 of 1987, and operated a certification scheme to that standard. This specified a minimum 15 minutes' and maximum 30 minutes' duration from the sounding of external alarms in a building, with the alarms required to cease automatically after the maximum duration. A new European standard has now superseded this Irish standard.

This European standard for external intruder alarms has replaced all national standards and incorporates considerably stricter controls regarding minimum and maximum duration for the sounding of alarms. The new limits are 90 seconds minimum and 15 minutes maximum. This new standard has been applied by the NSAI for intruder alarms installed by certified installers since 1 March 2004.

In addition, the Private Securities Services Act 2004, now enacted, provides for a private security authority to licence, control and supervise installers of security equipment, including alarm systems and which has powers to maintain and improve standards in the provision of security services.

The recent European standard, improved equipment and the co-operation of the installers certified by the NSAI, will together be instrumental in ensuring that the incidence of false alarms and the failure of audible alarms to cut off will be significantly reduced.

A new European standard is being developed for alarm monitoring centres, including a code of practice detailing the circumstances when the Garda should be alerted. It is hoped that this standard will be in effect by the end of the year, and will ensure that the reporting of alarms to the Garda is carried out in a consistent manner.

The standards for car alarms are operated by car manufacturers and alarm installers and cover both installation during manufacture and retrospective fitting of alarms. The object of these standards, IEC 60839, is to ensure, among other things, a reduction in the numbers of false alarms.

Under the Environmental Protection Agency Act 1992 (Noise) Regulations 1994, a local authority or any person may seek an order in the

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District Court to have noise that gives reasonable cause for annoyance abated. The procedures involved have been simplified to allow action to be taken without legal representation. A public information leaflet outlining the legal avenues available to persons experiencing noise nuisance is available from my Department or on [www.envirom.ie](http://www.envirom.ie)

In light of the above, I have no proposals to introduce further legislation in relation to noise arising from house or car alarm systems.

### Water Quality.

376. **Mr. Gormley** asked the Minister for the Environment, Heritage and Local Government the steps an ordinary citizen can take to ensure that their water supplies are safe to drink; the person they should contact to have the water tested; if there is a cost attached; and if he will make a statement on the matter. [15725/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Detailed information on the quality of drinking water is available in the reports published annually by the EPA on the quality of drinking water in Ireland. The reports are based on the results of monitoring carried out by local sanitary authorities, by local health boards and by the EPA and indicate the extent to which drinking water supplies comply with prescribed quality standards.

The EPA report for 2002 is based on the results of 219,234 individual tests carried out on 22,026 water samples taken from 886 public supplies and 1,913 private group schemes. It indicates a general level of compliance of 95.9% for all samples by reference to all 53 parameters prescribed by the relevant regulations. The EPA carries out audit monitoring of local sanitary authorities and exercises general supervision over the discharge by local authorities of their functions in regard to environmental protection. The Food Safety Authority of Ireland exercises supervision over bottled water, for example, natural mineral water and spring water, and water used in food premises.

Persons who are concerned about the quality of their water can seek advice from the supplier, the local sanitary authority, the health board for the area, the EPA or from any appropriate consultant or adviser in the private sector. Information on accredited laboratories and other services available for sampling of water and for analysis of water samples for various parameters, is available from local sanitary authorities, health boards and the EPA. Analysis of water samples can be carried out by local sanitary authorities or local health boards, which have appropriate in-house laboratory facilities or can be arranged by such an authority on behalf of a householder at an accredited laboratory. Water samples can also be submitted for analysis to the EPA's regional laboratories, the Dublin city analyst's laboratory

or a laboratory in the private sector. The charges, which will apply for the provision of any such service, is a matter for the service provider.

### Fógraíocht Ranna.

377. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Comhshaoil, Oidhreacht agus Rialtais Áitiúil an bhfuil comórtas i gceist i roghnú an nuachtáin náisiúnta Gaeilge ina gcuirfear fógraí Stáit ón Roinn Comhshaoil, Oidhreacht agus Rialtais Áitiúil. [15144/04]

378. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Comhshaoil, Oidhreacht agus Rialtais Áitiúil conas a chinntear fógraí Stáit óna Roinn a chur i nuachtán amháin thar nuachtán eile; an raibh an nuachtán *Lá* san áireamh sa liosta nuachtán náisiúnta Gaeilge as ar roghnaíodh *Foinse* le haghaidh fógraí. [15159/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Tógfaidh mé Ceisteanna Uimh. 377 agus 378 le chéile.

Tá sé mar pholasaí ag mo Roinn go n-úsaidfí réimse leathan de na meáin cumarsáide chun poiblíocht a thabhairt do ghnó na Roinne. Cuirtear critéir éagsúla san áireamh agus páipéirí nuachta laethúil á roghnú, mar shampla, líon na léitheoirí sa dlínse, an buiséad agus téama an fhógra.

379. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Comhshaoil, Oidhreacht agus Rialtais Áitiúil cad é luach na bhfógraí Stáit a cuireadh sa nuachtán *Foinse* in 2003. [15174/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Is é luach na bhfógraí Stáit a cuireadh ag mo Roinn sa nuachtán *Foinse* in 2003 ná €12,070.

### Library Projects.

380. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government if he will report on correspondence received by his Department regarding plans for a much-needed library in Rush, County Dublin; and if he will report on the progress being made with regard to this proposal to date. [15195/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** In January 2004, my Department wrote to all library authorities asking them to review their capital programmes for library development, to indicate their order of priority and to provide estimates of costs and commencement dates for each project listed. All authorities have responded to this request. In its submission, Fingal County Council indicated the proposed library for Rush/Skerries as its third priority.

Based on the submissions received, my Department's review of the public library capital projects is at an advanced stage with a view to finalising a public library capital expenditure programme for 2005-07.



### Regional Road Network.

381. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government if he has given consent, under section 14 of the National Monuments Act, for the excavation at the Hill of Tara, due to the M3 motorway. [15223/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** No proposal for such a consent has been made in connection with the M3 motorway project.

382. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government if he can provide preliminary results of the test trenching currently under way in the Tara Skryne Valley, including the number of sites found and their composition; and if he will make a statement on the matter. [15224/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Test trenching in the Tara Skryne Valley is still in progress in connection with the Dunshaughlin-Navan section of the M3 project. An interim report has been submitted to my Department which, on a preliminary basis, identifies some 28 potential archaeological sites. These range from possible 19th century house foundations to medieval sites and prehistoric ones such as burnt stone spreads. More detailed information will be available on submission of the field reports and testing reports, which are expected in July 2004.

### Election Management System.

383. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government the district electoral areas in the State divided into two constituencies as a result of the CRC; and if he will make a statement on the matter. [15228/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I assume the question refers to the constituency commission report on Dáil constituencies published in January 2004. The electoral divisions or, where relevant, those parts of an electoral division, in each recommended Dáil constituency are listed in the first appendix of the commission's report which has been circulated to each Member of the Oireachtas.

### National Heritage Areas.

384. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to an application from approximately 150 persons (details supplied) to be excluded from the proposed national heritage area; and if his attention has been further drawn to the impact that this will have upon such persons; the actions permitted under such designation; if the concerns of these

persons will be taken into account; and if he will make a statement on the matter. [15242/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I understand an appeal has been forwarded in this case by the turbary right owners to the independent nature conservation designations appeals advisory board for consideration. It would not be appropriate for me to comment on the merits of this case while the board is deliberating on it.

### Planning Issues.

385. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government if he has proposals to issue instructions to applicable planning authorities on the designation of public safety zones in the vicinity of State and regional airports; if so, the procedure for the introduction of such public safety zones; and if he will make a statement on the matter. [15272/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The issue of public safety zones at State airports was the subject of a study by consultants which was submitted to the Department of Transport and my Department in September 2003. The recommendations in the report are currently being considered by both Departments with a view to submitting proposals to Government shortly. If approved by Government, it is envisaged that public safety zones would be implemented through local development plans.

### Building Regulations.

386. **Mr. R. Bruton** asked the Minister for the Environment, Heritage and Local Government the level of checking of compliance with building regulations which is undertaken by local authorities; and the extent to which a local authority can retrospectively inspect the level of compliance with the regulations where faults are detected by householders in the years after occupation. [15295/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** With the objective of improving monitoring by local authorities of compliance with building regulations, my Department and the City and County Managers Association have adopted a target of inspecting a representative sample of buildings. This is currently equivalent to at least 12% to 15% of buildings covered by valid commencement notices served on each building control authority. In the second half of 2003, the latest period for which statistics are available, all 37 building control authorities were carrying out inspections and 84% of authorities met the agreed target. I hope all authorities will achieve this target by the end of this year.

Under section 8(2) of the Building Control Act 1990, an enforcement notice for non-compliance with the building regulations must be served by



[Mr. Cullen.]  
the building control authority within five years from the date of completion of the relevant building or works.

387. **Mr. R. Bruton** asked the Minister for the Environment, Heritage and Local Government if he has satisfied himself that the system for identifying the source of structural faults by homeowners in houses is satisfactory; if he has further satisfied himself that there is an adequate documentary record retained of the building and structural aspects of construction which are not open to inspection by the naked eye, so that persons can quickly and effectively identify the standard to which the house was built; and if he will make a statement on the matter. [15296/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** It is primarily a matter for the designers and builder to decide on the level of detail to be required in drawings and specifications for the construction or reconstruction of dwellings. Owners or prospective purchasers of new or existing dwellings should assess the adequacy of building documentation available, in consultation with their legal and professional advisers. It is advisable for dwellings to be surveyed by a competent building professional prior to purchase or in the event of defects being suspected after purchase.

I understand that new houses covered by structural guarantees issued by Home Bond or Premier Guarantee are subject to independent inspections by the relevant guarantee companies, who would retain records of such inspections for a minimum period of ten years.

#### EU Directives.

388. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government the steps he intends to take in regard to the IFA's concerns regarding the Government draft action programme under the nitrates directive (details supplied); and if he will make a statement on the matter. [15305/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** A draft action programme for further implementation of the nitrates directive was issued for public consultation in December 2003 jointly by my Department and the Department of Agriculture and Food. Some 70 submissions were received from interested parties, including all the main farming organisations, and a revised draft is being prepared by officials of both Departments. Regard is given to the submissions received from the farming bodies and others during the consultation process. Meetings have taken place between the main farming organisations and officials of the Departments involved. An opportunity will be afforded to the farming bodies to comment on the revised action

programme before it is formally submitted to the European Commission.

The main concern expressed by the Irish Farmers' Association relates to the limit which will apply to the land spreading of organic manures. The directive requires a general land spreading limit of 170 kg of organic nitrogen per hectare per annum and the action programme now being prepared must reflect this requirement. It is intended, in addition, that an application will be made to the European Commission for approval to apply higher limits, up to 250 kg per hectare in appropriate circumstances, in accordance with the commitment given in Sustaining Progress. The Government's objective is to secure the optimal and least cost arrangements for compliance with the directive, thus protecting the interests both of the environment and of those Irish farmers whose activities would be affected.

#### Departmental Reviews.

389. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 477 of 30 March 2004 if the review of the disabled persons grant scheme in his Department has concluded; if he will publish the findings; and if he will make a statement on the matter. [15325/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** The review of the operation of the disabled persons grant schemes will be finalised shortly and I will then be in a position to consider the changes which may be required to ensure that the scheme continues to assist those persons in greatest need of such grant assistance.

#### Water and Sewerage Schemes.

390. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government his proposals to provide an extension or other facility for sewerage services to Breaffy, Castlebar, from the Castlebar environs sewerage scheme; if his attention has been drawn to the extent of need for this facility; if he has received proposals from Mayo County Council for this; if moneys have been allocated for this in 2004; and if he will make a statement on the matter. [15483/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The Castlebar environs sewerage scheme has been approved for construction under my Department's water services investment programme 2004-2006 at an overall estimated cost of €58.5 million. The approved contract documents do not provide for an extension of the scheme to service the Breaffy, Castlebar, area.

I understand that Mayo County Council proposes to review the options for serving Breaffy as part of the Castlebar environs sewerage scheme, stage 2, which is listed as a

post-2007 requirement in the list of water services schemes submitted by the council in response to my Department's request to local authorities in 2003 to produce updated assessments of the needs for capital works in their areas and to prioritise their proposals on the basis of the assessments.

391. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government the current status of the application which is with his Department for the upgrading to the Ballyleague sewerage scheme; when he will approve funding for the project; and if he will make a statement on the matter. [15529/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The Roscommon towns and villages sewerage scheme, of which Ballyleague is an element, is included in my Department's water services investment programme 2004-2006 to commence construction in 2006. My Department is awaiting the submission by Roscommon County Council of a design review report for the scheme.

#### Fógraíocht Ranna.

392. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil comórtas i gceist i roghnú an nuachtáin náisiúnta Gaeilge ina gcuirfear fógraí Stáit ón Roinn Pobail, Tuaithe agus Gaeltacht. [15145/04]

393. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta conas a chinntear fógraí Stáit óna Roinn a chur i nuachtán amháin thar nuachtán eile; an raibh an nuachtán *Lá* san áireamh sa liosta nuachtán náisiúnta Gaeilge as ar roghnaíodh *Foinse* le haghaidh fógraí. [15160/04]

394. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cad é luach na bhfógraí Stáit a cuireadh sa nuachtán *Foinse* in 2003. [15175/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Tógfaidh mé Ceisteanna Uimh 392, 393 agus 394 le chéile.

Is é an gnáth-chleachtas le tamall i mo Roinnse ná go roghnaítear na nuachtáin ina gcuirtear fógraí oifigiúla i gcomhréir leis na riachtanais a bhaineann le gach cás ar leith agus i bhfianaise na ngrúpaí áirithe ar a mbíonn na fógraí dírithe. Ní bhíonn comórtas sonrach idir nuachtáin ar leith i gceist.

Ní miste a lua go bhfuil athbhreithniú beartaithe ar pholasaí agus ar chleachtas mo Roinne maidir leis ábhar seo i gcomhthéacs na rialachán atá le déanamh faoi Alt 9(1) d'Acht na dTeangacha Oifigiúla 2003. Bainfidh na rialacháin sin le húsáid na Gaeilge amháin, nó na Gaeilge agus an Bhéarla le chéile, ar stáiseanóireacht, ar chomharthaí agus ar fhógraí. Tá réamh-obair ar siúl faoi láthair i ndáil leis na

rialacháin sin agus tá sé mar sprioc agam go mbeidh feidhm dhlíthiúil tugtha dóibh roimh deireadh an tsamhraidh.

Iocadh suim €8,021 i leith fógraí oifigiúla di chuid mo Roinnse a fhoilsiú san nuachtán *Foinse* i 2003.

#### Departmental Schemes.

395. **Mr. J. O'Keeffe** asked the Minister for Community, Rural and Gaeltacht Affairs the amount of funding available this year for the community support scheme for older people; and when details of the grant allocations will be announced. [15316/04]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** An allocation of €2.4 million has been made available for the scheme of community support for older people in 2004. The scheme is currently under review by my Department and I expect to be in a position to advertise details within the next month or two.

#### Fógraíocht Ranna.

396. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Sóisialacha agus Teaghlaigh an bhfuil comórtas i gceist i roghnú an nuachtáin náisiúnta Gaeilge ina gcuirfear fógraí Stáit ón Roinn Gnóthaí Sóisialacha agus Teaghlaigh. [15146/04]

397. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Sóisialacha agus Teaghlaigh conas a chinntear fógraí Stáit óna Roinn a chur i nuachtán amháin thar nuachtán eile; an raibh an nuachtán *Lá* san áireamh sa liosta nuachtán náisiúnta Gaeilge as ar roghnaíodh *Foinse* le haghaidh fógraí. [15161/04]

398. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Sóisialacha agus Teaghlaigh cad é luach na bhfógraí Stáit a cuireadh sa nuachtán *Foinse* in 2003. [15176/04]

**Minister for Social and Family Affairs (Mary Coughlan):** Tá sé beartaithe Ceisteanna Uimh. 396, 397 agus 398 a thógáil le chéile.

Tá freagracht ar mo Roinn a chinntiú go bhfuil ár gcustaiméirí agus an pobal i gcoitinne coinnithe ar an eolas maidir lena dteidlíochtaí ar an réimse leathan scéimeanna agus tacaíochtaí leasa shóisialaigh atá ar fáil. Déantar é sin ar roinnt bealaí lena n-áirítear fógraí sa phreas agus i meáin eile. De bharr nach bhfuil ach buiséad teoranta ar fáil do na críocha sin agus de bharr an réimse leathan foilseachán atá ar fud na tíre de ghnáth cuirtear fógraí i bpríomhnuachtáin náisiúnta, agus iadsan amháin, nó i meascán de nuachtáin náisiúnta agus príomhnuachtáin réigiúnacha a mholann na comhlachtaí fógraíochta atá fostaithe ag an Roinn nó an Ghníomhaireacht Soláthairtí Rialtais.

Níl próiseas iomaíoch i bhfeidhm sa Roinn chun nuachtán Gaeilge a roghnú dá fógraí ná dá fógraí poiblí. Faoi láthair cuirtear fógraí Gaeilge san fhoilseachán seachtainiúil Gaeilge, *Foinse*,

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agus ba é a luach sin i 2003 ná €4,090.10. Tuigtear gur seoladh foilseachán laethúil Gaeilge, *Lá*, in Aibreán 2003. De dheasca an dul chun cinn atá déanta ó thaobh figiúirí dáiliúcháin ón dáta sin breithneofar fógraí Gaeilge agus fógraí poiblí a chuir i *Lá* amach anseo.

### Social Welfare Benefits.

399. **Mr. Ring** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Mayo has had their old age non-contributory pension reduced. [15215/04]

403. **Mr. Ring** asked the Minister for Social and Family Affairs the way in which a person (details supplied) in County Mayo has had their pension entitlement calculated. [15329/04]

**Minister for Social and Family Affairs (Mary Coughlan):** I propose to take Questions Nos. 399 and 403 together.

One of the couple in question was getting an old age non-contributory pension at a reduced personal rate of €144 per week. This pension rate was €10 less than the maximum weekly rate of €154, based on her weekly means of €17.38 from her British retirement pension. Her husband was getting a pre-retirement allowance at a reduced rate. However, when he applied for old age non-contributory pension in March 2004, the means of the couple had to be reviewed by my Department. This review established that their means had increased as each of them was now getting a British retirement pension. Their means were re-assessed and each was assessed with means of €37.60.

People who have weekly means of €37.60 are entitled to pension at the reduced rate of €124 per week. Each of the couple in question is currently getting a pension of this amount. In addition, the husband recently qualified for a fuel allowance of €9 per week that is payable during the annual heating season.

400. **Mr. Ring** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Mayo has not been approved disability benefit; and if she will provide a complete breakdown of their insurance contribution record. [15235/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The person concerned claimed disability benefit from 22 March 2004. In the absence of 39 reckonable contributions in the governing contribution year 2002, he did not qualify for payment. According to the records of my Department, 38 credited contributions are recorded in respect of his record for the year 2002.

The person concerned was notified of the above decision and was requested to submit any further available evidence in support of his claim. No further evidence was submitted in respect of his 2002 record. The insurance record of the

person concerned will be supplied separately to the Deputy.

401. **Mr. Haughey** asked the Minister for Social and Family Affairs if one-parent family payment will be awarded to a person (details supplied) in Dublin 5; and if she will make a statement on the matter. [15284/04]

**Minister for Social and Family Affairs (Mary Coughlan):** An application from the person concerned for one-parent family payment was received by my Department last week. In accordance with procedure, her application is being forwarded to a local officer of the Department for investigation. On completion of all the necessary inquiries an early decision will be made and she will be notified of the outcome. Under social welfare legislation decisions on 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.

402. **Mr. Ring** asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will be approved for fuel allowance. [15322/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The person concerned was recently awarded one-parent family payment in respect of herself and her child. Her claim for fuel allowance was refused. She does not qualify for this allowance as she lives with her parent who is in employment.

*Question No. 403 answered with Question No. 399.*

404. **Mr. Durkan** asked the Minister for Social and Family Affairs the reason rent allowance has been refused to a person (details supplied) in County Kildare; if this case can be reviewed as a matter of urgency; and if she will make a statement on the matter. [15494/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The South Western Area Health Board was contacted regarding this case and has advised that an application for rent supplement was refused on the grounds that the person concerned has not been in rented accommodation for six months in the previous 12 month period. In such cases, rent supplement may be payable if he or she is on the local authority's housing list, that is, if he or she has been assessed by the local housing authority as being in need of accommodation. However, in this instance the housing needs of the person concerned have not been assessed by the local authority and, consequently, she is not on its housing list.

The person concerned has a two year old child. She and her child live with her own parents and her two younger sisters. From inquiries made with the health board and the local authority, it



is understood that the local authority considers that it is inappropriate to undertake an assessment before the person concerned reaches 18 years of age in August. It will do so if she makes application for an assessment on or after she reaches 18 years of age. The health board will have regard to the outcome of any such assessment in dealing with any claim for rent supplement that she makes subsequently.

In the meantime, the board advises that the person concerned is living in a supportive family environment and has been since the birth of her child. The board has advised that it has not been made aware of any change in the person's family circumstances which might indicate an urgent need for alternative accommodation. Having regard to all of the circumstances of the case, the board considers that it is not appropriate to provide rent supplement at this time on an exceptional basis to facilitate the person concerned in establishing a separate household ahead of the local authority's assessment of their housing needs later this summer. The person concerned has been advised of her right to appeal against this decision.

405. **Mr. Stagg** asked the Minister for Social and Family Affairs if she will inquire into the case of a person (details supplied) in County Kildare who is seriously ill and whose dietary allowance has been reduced from €60 per month to €20 per month with a view to restoring the allowance due to the hardship caused by the reduction; and if she will make a statement on the matter. [15561/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The South Western Area Health Board was contacted regarding this case and has advised that at the time of application for a diet supplement the person concerned was an adult dependent on her husband's invalidity pension. During the course of a recent review it came to light that she is now in receipt of disability allowance in her own right. As the diet supplement is a means tested payment, the amount of supplement payable has been revised to €27.90 per month to take account of the increase in the level of assessable income.

The board has further advised that the person concerned has appealed against the decision to reduce her diet supplement. That appeal has not yet been heard.

#### **Social Welfare Code.**

406. **Ms O'Sullivan** asked the Minister for Social and Family Affairs if it is permissible for taxi drivers to sign on the unemployment register for the days of the week on which it is unprofitable for them to ply their trade; and if she will make a statement on the matter. [15670/04]

**Minister for Social and Family Affairs (Mary Coughlan):** In general, persons engaged in self employment, including taxi-drivers, may not

claim unemployment assistance specifically in respect of the days of the week on which it is unprofitable for them to ply their trade. However, they may claim unemployment assistance provided they satisfy a means test under which their income is assessed on an annual basis. In assessing means, account is taken of the net income which the person may reasonably expect to receive in the next year, after all expenses necessarily incurred in carrying out the business are deducted. Account is also taken of any loss of income due to prevailing conditions. This ensures that the assessment accurately reflects the current situation. Persons who are in self employment paying class S contributions do not qualify for unemployment benefit.

However, if a person works for up to three days per week only, unemployment benefit may be payable for the remainder of the week provided that all the usual qualifying conditions are satisfied and that appropriate social insurance contributions have been paid at class A,H or P. In applying the legislation, deciding officers do not treat taxi drivers any differently from any other unemployment benefit or assistance claimant. If an applicant for unemployment assistance or unemployment benefit is unhappy with the decision of a deciding officer, he/she may appeal the decision to the social welfare appeals office.

#### **Social Welfare Benefits.**

407. **Mr. Stagg** asked the Minister for Social and Family Affairs if she will consider extending the free travel to Irish pensioners who have worked and live in Britain and who are in receipt of Irish old age pensions for the duration of any stay or visit to Ireland; and if she will make a statement on the matter. [15671/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The primary objective of the free travel scheme is to encourage older people and people with disabilities to remain independent and active within the community, thereby reducing the need for institutional care. In addition, one of the qualifying criteria for free travel is that the applicant must be permanently resident in the State.

Extending the scheme to Irish citizens living abroad, whether in Britain or elsewhere, is outside the current scope and objective of the scheme. Accordingly, there are no plans to extend the free travel scheme in this manner but the position will be kept under review.

408. **Ms O'Sullivan** asked the Minister for Social and Family Affairs if a person in receipt of dietary allowance from her Department who spends part of the year in another EU country for health reasons can continue to receive the allowance while they are outside Ireland; and if she will make a statement on the matter. [15672/04]



**Minister for Social and Family Affairs (Mary Coughlan):** Diet supplements are provided for under the terms of the supplementary welfare allowance scheme which is administered on behalf of my Department by the health boards. The objective of the supplementary welfare allowance scheme is to provide assistance to eligible people in the State whose means are insufficient to meet their basic needs and those of any adult or child dependant. Supplementary welfare allowance is not payable in respect of periods spent outside the State.

409. **Ms O'Sullivan** asked the Minister for Social and Family Affairs if the working group set up to review the back to school clothing and footwear allowance has reported to her; and the actions she intends to take as a result of the report. [15673/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The back to school clothing and footwear allowance scheme provides assistance towards the cost of school clothing and footwear for children attending mainly primary or post-primary schools. As part of its expenditure review programme, my Department established a working group to undertake a fundamental examination of all aspects of the scheme, including the rates of payment, the income limits,

the means test, the timing of payments, the eligibility criteria and other issues. I expect to have the report presented to me shortly and I will consider any changes to the scheme in the light of the recommendations of the working group.

410. **Mr. Ring** asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will be approved for carer's allowance. [15701/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The person concerned applied for carer's allowance on 11 May 2004. The case has been referred to an investigative officer of my Department for a means assessment and to establish if the conditions necessary for receipt for carer's allowance are satisfied. In the meantime, the medical evidence in support of her application has been forwarded to the chief medical adviser of my Department for consideration of medical eligibility. Her entitlement to carer's allowance will be further considered in light of the medical adviser's and investigative officer's reports and she will be notified directly of the outcome.

Under social welfare legislation decisions on 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.