

DÁIL ÉIREANN

—
Dé Céadaoin, 26 Bealtaine 2004.
Wednesday, 26 May 2004.
 —

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

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Paidir.
Prayer.
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Leaders' Questions.

Mr. Kenny: So far this year 149 people have been killed tragically on the roads compared to 133 in the same period last year. In April of this year 30 people were killed, that is 30% up on April of last year. All of these are tragic cases. Hundreds of people have been seriously injured. It is obvious that the positive effects of the penalty points system are wearing off. Many reckless drivers are of the opinion they can drive at speed without fear of getting caught.

In a recent District Court case in Cork a speeding conviction was overturned on the basis that the defendant was entitled to a paper print-out of the speeding offences taken by the radar gun. There is real evidence that up to 60,000 convicted by this method and others will appeal their cases on the same basis. This matter should be addressed as one of urgency by the Government. The Taoiseach and the Government have a duty to enact emergency legislation to close off this loophole. We are nine days from the June bank holiday weekend which, traditionally, unfortunately, and tragically, has often brought carnage to our roads.

Earlier this year the Government introduced emergency legislation to deal with the immigration issue and electronic voting and later today it will introduce emergency legislation to deal with issues of compellability in the Judge Curtin case. The Government should show the same sense of urgency by closing off this loophole as there should be certainty in this matter, otherwise, unwarranted and unwanted tragic deaths may occur. We are talking about life and death issues. Is it the Government's intention to introduce emergency legislation to close off this loophole, which this side of the House would support, or to seek a declaration from the High Court that paper evidence is not needed in cases where drivers are caught by radar guns for speeding offences?

The Taoiseach: On the first point raised by Deputy Kenny, we will continue to provide, improve and upgrade our road structures and to

enforce the existing legislation through the powers of the Garda. Obviously too many people are being killed and injured on our roads and, therefore, we have to continue to drive that forward.

On the second point, the Department of Transport has been examining the case at the District Court in Cork. It dismissed a speeding offence detected by a Garda using a hand-held speed detection unit on the basis that no record was produced of that unit and furnished to the accused person before the commencement of the trial for the offence. The issue arises from the District Court's interpretation of section 21 of the Road Traffic Act 2003. Section 21 provides that the onus of establishing *prime facie* proof of a constituent of a range of road traffic offences, including speeding, which is the issue highlighted by Deputy Kenny, may be discharged by tendering evidence of measurements or other indications that were given by electronic or other apparatus, including a camera, containing a record produced by that apparatus. It further provides that in proceedings for an offence, a record or a copy of the record shall be *prime facie* evidence of the measurements. A radar speed detection gun produces a visual record of the speed of the vehicle that exceeds a speed limit. The Garda who detects a speeding offence using a radar gun intercepts the motorist on the spot and issues a fixed charge notice on which he records particulars of the speed measurement. There are other types of offences as well.

The Department of Transport has asked the Attorney General to examine the issues raised about the use of radar guns with a view to identifying whether a change to the Act is required. We expect to have that advice shortly. If an amendment to the Road Traffic Act is required the Government is likely to include it in the Road Traffic Bill which deals with many related Acts and closes off loopholes on many other issues. That scheme has been approved by the Government since the end of April. That amendment will be brought forward with that Bill as soon as we have the Attorney General's advice. We appreciate the Deputy's co-operation in passing that legislation.

Mr. Kenny: That puts this matter into limbo. From the driver's point of view — and the Taoiseach does not have to drive any more — the driver will ask whether he is likely to be caught if he breaks the speed limit and if caught whether he is likely to be convicted. I have paid a fine or two in the past having been caught by the radar gun. About 95% of all penalty points relate to speeding and in the case of the 60,000 drivers who have been caught for speeding, the majority of those offences where caught by use of the radar gun.

The Government should act immediately and provide certainty in legislation. Given that a District Court has determined, in the particular case where the driver involved was travelling at

[Mr. Kenny.]
80 mph in a 60 mph zone, that paper evidence was required, the Government should act immediately by introducing emergency legislation to close off this loophole. To wait for advice from the Attorney General to include it in an amended transport Bill will unfortunately probably mean that some persons will die as a result of speeding incidents that could have been prevented if certainty was brought into the law now. If emergency legislation is introduced to close off this loophole, this side of the House will support it. I urge the Taoiseach to work on that forthwith.

The Taoiseach: I have no argument with what the Deputy states. What is involved is a process. We have in preparation a very good Bill on road traffic, that not only takes account of this but several other recent judgments and will close off loopholes. Additional powers and new procedures are provided under the Bill which will target speeding and other traffic offences. It would be advantageous to have the Bill in its entirety through the Oireachtas. However, if the Attorney General believes it will take too long because there are too many heads in the Bill, and a major case is at stake, it would be advisable to do as the Deputy suggests and amend the legislation. If we were to put at risk many of the cases before the courts, we would go down the route suggested by the Deputy.

Let us wait and see the advice provided by the Attorney General. If he believes we should move now because we are putting too many cases at risk, we will bring in a one section amendment to deal with it. If not, it will be included in the road traffic Bill and I will report back to the Deputy as soon as the Attorney General advises me.

Mr. Rabbitte: Last July the Minister for Transport stated he would bring legislation before the House to break up Aer Rianta. He promises it several times since and he did not do it. On 5 November 2003, I made public the contents of the PricewaterhouseCoopers report, which showed that Shannon Airport would not be viable and that Cork Airport would be a loss maker. Since then three consultancies were commissioned. Their reports were before Cabinet yesterday and the Minister led an aborted attempt to put the Bill through Cabinet yesterday. He engaged PricewaterhouseCoopers with a very limited mandate of implementing his decision but they found, for example, that the reduction in the group cash flow amounts to €50 million, including an equity requirement for Shannon Airport of €30 million. In other words, €30 million would have to go into Shannon to make it stand alone. They said that charges at Dublin Airport would have to go up from €2.50 to €4 per passenger. The consultancies that were asked to comment on the PricewaterhouseCoopers report have issued a savage indictment of the daft plans of the Minister, Deputy Brennan:

The PWC Working Papers are not, as might have been expected, a report No conclusions has been furnished in the Working Papers and no due diligence or audit has been undertaken by PWC in presenting these papers.

They are not intended to present a business case

The PWC Working Papers state that it is not intended to express any opinion as to the financial viability of an independent Cork or Shannon Airport.

. the PWC Working Papers acknowledge that they do not take into account the many potentially complex operational issues of a separation that need to be addressed.

Neither do the Working Papers constitute a 'business plan' for the Group

. assumptions have been made which would require changes in the legal and regulatory environment.

In short, a Cheann Comhairle, no business case has been made out, higher charges will result and no decision has been made on the provision of additional terminal capacity at Dublin Airport, jobs will be lost. Shannon Airport will be non-viable and Cork Airport will be a loss maker and now the Minister for Enterprise, Trade and Employment, Deputy Harney, proposes to transfer Shannon Free Zone status to the airport authority to bring in a revenue stream of €6 million per annum to cross-subsidise the disastrous configuration that the Minister for Transport is pushing ahead, for no other than blatant ideological reasons and to assist certain people in the aviation industry.

The Taoiseach: Government policy is to try to make all the airports viable so that we increase capacity, create more jobs and grow the market. There are issues as to how we can do that at Cork and Shannon airports. We know that passenger numbers at Shannon Airport must increase to 2 million to make it viable. Shannon Airport has plenty of capacity and good facilities and if we succeed in dealing with the issues in Shannon we can turn it into an excellent airport.

There are proposals for Dublin Airport from Aer Rianta, Aer Lingus and private operators. Many of the consultancy reports suggest that we are under utilising Dublin Airport. Deputy Kenny raised a proposal which is supported by many of the tourism interests which suggested that we can increase passengers numbers by several million and create 5 million more jobs. We have been looking at proposals in that light during the past ten months. Last year the Government decided to establish three State airports at Dublin, Shannon and Cork as fully independent and autonomous authorities under State ownership so that we can drive competition

to bring more people in. It will create 5,000 more jobs.

I remember when I brought in the restructuring plan for Aer Lingus 11 years ago; the second plan was brought in recently. Then we were told we were daft as one would never see 10 million passengers go through Dublin Airport. Now the numbers are heading towards 20 million passengers. Do we sit round and do nothing or do we do something? The reality is that Aer Rianta is not in a healthy financial position.

Ms O'Sullivan: It is.

The Taoiseach: We have just finished very successfully the major restructuring of Aer Lingus to put it into a healthy position. We must conclude our work. We have asked the unions to give their view. I have waited since last October so that unions, management and the various groups can come up with alternatives. We have had plenty of business plans and suggestions—

Ms O'Sullivan: There is no business plan.

The Taoiseach: — but at the end of the day, it is Government policy to have viable airports, that can handle the maximum numbers and with quick turn around rates, so that travel is convenient.

It is not ideological. The fact that somebody can travel cheaply and safely from our airports is not ideological.

Ms Lynch: The Taoiseach does not live in Cork.

Mr. Rabbitte: How can the Taoiseach stand up and say there are more jobs and more people and that he has seen plenty of business plans, when the consultants commissioned by the Government are advising it that there is no business plan? They have made patently clear that there is no business plan; there is an arithmetic check based on data extracted from the company figures and they all show that Shannon Airport as a stand alone airport is not viable and that Cork Airport will require subsidy.

The Tánaiste is now proposing that Shannon Free Zone be incorporated so as to provide a revenue stream. Ten chambers of commerce have described the Tánaiste's proposal as "both short-sighted and a totally inappropriate solution that will damage both organisations to the detriment of the economy of this region". They were supporting the idea of a stand alone airport at Shannon, but when they examined the economics, just as I said last July and last November when the Minister, Deputy Brennan, tried to hide the PWC report, all of the work that has been done shows that there is no business case made out for this, that they are breaking up an Irish-based multinational that has an international reputation, damaging its purchasing capacity, creating three fledgling organisations, one of which at Shannon must invest €30 million

for a start, not to make it viable but to enable it to stand alone. It then will not be viable on an operational basis.

The Government is pressing ahead and rhyming off figures. If 5 million jobs will be created from this, the Tánaiste must be giving out more work permits, but then the Minister for Justice, Equality and Law Reform, Deputy McDowell, will deport them anyway.

Ms Harney: The Deputy said the same when we were deregulating the aviation industry.

An Ceann Comhairle: The Taoiseach, without interruption.

Mr. McGinley: That is a reprimand.

The Taoiseach: The purpose of the reform is to grow the markets. Regardless of what way one deals with the airports, they are still under State ownership. That is not an issue.

Mr. Quinn: It will be a loss-making State ownership.

The Taoiseach: They are not in a healthy position.

Mr. Rabbitte: They will become worse and then they will be sold off for €5.

An Ceann Comhairle: I ask Deputy Rabbitte to allow the Taoiseach to speak without interruption.

The Taoiseach: Deputy Rabbitte is well informed of the board papers.

Mr. Rabbitte: I am well informed, which is more than one could say about the Minister for Transport, Deputy Brennan.

An Ceann Comhairle: I ask Deputy Rabbitte to allow the Taoiseach to speak without interruption.

The Taoiseach: Since the Deputy is well informed, he should not use selective leaks. He will also know from the papers he was given by some board member that the company is not in a healthy position. He will know that and will know of its business plan. It has a problem.

Mr. Rabbitte: The Taoiseach will make it much worse.

An Ceann Comhairle: Deputy Rabbitte already went over time with his question. He is not entitled to use the Taoiseach's time as well as his own. I ask him to allow the Taoiseach to continue without interruption.

Mr. Rabbitte: The Taoiseach is inviting interruption.

The Taoiseach: I am answering the points raised by the Deputy, a Cheann Comhairle.

The Government is endeavouring to ensure that Aer Rianta, in its new structure, is financially viable and that it has the ability and the capacity to grow the airports—

Mr. Rabbitte: Says who?

The Taoiseach: —to bring in more customers and to provide better services and better airports. We have plenty of analyses to show this. We are in discussions with the trade union movement, which we will honour and fulfil. We are waiting for the unions' full assessment. The Government has also examined all the other assessments. We have all been involved in this discussion. We will bring this to fruition. We heard the same arguments a few years ago about how we would damage and wreck Aer Lingus, but now we see its success.

Mr. Rabbitte: The Minister for Finance holds the same view as I do on this and I hope he blocks it because it is a scandalous waste of State assets.

Mr. J. Higgins: Is it the reality that any credibility the case for the break-up of Aer Rianta might have had is lying in tatters? It is not members of the Opposition who are faulting this plan. Major consultants, Mazars, not bastions of revolutionary thought I would have imagined, in examining the PricewaterhouseCoopers working documents have said they are taken aback that the Government is pressing ahead at this stage and with the speed encompassed, that they can provide no comfort to the 3,400 employees of Aer Rianta, that no due diligence or audit has been carried out on the plan to break up Aer Rianta, that the PricewaterhouseCoopers report was not intended as a business plan — Deputy Rabbitte has gone through some of the points already — and that there is no opinion on the financial viability of a future Aer Rianta broken up in this way.

Last year Aer Rianta turned in a profit of €70 million and it has a projected profit of €40 million this year as a result of the commitment of the workers. The only conclusion I can draw is that the only thing driving this forward, since there is no shred of credibility from any commercial point of view, is the obsession of the Minister for Transport, Deputy Brennan. I took the trouble of looking up the dictionary and found that the word "obsession" means a compulsive, often unreasonable, idea or emotion, driven in this case by the right-wing ideology and the undoubted wish of the Minister to facilitate the privatisation of this company further down the road.

Does the Taoiseach agree that the future of Aer Rianta is a crucial issue not only for the thousands of workers in the company, but for the tens of thousands of workers in the communities which depend on our airports? Does he agree, therefore, that it should be a major subject of

debate as we approach the European Parliament elections since the European Commission is partly responsible for the mania for privatisation? Will he call on his European Parliament candidates in Dublin, in particular, to debate with us the future of Aer Rianta since one of the Dublin European Parliament candidates, who he recently promoted to Lord Mayor, seems to have wrapped his chain of office around his vocal cords? On one media outlet recently, he managed what seemed like some strangled mutterings which would even make the Taoiseach's answers seem like pristine clarity. Could we have clarity on the future of Aer Rianta and its workers?

Ms Harney: We will miss the Deputy when he goes to Europe.

The Taoiseach: To show that I am always generous, I hope Deputy Joe Higgins, with his highly financed campaign, does well in his quest for election to the European Parliament. I wish him well and I might even give him a transfer down the line to help him on his way.

(Interruptions).

The Taoiseach: The Deputy made the point that the issue of trying to restructure or make any changes to Aer Rianta is about privatisation. The Deputy will remember that only a few years ago, that was the popular option for trying to resolve some of the difficulties in respect of growth. When it was looking to spend another €120 million in Cork Airport and to continue to expand Dublin Airport by building another runway and a new low-cost terminal there, it was considered that the best way to do this was through an employee share ownership plan and privatisation. That was strongly supported by elements of the workers. The Government decided not to do that, so the basis of the Deputy's argument is, unfortunately, incorrect. The Government decided not to go down that road and to retain Aer Rianta in State ownership. The proposals we examined last year to break up the three State airports were to the effect that they would be fully independent, autonomous authorities but under State ownership.

Ms Shortall: And loss-making.

The Taoiseach: As I said at the outset, we are endeavouring to grow the airports and to look for open markets. These policies are working. This year, 19 new routes have been opened. Some €120 million will be spent in Cork Airport and there is work to be done in Shannon Airport. The issue of the open skies is looming in the coming years. We must look to the future and make the decisions now to develop Aer Rianta. We are doing that in conjunction with the various people who have put forward their views, including the workers. We have said we will negotiate these issues. We said we would look at the terms and that there would be no diminution in the tenure

or terms and conditions of employment of Aer Rianta workers arising from this decision. We have already given those commitments.

This is about the future and creating a State company using mechanisms we will bring forward in legislation — we have already published our views — which will grow the airports to enable it to deal with 20 million passengers, make it viable and deal with the issue of regional airports. That is the issue of transport for the future.

Ms Shortall: That is complete rubbish.

The Taoiseach: We cannot sit around and do nothing.

Mr. J. Higgins: In passing, I ask the Taoiseach to notify the Minister for the Environment, Heritage and Local Government that the Socialist Party European Parliament election posters are being reused and recycled for this election in contrast to his own obviously big business-funded campaign.

An Ceann Comhairle: The Deputy can ask only one question on a topical issue.

Mr. J. Higgins: The colour dripping from the Fianna Fáil posters, nevertheless, is in stark contrast to some of its right-wing policies in regard to Aer Rianta, in particular. What is the timetable for legislation? Has it been brought before the Cabinet? If not, when will it be? Will the Taoiseach bring forward legislation to attempt to break up Aer Rianta before the summer recess? What about the talks chaired by Mr. Pomphrett which have been adjourned since last January? Can the Taoiseach seriously proceed to bring forward legislation when the consultation with the workforce and its unions have not even been concluded by a long shot? Does he agree that to proceed in the present manner would be a stab in the back not only for the workers, but even for the relatively conservative trade union leadership which has been in partnership with Government for the past 14 years? This is the thanks it gets.

Would the Taoiseach not concede that the future for Aer Rianta would be to bring the workers in the company, the surrounding communities and the dependent enterprises together to the heart of the management of the company to charter a secure way forward rather than preparing a break-up, as a result of which no one knows what will happen except that we can foresee disaster and that the Taoiseach will eventually hand it over to his big business friends?

The Taoiseach: It will remain in State ownership. If State ownership is our big business friend, I am not sure what the issue is. The Minister has repeatedly stated publicly that there will be no diminution in the tenure or terms and

conditions of employment of Aer Rianta workers arising from the decisions on which he is working.

The Minister has also undertaken, subject to agreeing suitable arrangements, to deal with commercially sensitive material, to share the key financial information that he has on the State airports with the unions and the financial advisers in the context of the current engagement being facilitated by the Labour Relations Commission. That continues too. The Minister also stated that he was committed to the ongoing process of engagement with the unions, and workers' representatives are already on the board, so Deputy Higgins's point is once again wrong. He was obviously badly informed on this issue, unlike Deputy Rabbitte, who was well informed of what is happening on the board, which the workers are on.

Mr. J. Higgins: What is the timescale?

The Taoiseach: We await the unions' response. We will continue with the negotiations that have been ongoing since last July and we hope to bring those to fruition as soon as possible, after which we can introduce the Bill.

Mr. J. Higgins: Will that be before the summer?

Ceisteanna — Questions.

Legislative Programme.

1. **Mr. Rabbitte** asked the Taoiseach the proposals he has for the repeal of pre-1922 legislation in regard to his recent address to the IBEC conference on regulation; and if he will make a statement on the matter. [12595/04]

2. **Mr. Kenny** asked the Taoiseach the pre-1922 legislation he proposes to repeal, as indicated in his recent address to the IBEC conference on regulation; and if he will make a statement on the matter. [13336/04]

3. **Caoimhghín Ó Caoláin** asked the Taoiseach the pre-1922 legislation it is proposed to repeal as outlined at his recent address to the IBEC; and if he will make a statement on the matter. [14371/04]

4. **Mr. Sargent** asked the Taoiseach if he will report on his address to the IBEC conference on regulation in April 2004; and if he will make a statement on the matter. [14570/04]

5. **Mr. J. Higgins** asked the Taoiseach the pre-1922 legislation he proposes to repeal as outlined at the IBEC conference on regulation. [15384/04]

6. **Mr. J. Higgins** asked the Taoiseach if he will report on his address to the IBEC conference in April 2004. [15385/04]

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

As Deputies will be aware, I launched the Government's White Paper on Regulatory Reform last January. The White Paper sets out six principles of good regulation as well as an action programme to help implement those principles. One of the commitments in the White Paper is an ongoing programme of statute law revision. That aims to identify legislation in need of repeal, revision or consolidation to ensure that the Statute Book is up to date and accessible to citizens and businesses. A key part of that programme is a major project to update pre-1922 legislation.

The statute law revision unit in the Office of the Attorney General has been engaged since 2003 in the process of identifying legislation enacted before 1922 that is still in force in the State. It has identified 500 Acts, of which it has earmarked 100 for repeal. The statute law revision unit is at present engaged in a consultation process with Departments and Government offices to discuss those proposed for repeal and tease out what can be done regarding modernising the others. In keeping with the principles of better regulation, a public consultation process has also been organised on the legislation proposed for repeal.

I was pleased to give the keynote speech at the IBEC Presidency conference entitled "Is regulation killing business? — EU and US Perspectives" on 19 April. A copy of the speech has been placed in the Oireachtas Library. I used that opportunity to announce the beginning of the consultation process on pre-1922 legislation. The list of the legislation proposed for repeal is set out on the web page of the Office of the Attorney General and the consultation process has been advertised in the media.

This project is a time-consuming process involving much research, consideration and consultation. However, my intention is to introduce legislation in the autumn to repeal outdated legislation. At the same time, I expect the Attorney General to give comprehensive advice on what steps, if any, should be taken regarding the remaining legislation. While progressing that work as efficiently as possible, care and attention will of course be paid to those whose interests may rightly be protected by those laws.

The ultimate result of that project will be to streamline and simplify the Statute Book and improve the quality of the legal framework and public administration.

Mr. Rabbitte: Perhaps the Taoiseach will say what the consultation process involves. Precisely what legislation is he promising for the autumn? Is it merely to strike out the 100 Acts identified to date? Is it part of the process regarding this revision and excision to update legislation enacted before 1922 that may be seriously out of date but still has a purpose and a relevance?

What staffing pressure is that putting on the Office of the Attorney General and what effect is it having on the legislation that ought to come through the House?

Though the Government pruned back its promised legislation for this term, it is still not meeting the deadlines. There have been several issues of very considerable urgency that could not be addressed, and it is difficult to know whether that is because of the workload involved or other reasons. I know that it is because the Minister for Finance, Deputy McCreevy, blocked the Minister for Transport, Deputy Brennan, on the Aer Rianta issue. That is political, but regarding normal workload and staff available, how much is devoted to this exercise?

The Taoiseach: The statute law revision unit is a small, separate unit within the Office of the Attorney General. It is dedicated to such work and although it is involved in other matters, they do not concern drafting legislation. Its other work involves statute law revision and update. The proposed legislation identified by the statute law revision unit for repeal includes over 100 Acts such as the Regulation of Chimney Sweeps Act 1840 and the Baths and Washhouses (Ireland) Act 1846. A whole host of legislation is entirely irrelevant to today's needs.

Mr. Rabbitte: It is before Royston Brady's generation.

The Taoiseach: It goes way back even before that of the Deputy and myself. The work goes back to 1250, since legislation from that date is still on the Statute Book. Over 100 Acts have been identified.

Mr. Kenny: That is only 40 years after Ballintubber Abbey was built.

The Taoiseach: Exactly. There could be far more than 100 Acts. The unit is now going back through many of the other Acts to see if there are relevant protections. The consultation process, the subject of the Deputy's second question, consists of checking with Departments and agencies that could be related to see whether there is power in the Acts that is not in a subsequent Act. That is possible, and the unit must carry out the check. Looking at the list over the past few days, it is hard to see how many more of them could be that relevant, but there may be some power or condition in them that has not been updated. The unit will carry that out during the summer.

The Deputy's third question concerned legislation. We will introduce legislation in the autumn to wipe out all those Acts that are not relevant. In one swoop we will get rid of a sizeable number. Some work has been carried out over the years. Through statute law revision measures enacted by the State in the Statute Law Revision (Pre-Union Irish Statutes) Act 1962 and

the Statute Law Revision Act 1983, much of the antiquated and irrelevant legislation was repealed. The unit is examining some of the issues surrounding those and why more Acts were not repealed. It may simply not have been comprehensive enough, but the unit is examining why more were not included. Reading the file on the exercise, the research at that time seems to have been more limited.

The Deputy's next question is where we might go with the rest of the legislation since the exercise will probably leave 350 or so statutes untouched. Much of that could be consolidated as new Acts are brought into place, as we are doing every year. Currently the Water Services Bill 2003 is before the House and there has been an enormous number of such Acts over the centuries, all the way from about 1400. They have not been changed, but they can now be amended by the Water Services Bill 2003. I am sure the Deputy is aware that there are dozens of Acts to do with intoxicating liquor, with one being passed practically every five years from the beginning of time. They are still law in one form or another. There are all kinds of crazy Acts, but they are still there since they have never been consolidated.

Work is now well advanced on the consolidation of all that legislation. That will clean them out of the system, with many other Acts. The benefit is that we can have a far more progressive statute law that does not create problems for many industries, not to mention legal people. They will no longer need to go back all the time to make the most cogent cases.

The conference mentioned looked at other EU countries and the United States where similar work has been done on statute law which helps to facilitate the regulatory process. It is only one issue of regulation but it is a useful process. It is tedious work but it is certainly helpful to keep statute law up to date and make it easier for people to deal with.

Mr. Kenny: As I understand this, a set of revised statutes is a bound or electronic version of the Acts which contains only the Acts which are in force. As such it represents an authentic and up to date version of the law of the land. The process the Government has embarked on will only repeal legislation theoretically. The physical size of the Statute Book will not change, whereas if a set of revised statutes was produced some real work would have been achieved. Will the Taoiseach indicate what actual benefit will result from this, beyond inserting the harp at the top of the page where the crown once stood? Will he agree that the real fruits of a project such as this lie in the publication of a set of revised statutes? Otherwise if legislation is not re-enacted, changes to Standing Orders will be required so that re-enactments may be fast-tracked. Or are we to find ourselves debating legislation such as the Marriage of Lunatics Act 1810 or the Statute of Frauds 1695 on the floor of the House?

I welcome the fact that the Attorney General's office is now carrying out a review of the pre-1922 legislation. I suppose it is unfortunate that no such review was ever carried out in the centuries before that. Will the Taoiseach commit himself to commence and resource a review of post-1922 legislation? A large quantity of post-1922 legislation lies dormant on the Statute Book. Is it intended that all of this will be put on CD-ROM for public availability?

The Taoiseach: I do not want to give the impression that statute law revision is all it is doing. It has already put all the Acts since 1922 on CD-ROM, in 1998. That is now updated on an annual basis. We have also passed legislation in the House to ensure new laws being introduced are automatically consolidated with existing legislation. Since 1998 or 1999 when we bring in an Act there is automatic enactment of the legislation. We are just keeping matters up to date to obviate the need to go back and consolidate as we did, for example, with the Taxes Consolidation Act 1997 or the Social Welfare (Consolidation) Act 1993. There is automatic consolidation. As I pointed out to Deputy Rabbitte every time we did a water Act, we just introduced a new a water services Bill or whatever. What we now do — and it is the same with land conveyancing, liquor licensing and so on — each time a major Bill is enacted is go back and try to clean out the Statute Book. These Acts do not remain on the Statute Book. Once Acts are consolidated they no longer remain on the Statute Book.

As regards the 100 or so Acts I referred to earlier, we will check that there is nothing relevant in this legislation. One never knows, but most of them seem to be out of date now. After checking that, an Act will be introduced which will remove them from the Statute Book.

Most developed countries have been tackling the quality and quantity of their regulations for several years. This is just one part of the regulation. The reason they have done that is that the sheer volume and complexity of regulations has grown rapidly in terms of numbers and length and the pace at which they need to be revised. Significant costs are associated with regulations as well, including the cost to Government of administering the regulatory system and the costs to business and citizens in complying with regulation. Recent surveys conducted by the Small Firms Association and IBEC have shown that half the staff in a small company can be occupied with form filling. Such initiatives are not always consistent. When one Department may be getting rid of particular regulations another is introducing them, for different reasons. There is no co-ordination. Much of the work on the regulatory issues — which are covered in these questions as well — is part of that. The legislation is just one part of the process in clearing up the Statute Book.

[The Taoiseach.]

I pointed out at the conference that the European Union, too, should look at its own legislative system, given the plethora of EU law, regulations and directives. There should be less of those, too. At least we can try to further develop procedures that focus on economic and competitive issues; review our administration burdens; identify priority areas for the simplification of Community law; develop regulatory indicators to measure the quality and the pace of regulation reform and improve regulatory structures for procedures in member states. A small unit in my Department is examining those issues both the European and Irish contexts. It is not doing that in isolation. It is a group that includes the Netherlands, Luxembourg and the United Kingdom and is covering the next three Presidencies after ours, to try to address these matters as regards EU laws. This exercise is being carried out on our own Statute Book, in our own Departments and agencies and in legislation to be brought forward. The situation will be dealt with, *seriatim*, for years before we can reach a good position, but at least it will prevent a continuation of what has built up for hundreds of years and try to improve the situation for the future.

Caoimhghín Ó Caoláin: In the Taoiseach's speech to IBEC in April, he placed the repeal of the pre-1922 legislation in the context of reducing restrictions on business. He also indicated that he hoped to have a public consultation process. What form will that consultation process take? This is something he has not alluded to already this morning. When will we see a comprehensive list of all the legislation that it is proposed to repeal? We have heard a number of indications of what may be involved. While he addressed the business sector at his meeting with IBEC, does he intend to address other sectors as regards the repeal of pre-1922 legislation?

I have asked the Taoiseach this before and I wonder if he can update the situation this morning. Among the legislation that is proposed for inclusion will we see a repeal of the ground rents? This is clearly a legacy of a bygone day that remains irksome and even worse than that for many in different parts of the jurisdiction. In the Government's White Paper on regulation there is a list of actions relating to the legislative process. One calls for better information on new legislation. Why is it that we do not see this implemented in terms of the provision of heads of Bills and other information as regards new legislation being published? It simply is not happening. We are not getting the flow of information the Taoiseach has spoken about and lauded here, before. It is something that would be of great assistance, certainly to the Opposition, if not to Members on the Government benches..

The Taoiseach: I just missed the start of the last point.

Caoimhghín Ó Caoláin: It is about the Government's White Paper on regulation. In that there was a list of actions relating to the legislative process. One called for better information on new legislation. It promised that Departments—

An Ceann Comhairle: The Deputy has made the point. Would he allow the Taoiseach to answer?

Caoimhghín Ó Caoláin: I was just explaining it.

The Taoiseach: I take the point. This conference was organised by IBEC. It organised the speakers, both international and European, but it was an open conference. There were large numbers of people from the business sector, but also from the legal world, as well as people involved in consumer affairs. It was an open conference organised by IBEC where there was a large attendance because some of the speakers were world-renowned in the legal and accountancy professions and in consumer affairs so it drew people from all those areas.

The consultation process has started. There have been public advertisements listing the legislation it is proposed to repeal. If it is not already in the Oireachtas Library, I will ensure it is placed there. My list suggests it is available there.

Caoimhghín Ó Caoláin: Can the Taoiseach circulate that?

The Taoiseach: Yes, I will. In regard to the revision there is a cost in having to comply with it which could be as bureaucratic to a trade union member as to anyone running a business. One must comply with these old Acts that are fairly irrelevant and should be updated. Many of the systems and procedures have never been updated to the modern age of technology whereby companies could include much of this legislation and reports with other aspects of their business. This will make it more simple for them. One wonders whether they should have to report on much that is listed in the old regulations. I am not too sure they do, even though it is enacted. I do not know whether anyone checks on it but it is better to remove it from the system altogether otherwise people will feel they are in breach of the regulations.

Small firms in particular have been involved and have cited how this area of regulation affects their businesses, for example shops and garages — small companies with less than ten employees not those with 30 or 40 employees. This hits the small companies and the regulation imposes a serious cost on those who do not have large offices or administrations but are trying to make ends meet. Big businesses will always be able to manage these matters in a different way.

On the Deputy's last point—

Caoimhghín Ó Caoláin: The Taoiseach missed one point, namely, the ground rents.

The Taoiseach: Ground rents are not related to this issue but within the Department of Justice, Equality and Law Reform, and the legal profession generally, opinion is divided on whether one can repeal ground rents in such a way as to abolish them. There is a genuine difference of view among lawyers about this. Some think one can, others strongly believe one cannot do so. They believe the procedure enacted in 1977 and 1978 is fair, and is neither overburdensome nor cost-effective, that it holds and to do away with it completely is not sustainable. It is a legal argument about—

Mr. Rabbitte: Maybe we could have a referendum on it. I am sure Deputy McDowell would produce one overnight if the Taoiseach asked him.

Caoimhghín Ó Caoláin: Legal people will always argue on their own side. Legislators must lead.

An Ceann Comhairle: We cannot have a discussion on this issue now.

The Taoiseach: Deputy McDowell thinks we can do away with it. That would be his legal view on it. On the other issue about drafting legislation, raised in Deputy Ó Caoláin's last question, the consultation process now is such that when any new legislation is being drafted there will be an examination of whether the legislation is necessary, whether there is another way of doing it or whether it is inconsistent with other elements in that area. A Department must go through a procedural process. Previously, a Department would look at its interests and prepare a Bill. Now it must be considered more widely. As part of that consultation, as happens with most legislation, social partners and other interest groups give a view. For example, if it is a consumer Bill most Departments will consult with the consumer groups, if it is a trade union Bill they will consult with trade unions, if it concerns business they will consult the chambers of commerce and IBEC. That is the process. The regulation unit says they should do that openly so that people can give their views, and they should advertise and communicate that they are preparing the Bill. That is the new way of doing this.

This may reduce the amount of legislation because the arguments put forward in the White Paper suggest that often it is not necessary to create a whole new Bill and that there is too much legislation. The unit says that rather than wait until a Bill is passed, the process should take place early on and the Departments should communicate with the interest groups. If a Bill is prepared then they should present those views as part of the legislative process.

Caoimhghín Ó Caoláin: Many heads of Bills have been promised.

The Taoiseach: Yes. In many cases, as the Deputy knows from committees of the House, I have been given the heads of Bills. I agree with that.

Caoimhghín Ó Caoláin: It is not happening.

The Taoiseach: I will check with the committees.

An Ceann Comhairle: I remind Deputy Ó Caoláin there are other Deputies in the House who have submitted questions and they are entitled to have their say as well.

Mr. Sargent: I understand from the Taoiseach's last reply that consultation is taking place. What form is that consultation taking and will he tell us the range of groups to be consulted. While obviously it includes business groups does it also include the social partnership in general, and will it include environmental groups given that it all has a bearing on the regulations? Is the analysis of the pre-1922 legislation which the Taoiseach said would be done by spring of this year complete as far as he is concerned? Will he indicate whether he is making any progress on the regulatory impact analysis? He mentioned it should be published with a Bill and that RIAs would be piloted this year in several Departments. Will he indicate in which Departments they will be piloted, or are being piloted, as his Department is overseeing this? Do the pilot RIAs now running take in maximum retail floor area which has such a significant bearing not just on business but also on the wider planning criteria for the national spatial strategy and so forth? Has that been integrated into the overall RIAs?

The Taoiseach: As regards the RIAs, the belief is there will be a major improvement in the way new regulations are made. Departments and offices will assess the quantity and the likely impacts of important new regulations and before making regulations will consult more widely and consistently, particularly with consumers when they are likely to be affected. The principle is that the people most likely to be affected in an area will be consulted. They may be social partners but hopefully the consultation would extend beyond the social partners so, for example, if the legislation affects some trade or profession the Department should discuss it with relevant interest groups, not just the social partners, before it regulates willy nilly.

Consideration will be given to downstream compliance and the enforcement consequences of regulations, including monitor and review mechanisms, where appropriate, which covers the issues the Deputy raised about planning. There will be new systematic reviews of existing regulations in key areas. An ongoing series of

[The Taoiseach.] reviews will be undertaken which will involve assessing the adequacies and relevance of existing regulations and the regulatory arrangements and agencies in place in key areas of the economy and society.

Our approach to sectoral regulation, such as telecommunications and transport, will improve and this will include establishing new independent regulators, only if the requirement for an existing regulator can be clearly demonstrated and responsibility for the sector in question cannot be assigned to an existing regulator. The existing arrangements for appeal of decisions made by sectoral regulators to try and speed up implementation of important projects will be reviewed and there will also be a renewed drive to tackle red tape. Departments and Government offices will be asked to simplify and streamline their administrative processes to report specifically on targets and progress in their strategy statements and annual reports.

There is also greater clarity of accessibility regarding regulation, including publishing explanatory guides to Acts which have major implications for consumers and citizens. I already referred in the reply to a major programme of statutory law revision. Regarding fines and penalties, new legislation will be introduced to ensure that fines imposed by regulations will be kept up to date through indexation, rather than what currently happens where they are always out of date. There will also be a review of the extent to which the criminal justice system is suitable for dealing with issues arising from the complexities of the modern regulatory environment in a commercial and economic context.

A new better regulation group will be established to oversee implementation of the actions outlined in the White Paper that will report back to Government on a regular basis. The group will monitor all the areas and report regularly on the implementation of the principles of the White Paper.

Freedom of Information.

7. **Mr. Kenny** asked the Taoiseach the number of freedom of information requests received by his Department during April 2004; and if he will make a statement on the matter. [13337/04]

The Taoiseach: Four freedom of information requests were received in my Department during April. All requests have been acceded to and are processed in accordance with both the 1997 Act and the 2003 Act and their implementation is kept under constant review.

Mr. Kenny: I do not want to raise the usual questions that arise on a regular basis. During the first quarter of this year, 11 requests for information were made under the Freedom of Information Act, which compared with 80 received in the same period in 2003. That is a

reduction of 85%. From that perspective it would appear that the Freedom of Information Act has effectively been neutered by the changes and charges brought in by the Government.

When the amending legislation was brought through the House, the Taoiseach said it would be closely monitored. What monitoring has taken place in light of the fall-off in applications? Does the Taoiseach accept that it is time for a fundamental review of the situation? Would he consider putting in place an independent review team that would include experts like the Ombudsman, who is also the Information Commissioner, to review the amended Freedom of Information Act and report back to the Oireachtas in due course, so that we could at least have an independent assessment as opposed to a political reaction on whether the Act has effectively been strangled and neutered?

An Ceann Comhairle: The question is more appropriate to the Minister for Finance.

Mr. Kenny: Is it?

An Ceann Comhairle: In so far as it refers to the Taoiseach's Department—

Mr. Kenny: He is the boss.

An Ceann Comhairle: —the question refers specifically to freedom of information requests in his Department.

Mr. Kenny: The Minister for Finance will take advice from the Taoiseach.

An Ceann Comhairle: The Deputy's question also refers only to the month of April. It does not even refer to the first quarter of the year.

Mr. Kenny: The Taoiseach wants to answer.

The Taoiseach: If I can give a brief reply in terms of my Department, that will answer the question anyway. When the Freedom of Information Act was introduced, it was stated there would be a significant level of use of historical and other data early on and that it would taper off after that anyway. Before any amendment to the Act, the figure for requests had halved. It went from 279 requests in my Department down to 146. None of the changes affected personal cases for which there is no charge. In the case of requests from journalists and others, there has been a reduction. I do not think the €15 fee can be cited as a major impediment. As far as a review is concerned, as I understand it, the Information Commissioner stated she would review this anyway. That report will address the issues raised by the Deputy.

Mr. Rabbitte: Does the Government have any immediate intention of extending the terms of the Act to the Garda Síochána?

An Ceann Comhairle: That question is more appropriate to the Minister for Finance. We are dealing with questions specifically to the Taoiseach's Department.

Mr. Rabbitte: The Taoiseach is the Head of Government.

An Ceann Comhairle: Yes, but there is——

Mr. Rabbitte: All that is required is “yes” or “no”. He would have it answered by now.

An Ceann Comhairle: There are procedures and Standing Orders in place and the Chair has no choice but to observe them like everybody else.

Mr. Rabbitte: It is a terrible job that the Ceann Comhairle has to do, but somebody has to do it. It is the relish with which he does it that upsets me.

Mr. Sargent: While the 46% reduction in freedom of information requests is a fact of life, as the Taoiseach said, does he welcome it nonetheless and the fact that the culture and veil of secrecy that existed is being re-established as the norm? Is he is concerned that people are being dissuaded from seeking information because of the cost?

The Taoiseach: There is no cost to the public for freedom of information requests relating to personal records.

Mr. Sargent: There is more to life than personal details.

The Taoiseach: There is no cost, but if the request relates to some other policy area, I do not think €15 will deter somebody trying to get information.

A great deal of information regarding reports and so on is already available. There are numerous hits on the EU information website. It is a quicker way of obtaining information and people can access reports and data. All this information is available to them. Documents and back-up documents are freely available nowadays. I do not think there any secrets regarding this information.

Caoimhghín Ó Caoláin: The Taoiseach referred to the fee as if it were derisory, yet at the same time we laud whistleblowers, watchdogs and what have you. What about those to whom freedom of information offered an opportunity to ensure disclosure and that details were brought to public attention? The reality is that the accruing of €15 per freedom of information request might be a real deterrent.

An Ceann Comhairle: The Deputy's question might be more appropriate to the Minister for Finance.

Caoimhghín Ó Caoláin: Some people put in quite an amount of effort and endeavour——

An Ceann Comhairle: I suggest the Deputy submits a question to the Minister for Finance.

Caoimhghín Ó Caoláin: ——to draw out important information. People who could well perform a useful public service as sniffer dogs, so to speak, would be put off because the cost accruing would be prohibitive.

The Taoiseach: A small group of people were submitting hundreds of questions. They are now out of the equation, but that was never the intention of the Act. It exists to provide information for people. I do not believe journalists doing research would be put off by €15. It is just someone using the system as a bit of a joke.

Caoimhghín Ó Caoláin: Some of them are good sniffer dogs.

Agreements with Members.

8. **Mr. Kenny** asked the Taoiseach the nature of the agreement or understanding between the Government and Deputy Cooper-Flynn; and if he will make a statement on the matter. [13338/04]

9. **Mr. Rabbitte** asked the Taoiseach the nature of the agreement or understanding between the Government and Deputy Cooper-Flynn; and if he will make a statement on the matter. [14243/04]

10. **Mr. Rabbitte** asked the Taoiseach the nature of the agreement or understanding between the Government and Deputy Collins; and if he will make a statement on the matter. [14244/04]

11. **Mr. Sargent** asked the Taoiseach the agreement or understanding between the Government and Deputy Cooper-Flynn; and if he will make a statement on the matter. [15610/04]

The Taoiseach: I propose to take Questions Nos. 8 to 11, inclusive, together.

There is no agreement or understanding between the Government and either of the Deputies.

Mr. Kenny: Does an official in the Taoiseach's Department deal with any Independent Members on a regular basis, as was the case in the past? I am happy to hear the Taoiseach's confirmation in respect of these two Deputies. Is an official assigned or detailed to work with other Independent Deputies and particular claims they might have?

An Ceann Comhairle: That does not arise in respect of the question.

The Taoiseach: One member of staff continues to deal with Independent Members, but not to the same level or extent as during the lifetime of

[The Taoiseach.]
the previous Government because of the circumstances pertaining to it. I have not cut off the courtesies shown to the people who supported the previous Government.

Mr. Kenny: If it does not apply to Deputy Collins and Deputy Cooper-Flynn, does the official involved brief other Independent Deputies and who are they?

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

Mr. Kenny: The Ceann Comhairle knows that it does arise. The Taoiseach has not withdrawn the normal courtesies extended by his Department to other Deputies. What does his official do? Does he or she brief other Independent Deputies on certain matters and, if so, who are those Deputies? Do such briefings stop short of people receiving intermittent deliveries from Departments or Ministers of State?

An Ceann Comhairle: The question refers specifically to two Members, namely, Deputies Cooper-Flynn and Collins.

Mr. Crawford: They are now spare wheels rather than full wheels.

The Taoiseach: The previous Administration, which was a minority Government, had a formal arrangement under which the official in question spent quite an amount of time briefing certain Deputies on what was due to arise in the Dáil and the nature of legislation that would be dealt with. These Deputies were briefed on the legislation because they supported the Government and co-operated closely with it. That system has not carried over into this Administration. However, when those Deputies raise important issues, which is a regular enough occurrence, we endeavour to assist them. This does not involve deliveries being made and it is a normal courtesy. It is a service that I am always prepared to extend to other Deputies as well.

Mr. Hayes: We would all appreciate some of that service.

The Taoiseach: I have never walked down the corridor without extending that facility. I even extended it to a few Members yesterday.

Mr. Rabbitte: Is the Taoiseach entirely comfortable with the manner in which he dealt with Deputy Cooper-Flynn as compared with that in which he dealt with several other colleagues who found themselves in difficulty?

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

Mr. Durkan: Of course it does.

An Ceann Comhairle: It does not arise. This question refers specifically to the relationship between the Government and the Deputies in question.

Mr. Rabbitte: I have not yet managed to come up with one question which is in order.

An Ceann Comhairle: It is not like the Deputy to be out of order so often.

Mr. Rabbitte: I must admit that I am puzzled by it.

Mr. Sargent: I was interested to hear the Taoiseach referring to normal courtesies. It is a legacy of the freedom of information legislation — even if it was not the original intention — that so many things are no longer written down on the basis that they might come into the public domain. Is the courtesy which the Taoiseach is extending to other Deputies also extended to Deputies Cooper-Flynn and Collins, particularly as both Deputies have let it be known that they feel close to Fianna Fáil? The Deputies may no longer feel as close to the party as previously but they are still very much of the family.

Mr. Kenny: First cousins, once removed.

Mr. Sargent: Does that fact not qualify them for some courtesy on the basis of the Taoiseach's previous chivalrous remarks?

The Taoiseach: I try to be courteous to all Deputies. Deputy Sargent will recall that I tried to assist his party when the system was bearing down upon it.

Mr. Sargent: Democracy has its time.

The Taoiseach: I respect every Member of the House.

Mr. J. Higgins: Does the Taoiseach intend to visit Castlebar during the European election campaign and will we see a reprise—

An Ceann Comhairle: That matter does not arise in respect of this question.

Mr. J. Higgins: —of the fortuitous but very happy rendezvous he enjoyed with Deputy Cooper-Flynn and other members of the family during the general election campaign in 2002?

An Ceann Comhairle: That matter does not arise.

Requests to move Adjournment of Dáil under Standing Order 31.

An Ceann Comhairle: Before coming to the Order of Business, I propose to deal with a number of notices under Standing Order 31. I will

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

Mr. Neville: I seek the adjournment of the Dáil under Standing Order 31 to discuss the following matter of urgent national importance requiring immediate intervention by the Government, namely, the failure to deliver proper care to people with Alzheimer's disease, the lack of support for carers of people with dementia, as highlighted by 75% of doctors surveyed, and the warning resulting from the poll commissioned by the Alzheimer's Society of Ireland of a mounting crisis in care for these patients due to acute bed shortages, a lack of public health nurses and an absence of a range of specialists in the community.

Mr. Connolly: I wish to seek the adjournment of the Dáil under Standing Order 31 to discuss the following matter of urgent public and national concern, namely, a forest fire at the weekend that commenced on Sunday last and continues to burn this morning on Bragan-Slieve Beagh Mountain and which has destroyed hundreds of acres of forestry and wildlife in a very scenic area of outstanding natural beauty that is a natural breeding ground for the ring-tailed hen harrier among other wildlife species and to ask the Minister for the Environment, Heritage and Local Government to provide emergency funding in this catastrophic situation for forestry and wildlife in County Monaghan.

Mr. Healy: I request the adjournment of the Dáil under Standing Order 31 to discuss a matter of urgent importance, namely, the failure of the Minister for Health and Children to provide funding for the opening of the new state-of-the-art hospital wards, operating theatres and day facilities at South Tipperary General Hospital, Clonmel, which cost approximately €25 million and have been lying idle for the past 15 months while patients are forced to go elsewhere for treatment or lie on trolleys in corridors awaiting treatment, and to allow the Minister to make a statement on the matter.

Dr. Cowley: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the failure to allow the go-ahead for ancillary staff who have been interviewed but who need to be taken on board now to ensure that the vacant Mayo orthopaedic unit can open as planned on 1 July for elective orthopaedic services and to discuss the scandal of 1,500 plus Mayo patients who have been waiting, some since 2000, for elective orthopaedic services, which services have been stopped since January 2004, unless one is a private patient, even though the services to replace them will not come on-line until 1 July 2004, and to discuss the fact that these 1,500 plus Mayo patients, although some have been waiting for four years, cannot

qualify for the treatment purchase fund because they have not been seen by consultants.

Mr. Crawford: I seek the adjournment of the Dáil under Standing Order 31 on a matter of local and national importance, namely, to give the Minister for Health and Children the opportunity to put on the record of the House his proposals of last Friday for Monaghan General Hospital which forced two Fianna Fáil councillors from the elections and appears to be a further withdrawal of services from the people of Monaghan. As yet there is no sign of the €14 million necessary, as stated in the report to the Minister provided by Kevin Bonnar after his discussions with all concerned, including the Department of Finance. This is what the Hanly report will do elsewhere.

Mr. Ferris: Under Standing Order 31, I seek the adjournment of the House to discuss the unresolved circumstances surrounding the closure of Tralee Beef and Lamb in October 2001, the delay in issuing the liquidator's report and the outstanding moneys owed to farmer creditors to the tune of €3.5 million, despite the sale of the premises for €1.7 million, and the hardship placed on suppliers in contrast to the substantial payment of €776,000 made to bank charge holders.

Mr. Blaney: I seek leave to move a motion to adjourn the Dáil under Standing Order 31 to discuss a matter of urgent national importance, namely, the exorbitant penalties and interest of up to 380% imposed on owners of non-resident accounts and the extreme hardship experienced by these individuals who, in some instances, had to sell their family farms and homes and, in most cases, were directed to banks in Northern Ireland by institutions in the Republic.

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

Mr. Crawford: Is anything ever in order?

Order of Business.

The Taoiseach: The Order of Business is No. 20, Education for Persons with Disabilities Bill 2003 — Report Stage (resumed) and Final Stage; No. 21, Central Bank and Financial Services Authority of Ireland Bill 2003 — Report Stage (resumed) and Final Stage; and No. 22, International Criminal Court Bill 2003 — Second Stage (resumed). Private Members' Business shall be No. 41, motion re housing (resumed) to conclude at 8.30 p.m.

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

Mr. Kenny: I understand legislation to change the Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of

[Mr. Kenny.]

Witnesses) Act 1997 will come to the House tomorrow to provide for dealing with the issue of Judge Curtin. Does this refer specifically to cases under investigation or consideration or under Article 35.4 of the Constitution or does it apply in the case of all judges? In other words, can judges take it that if a committee wants them to attend here, they will be so compelled, or is it because the House, in due course, will consider in some format the question arising from that instance?

An Ceann Comhairle: The detail of the legislation must wait until the legislation is before the House.

Mr. Kenny: It is an important matter.

An Ceann Comhairle: I appreciate it is important and that is the reason it should be dealt with in a structured manner.

The Taoiseach: The question is important. It absolutely cannot be construed to be any judge. It would only be a judge before the House where there is an application to remove him and it could not be extended to anybody else.

Mr. Rabbitte: Is the matter we are considering not under the 1924 Act rather than Article 35.4?

The Taoiseach: The Government Whip tells me it is the constitutional process of Article 35.4 that allows the Houses of the Oireachtas to remove a judge, not the 1924 Act.

Mr. Rabbitte: Perhaps I may communicate privately with the Taoiseach on that.

The Taoiseach: Yes.

Mr. Rabbitte: I wish to raise two matters. Does the Government intend to permit the reported increase of 15 cent on the pint? At the rate of price increases this is an important issue. There appears to be no control of prices, and competition is not working.

An Ceann Comhairle: The Deputy's second question.

Mr. Rabbitte: With regard to the conflict between the Minister for Finance and the Minister for Transport on the Aer Rianta break up Bill, and the fact that the Minister for Finance effectively thwarted the Minister yesterday, does the Government still intend to introduce this legislation? If so, when will it be introduced?

An Ceann Comhairle: The second question is in order.

The Taoiseach: The Government is awaiting the trade unions submissions before finalising its

considerations on the matter. The trade unions have sought additional time.

Mr. Boyle: I have two questions on legislation. Has the Government any intention to review current legislation and introduce new legislation on the matter of judicial appointments in the near future? With regard to the central facility for civil servants to indicate whether they want to work elsewhere in the country other than Dublin and in the context of the Civil Service Regulation (Amendment) Bill, does the rationale behind this Bill seek to provide a legislative basis for giving responsibility to the Secretary General of a Department for the appointment, performance management, discipline and dismissal of staff? In the future does the Government intend —

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

Mr. Boyle: It is not the content but the rationale of the Bill I am trying to discover. I want to find out whether the rationale of the Bill is that in future this degree of choice in the Civil Service will be removed by the Government.

An Ceann Comhairle: The Deputy may submit his question to the Minister for Finance.

The Taoiseach: The judicial conduct and ethics Bill is to provide effective remedies for complaints about judicial misbehaviour, including late participation in the investigation of complaints. The Department is considering the provisions that might be included in this Bill, taking into account work done by the constitutional review group at the all-party Oireachtas Committee on the Constitution and the Chief Justices committee on judicial ethics. The Bill is being drafted. The Civil Service Regulation Bill is due to be debated in the House this session.

Mr. Boyle: My question concerned judicial appointments rather than judicial behaviour.

An Ceann Comhairle: Is legislation promised?

The Taoiseach: No legislation is promised on that.

Mr. Crawford: There is an ongoing crisis in the health service. The health complaints Bill was dropped from the list of promised legislation last year. When can the Minister come in to discuss this issue? Will the health Bill come before the House, and if so, when?

The Taoiseach: The health complaints Bill will be incorporated in the health Bill which we hope to have before the House later this year.

Mr. Sherlock: I have asked this question but will ask it again as I have been asked to do so because of the problem for individuals, groups

and local authorities in some instances. Will the Taoiseach inform the House whether progress is being made, or is intended, in the matter of the ground rents Bill?

The Taoiseach: I spoke about this earlier. The Bill is under examination in the Department of Justice, Equality and Law Reform. It has not finalised its consideration of the matter. There are opposing views. Some people think we can legislate on the matter but others think we cannot. A report has yet to come to Government which will then make a decision.

Caoimhghín Ó Caoláin: Given that the Irish Presidency of the European Union is facing its final month and that both the Dáil and Seanad passed motions unanimously seeking recognition of the Irish language as an official working language of the Union, will the Taoiseach advise the House what plans he has in the remaining weeks to ensure the issue of *stádas na Gaeilge* is achieved before the end of the Irish Presidency?

The Taoiseach: No legislation is promised on this. However, if the Deputy submits a question to the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, he will be able to give the Deputy the latest information on the issue.

Caoimhghín Ó Caoláin: What are the Taoiseach's plans on the issue?

The Taoiseach: I have been involved with the Minister on the matter.

Caoimhghín Ó Caoláin: Will the Taoiseach deliver on this?

Mr. Hayes: In view of the failure of both the Minister for Agriculture and Food and the Minister for the Environment, Heritage and Local Government to make a breakthrough on the nitrates directives, will the Taoiseach intervene? The future —

An Ceann Comhairle: That matter does not arise. The question was dealt with by the Minister for Agriculture and Food in recent days.

Mr. Hayes: He has not sorted out the problem. There is widespread concern within the farming community —

An Ceann Comhairle: I appreciate that but there are other ways of raising the issue. It is not appropriate to the Order of Business.

Mr. Hayes: I am extremely concerned. Will the Ceann Comhairle explain to me what other way I can raise this issue?

An Ceann Comhairle: As I said, the matter has already been raised by way of questions to the Minister —

Mr. Hayes: It has not been dealt with.

An Ceann Comhairle: In recent days it was dealt with by the Minister for Agriculture and Food.

Mr. Hayes: Could we have a debate in the House on the matter?

Ms O'Sullivan: The Tánaiste has announced that she intends to transfer assets in the Shannon free zone from Shannon Development to the new airport authority. That is being opposed by all the chambers of commerce in the region who represent more than 1,000 businesses.

An Ceann Comhairle: Has the Deputy a question appropriate to legislation?

Ms O'Sullivan: It is an extraordinary decision, in view of 45 years of work in the area. Is legislation promised to provide for the transfer? I expect it requires legislation.

The Taoiseach: No legislation is listed on this. I suggest the Deputy should put a question to the Tánaiste on the matter.

Ms O'Sullivan: Perhaps the Taoiseach would have a word with the Tánaiste about it.

Ms Flynn: In light of the huge number of fatalities on our roads in the past week, 11 in total, and a report last year which indicated a person was more likely to pass the driving test in a certain part of the country, will the Taoiseach indicate when the driver testing and standards authority Bill will be published.

The Taoiseach: That legislation will come before the House this session.

Mr. Stanton: A commitment was given in the social partnership agreement for 2003-05, Sustaining Progress, that by autumn 2003 — we are now heading towards autumn 2004 — a disability Bill would be published with a view to its enactment by the end of 2003. What is holding up this Bill and will the Taoiseach ensure it is published soon?

The Taoiseach: I hope it will be published shortly.

Mr. Stagg: After the election.

Ms McManus: On a day when we learn the price of drink will rise significantly, will the Taoiseach tell us about the alcohol products control of advertising sponsorship and marketing practices sales promotions Bill and when it will be ready for publication?

The Taoiseach: That legislation is being drafted and is due in late 2004.

Mr. J. Breen: Some weeks ago I asked the Taoiseach about promised legislation on private treaty sales. He indicated then that he thought legislation was in place. I thought that by this time the appropriate Minister would have let me know whether such legislation is in place. If legislation on the control of private treaty sales is not in place, the absence of which is inflating the price of houses and land, will he put measures in place to control private treaty sales whereby such transactions are open and transparent?

An Ceann Comhairle: Is legislation promised on this matter?

The Taoiseach: I do not believe there is any legislation on that matter but I will check that for the Deputy.

Mr. McGinley: Is the Taoiseach aware of the serious threat to the livelihoods of thousands of traditional salmon fishermen in the west due to the imposition of severe restrictions on quotas and a limited number of days they can fish?

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

Mr. McGinley: This issue is related to important legislation. I am glad the Minister responsible is in the House because there will be a crisis in the north and north-west if this issue is not addressed.

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

Mr. McGinley: The Fisheries (Amendment) Bill; it is number 23 on the list.

The Taoiseach: It will be ready this year.

Mr. Costello: In view of the recent rumours and leaks to the media about the development of the DIT in Grangegorman, can the Taoiseach confirm or deny that the long-promised legislation on this matter will be published before 11 June?

The Taoiseach: It will be published this session.

Mr. Durkan: Since we have not heard the plaintive tones of the Minister for the Environment, Heritage and Local Government for a few days and since the electronic ballot boxes——

An Ceann Comhairle: If the Deputy does not have a question on promised legislation we will have to move on.

Mr. Durkan: ——and the €52 million are still unaccounted for, can provision be made to reconcile these imponderables in the context of

the promised electoral (amendment) Bill? When is that Bill likely to be introduced?

The Taoiseach: The heads of that Bill are being prepared, it should be ready around summer time.

Mr. Durkan: “Heads” being the appropriate reference in this case.

Mr. Rabbitte: Is the Taoiseach ruling out making a price fixing order to stop the threatened 15 cent increase in the price of a pint?

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

The Taoiseach: There is no legislation promised on this issue. However, I am sure it can be raised in many ways and that the Minister responsible will be glad to answer it.

Ms Lynch: A recent report informs us that if one has cancer, one is more likely to survive it in the Dublin region than in other parts of the country. On that basis, will the Taoiseach instruct the Minister for Health and Children to keep the promise he made in the 2002 election manifesto?

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

Ms Lynch: Unfortunately, this is not a matter of promised legislation but an ordinary promise made to people regarding BreastCheck in Cork, which is still not available there——

An Ceann Comhairle: That matter does not arise now. I call Deputy Broughan.

Ms Lynch: ——and it is assumed that 37,000 women——

An Ceann Comhairle: I suggest the Deputy submit a question to the Minister for Health and Children on this matter.

Ms Lynch: I have and I got as much of an answer as I am about to get now. We are still waiting for this service.

An Ceann Comhairle: This matter does not arise at this stage.

Ms Lynch: The Minister is now talking about it being available in 2007, just in time for the next election. He is like Steve Silvermint.

Mr. Broughan: The electricity funding Bill is due to be taken in the coming weeks. Will the Taoiseach indicate when it will be taken? Can he indicate when the main electricity Bill will be introduced and if a White Paper on it will be published? The Taoiseach's colleague, who is speaking to him, makes pronouncements about the future of the electricity industry but does not tell us about the promised legislation.

An Ceann Comhairle: The Taoiseach will answer the Deputy's questions.

Mr. Broughan: That was my first question. When canvassing at the doors I received many complaints about the Taoiseach regarding the decentralisation of our region, given that 10,000 to 30,000 jobs will be lost from the Dublin region.

The Taoiseach: Has the Deputy a question on legislation?

Mr. Broughan: Will the Taoiseach re-examine this matter in view of the devastating impact it would have on our area?

The Taoiseach: The funding Bill will come before the House in this session. The electricity Bill will be ready early in 2005.

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

An Ceann Comhairle: Amendment No. 131 has already been discussed with amendment No. 120.

Ms O'Sullivan: I move amendment No. 131:

In page 16, to delete lines 9 to 12.

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

Amendment declared lost.

Minister for Education and Science (Mr. N. Dempsey): I move amendment No. 132:

In page 16, lines 11 and 12, to delete "1 week from the making of the decision" and substitute "2 weeks from receiving the request".

Amendment agreed to.

Amendment No. 133 not moved.

Mr. N. Dempsey: I move amendment No. 134:

In page 16, line 17, to delete "consider" and substitute "hear".

This is a drafting amendment. It is provided elsewhere in the Bill that the appeals committee will hear, as oppose to consider, an appeal. This amendment will bring this provision into line with the rest of the Bill. A Member brought this point to our attention on Committee Stage.

Amendment agreed to.

Amendment No. 134a not moved.

Mr. Crowe: I move amendment No. 135:

In page 16, between lines 40 and 41, to insert the following:

"(b) any statement or description of their child's special educational needs as set out in the education plan,".

The Minister changed the Bill in this regard on Committee Stage. Prior to that parents could appeal against any statement or description of their child's special needs in an education plan or against any other statement or description. They are now restricted to appealing the discharge of duties by the council or the school on the basis of these statements. This is a small but important difference. In other words, they cannot appeal on the basis of the statements in the plan but only on basis of the manner in which the council or schools implement them. The root of the problem parents may have with an education plan may be based on descriptions or assumptions made in it, but if the council and the schools are implementing the plan accordingly, the right to appeal will be lost because they cannot appeal against inaccurate descriptions in the plan.

This change made on Committee Stage is a step back for parents' rights. I ask that it be addressed. If the statement or description of the child's needs is wrong, then however well the duties of the council or the school are discharged, the system will break down.

Mr. N. Dempsey: This amendment is unnecessary given that what the Deputy is trying to achieve is already included in section 12(1)(a). That section already permits an appeal against the council or a school principal on the ground that a statement or description in an education plan is incorrect or inadequate. What the Deputy is trying to achieve is already contained in that section. For that reason I do not intend to accept this amendment.

Amendment, by leave, withdrawn.

Ms O'Sullivan: I move amendment No. 136:

In page 16, between lines 42 and 43, to insert the following:

"(b) the failure to include any particular action or service in an educational plan, or".

This amendment relates to parents appealing what is contained in an education plan. I want to insert "the failure to include any particular action or service in an educational plan" as one of the conditions under which parents can appeal. Currently, they can appeal against the description of their child's needs and the failure to carry out action specified in the plan but they cannot appeal against the exclusion of a particular action they deem to be necessary for their child, if that is not included in the plan.

I want to ensure that parents will be able to appeal if they feel that a particular action that is needed for their child is not included in the child's individual plan.

Mr. N. Dempsey: This is covered in section 12(1)(a) which provides that parents will be able to appeal an incorrect or inadequate statement or description in an education plan. The objective of

[Mr. N. Dempsey.]
Deputy O'Sullivan's amendment No. 136 is covered in the Bill.

Ms O'Sullivan: A description of the child's needs is not the same as the actions which are required to address those needs. My amendment is trying to include a reference to "any particular action or service". I ask the Minister to consider my point and to respond before I decide whether to press my amendment.

Mr. N. Dempsey: I will consider the Deputy's suggestion before the Bill is sent to the Seanad. I believe that her demand is catered for under the existing section 12(1)(a). I will examine the matter before the Seanad considers the Bill to ensure that it is fully covered.

Ms O'Sullivan: I will not press the amendment in light of the Minister's promise to consider the matter. He has been quite good about accepting amendments.

Amendment, by leave, withdrawn.

An Ceann Comhairle: Amendments Nos. 137 and 138 are related and may be discussed together, by agreement.

Mr. Stanton: I move amendment No. 137:

In page 16, line 47, to delete "2 months" and substitute "4 weeks".

The Minister has proposed in the Bill that the appeals board will "hear and determine an appeal" within two months of receiving it. It would be better to reduce the timescale because two months is a long time in the life of a child with special educational needs. We propose a period of four weeks, or one month, as a reasonable amount of time. I ask the Minister to examine my proposal and to respond to it.

Mr. N. Dempsey: We had a good discussion on the matter on Committee Stage. We agreed that we did not want children to lose out in any way if it could be avoided. The Deputy will note that we have introduced a number of amendments on Report Stage on foot of our concerns. One of the amendments, if accepted, will ensure that children will receive the services that are not in dispute in the assessment. Children will not therefore lose out. If an appeal is ongoing, whatever is agreed should be provided. If the basis for the appeal is the provision of extra services, assuming such services are the only matters under dispute, the child's plan will be put into effect immediately. I have examined the time limits carefully since last week. In light of the potential complexity of what might be dealt with, as well as the amendment to which I have referred, it is better to retain the maximum timescale in the Bill. I ask Deputy Stanton to accept that I have met the concerns we expressed.

Amendment No. 138 is a drafting amendment to correct a grammatical error.

Mr. Stanton: I accept what the Minister has said. I agree with him that these matters can be quite complex. I accept his comments about his acceptance of proposals in this regard. I would like him to consider an issue when the Bill is before the Seanad. I agree that a maximum period of two months might be needed in some cases. Can the board be encouraged to make determinations "as soon as possible", or "at the latest within two months" to provide a sense of urgency? One should not have to wait for two months, as one must with planning permission applications.

Mr. N. Dempsey: I know.

Mr. Stanton: I hate to make such an analogy. It is not right that people do not do something until the last minute when they have to do it. I am not sure if it is in order to suggest the inclusion in the Bill of a phrase such as "as soon as possible". I would like section 12(2) to state that the appeals board would hear and determine an appeal "as soon as possible, or at the latest within two months". Perhaps the Minister will take this suggestion on board when he takes the Bill to the Seanad.

Mr. N. Dempsey: I will examine that.

Amendment, by leave, withdrawn.

Mr. N. Dempsey: I move amendment No. 138:

In page 16, line 47, to delete "after" and substitute "from".

Amendment agreed to.

An Ceann Comhairle: Amendments Nos. 139 and 140 are related and may be discussed together, by agreement.

Ms O'Sullivan: I move amendment No. 139:

In page 17, line 16, to delete "with the consent of the Minister for Finance,".

We have reached the amendments to section 13, which is the core section of the Bill because it deals with the provision of resources that are needed by children with disabilities if their educational needs are to be addressed. Section 13(1) is particularly restrictive. It is more restrictive than the equivalent section of the Bill that was published last year. The reference to the determination of the Ministers for Education and Science and Health and Children in respect of the provision of the necessary money and resources was not included at that time. I think the relevant amendment, which has been resubmitted by Fine Gael, will be ruled out of order. I did not resubmit my amendment after it was ruled out of order on Committee Stage.

Amendment No. 139 proposes to delete the words “with the consent of the Minister for Finance”. Section 13(1) causes grave concern to the Opposition and those lobbying on behalf of people with disabilities. The nub of the issue is rights-based legislation, which is also relevant to the proposed disabilities Bill. There is great disappointment not only because the disabilities Bill has not been published but also because it appears that the Bill, when published, will not be rights-based. If section 13(1) is not amended, the Bill before the House will have the same problem, in effect. The Bill is based on resources as well as the determination of the Ministers for Education and Science and Health and Children and the consent of the Minister for Finance.

We can submit many great education plans, but children and parents will be stuck in the queue for resources. It is not good enough. For that reason, I have tabled amendment No. 139 to remove the words “with the consent of the Minister for Finance”. The Minister for Education will tell me that it is a normal procedure. If the consent of the Minister for Finance and the determination of the Minister for Education and Science are needed, parents will lose hope that any change will be brought about by this legislation. When it is once again a matter of resources, people know that they do not really have a right to services and that the only way to vindicate their right is to go to court.

My amendment No. 140, which is being discussed with amendment No. 139, proposes to include in section 13(1) a reference to “the duties of the State pursuant to Article 42 of the Constitution”. One of the few direct rights provided for in the Constitution is children’s right to education. Section 13(1) curtails the rights of children under the Constitution. A section of this Bill will give the Minister for Finance control over the expenditure that is necessary for children with disabilities. I want to remove the provision that requires the consent of the Minister for Finance. Surely the Minister for Education and Science has some discretion in deciding how to spend money within his own budget, if not within the Government’s entire budget, and has influence at Cabinet level.

Section 13(1) needs to be strengthened substantially if we are to have the power to ensure that the education of people with disabilities is at the top of the agenda when resources are being provided. The State has enough resources, but a great deal of money is being misspent in a wide variety of ways. The education of people with disabilities should be a priority. It should not be put at the bottom of the agenda, below horses in Punchestown, electronic voting and all the other examples of wasted Government money that have been highlighted in the media. We want to ensure that the money is spent on priority areas, and surely school children with disabilities constitute an absolute priority. This is particularly so given that under the Constitution they already have the right to an

appropriate education. Such children will not have an appropriate education, however, unless resources are provided for it.

Mr. F. McGrath: I strongly support amendment No. 139. Section 13 is an important element of the legislation because it concerns resources for children with disabilities. I find it hard to accept that the State can spend money on roads and infrastructural development, yet when it comes to providing services for children with disabilities there is always a financial problem. An economic argument is always made against the families of such children. I find it amazing that we can put grants for roads and animals ahead of young children.

The amendment is important because it seeks to delete the words “with the consent of the Minister for Finance”, in page 17, line 16, in terms of allocating resources. The Minister for Finance should keep his nose out of education, however, particularly when it comes to providing services for the most needy in our society — people from disadvantaged backgrounds and those with physical or intellectual disabilities. We must prioritise State services and if more affluent people have to wait, so be it. Let us take the tough decisions to tackle the interests of the most needy.

I am concerned about the current crisis facing services for children. While I do not have the figures for second level or other sectors, 7,000 to 8,000 children are currently awaiting services in various primary schools. Children only get one shot at life in the Irish education system and if they miss out from junior infants to sixth class, they will already be behind when they start first year of secondary education.

Finance for educational resources is the key issue in this respect. As Deputy O’Sullivan said, we can somehow find resources to fund other projects but why can we not finance resources for children with disabilities? There is always a debate about it but that is not good enough. It maddens me that we have to come into the Chamber yet again to fight every inch of the way to get the necessary resource funding.

The amendment demonstrates that we need to be strong in supporting the legislation. Services are urgently required to protect the rights of children. If we are serious about providing such rights, this is an important aspect of the legislation. There is much debate, both inside and outside the House, about human rights but such rights should always begin with the younger sections of society. The human rights of children should always be top of the political agenda. If it costs extra to provide the necessary services, so be it. The vast majority of people are realistic, they would like to see their taxes being used for necessary services and they are annoyed when they see their money being wasted. I take their point when we can see taxpayers’ money being squandered on certain projects. People do not mind paying taxes if they go to the most needy

[Mr. F. McGrath.]
by providing back-up services for children with disabilities.

I urge the Minister to accept this amendment. Children with disabilities get one shot at life. They need our support so we have to provide the required services as well as protecting their rights. The United Nations has criticised the Government for its persistent discrimination against persons with physical and mental disabilities, especially in the fields of employment, social security benefits, education and health. The UN has taken a swipe at the Government in this respect so we should put our money where our mouths are by supporting the amendment, which is at the heart of the Bill.

Ms Enright: This is the section that will ensure whether the aims of the Bill are achieved. I regret that amendment No. 141 has been disallowed as it involves a potential charge on the Exchequer but, in a sense, that explains the importance of amendment No. 139. If we are not in a position to insert, in page 17, line 18, the word "necessary" instead of what is "determined by" a particular Minister, as was proposed by amendment No. 141, it demonstrates that everything in the Bill will be dependent on resources. The Minister's argument is that this is standard practice, but I am concerned because parents and teachers have told me that since the publication of the Bill last summer, they have already seen a change in the Department's approach. Initially, the Department altered its approach following a number of court judgments but I am concerned that the clause in section 13 effectively reduces the rights that followed those court judgments. That is the approach the Department of Education and Science seems to be adopting.

If everything boils down to the consent of the Minister for Finance, he will not deal with this brief on a daily basis. If the moneys provided, and the question of how they are to be spent, must revert to the Minister for Finance I would be seriously concerned about the future direction of the legislation. We can have all the goodwill in the world encapsulated in the Bill, but it will all come to nought if section 13 is passed as currently drafted.

The Minister for Education and Science has frequently said that if he had more resources he could do more for the school building programme, but he must defer to the Minister for Finance when seeking multi-annual funding, for example. We have seen how crippling it can be to try to get things done. I am afraid we will go backwards when we should be progressing with the legislation.

Yesterday, I met a school principal who has an eight year old pupil suffering with ADHD. The principal has had an application in since January 2003 for a special needs assistant. Parents wrote to the principal yesterday to state that they are seriously considering withdrawing their children from the school because the child cannot be

controlled and does not have the services of a special needs assistant. If resource issues are to require the consent of the Minister for Finance, I do not hold out any great hope that such children will be assisted. I am interested to hear what the Minister has to say about this matter.

In previous discussions about the Bill, the Minister has stated that parents can go to court. The whole purpose of this legislation, however, is to stop them going to court.

Mr. F. McGrath: That is right.

Ms Enright: That is the one thing they do not want to have to do.

Mr. Crowe: It says much about Irish society that parents have to go to court to secure appropriate education for their children. I thought the whole idea of the Bill was to move forward, not backwards. The Bill will stand or fall on the question of resources. The biggest worry of all the parents and disability groups that appeared before the Committee on Education and Science was whether resources would be made available for their children as a result of this legislation. They all shared a common suspicion about the future availability of resources and their concerns arose from their own experiences with disabled children.

I suppose the Minister will say that the provision in section 13 is there for technical reasons. I support the amendment because it sends the right signal to those who are worried that resources will not be available, that the Bill is an inclusive document. We want to move on rather than taking a retrograde step. The debate on this section is also about the quality of education and people's right to receive an appropriate education. If this section is not amended, many people will consider that the Bill has failed to achieve its aims.

Mr. Stanton: I support what has been said by other Opposition Deputies and I am concerned about the need to provide adequate resources to enable the laudable aspirations of the Bill to be put into practice. This is a double whammy. First, the Minister for Finance must give his consent as to how much money can be spent, my reading of which is that he or she can place a ceiling on what is available to the Minister for Education and Science of the day. Second, the Minister for Education and Science is also empowered to decide what is required to implement and prepare education plans.

It may be that an education plan could be prepared by a school and forwarded to the Department of Education and Science, only for the Department to find it does not have enough money and sees how it can cut back on it, leaving the Minister to determine what is required. One could argue that resources would be made available and that a plan of sorts would be put in place, although it may not be the full plan.

Moreover, as Deputies have stated, parents will make appeals, may try to go to court or may have access to the mediator which the Minister plans to introduce in another amendment. If they do this, any other court proceedings parents wish to take may be influenced to their detriment by the mediation process.

While this is ongoing children with special educational needs and for whom time is of great importance are waiting. We all know that in regard to children with autism, the earlier we intervene the better. It is important to intervene early in an appropriate manner and assist such children. The Minister of the day might decide, for example, that the applied behavioural analysis, ABA, method costs too much and we could make do with something else such as the TEACH method. In this situation, the Minister for Education and Science could determine, under the whip of the Minister for Finance, that he or she will not allow the ABA methodology to be used. I understand there is already great concern in ABA schools that just such a situation might arise and that there are already moves afoot to undermine the ABA structure. I am not sure whether the Minister is aware of this but it is my information, about which I am very concerned.

I spoke to a senior psychologist during the week who told me the ABA methodology was the most effective for children with autism. However, it is expensive and we must weigh up the use of an expensive but effective methodology against the long-term benefits for the child and his or her family and, from a cost point of view, the great benefits to the State if we can intervene early, appropriately and adequately. If we do not, it is likely that, as adults, these children with special needs will end up falling back on the State to provide shelter, care and so on, which will cost far more in the long run. This is why section 13 is so important.

As Deputy Enright stated, we seek to delete “as determined by him or her” and substitute “as necessary”. The necessary resources should be provided for the child as of right with no questions asked. If we insert the double whammy whereby both Ministers can have a veto on what can happen, in the long run it may affect children. I have been perhaps too loud in my praise of the Minister’s work at times, but credit where credit is due. He and his officials have taken on many suggestions for which I credit them. However, perhaps in this case he does not have the authority to change this area himself. If we insert this belt and braces mechanism, whereby a future Minister or Administration of any hue can use this section to cut back and limit the amount of resources available, it will be detrimental to everyone in the long run.

We have an opportunity now to ensure that the necessary resources will have to be made available if we take on board the amendments as suggested by Deputy O’Sullivan.

Mr. N. Dempsey: I agree with Deputies that section 13 is very important. It is not there, as Deputies have portrayed, to ensure the Minister for Finance can clobber the Minister for Education and Science—

Mr. F. McGrath: He tries it all the time.

Mr. N. Dempsey: —or so that the Minister for Education and Science can clobber children with special needs. In carrying out functions under this or any other Bill, Ministers must act in accordance with the Constitution and have regard to, in this case, the objective treatment of all children, including those with special needs, in respect of their right to education. That factor will decide how much money is provided by the Government to ensure that all the rights in the Bill are delivered upon. Section 13 is not about trying to limit financial resources for children with special needs, rather it is about requiring resources to be made available to deliver on those constitutional needs. The heading of the subsection is “Duty of Minister and Minister for Health and Children to make resources available.” It clearly states that there is a duty and an obligation.

Deputy O’Sullivan referred to the Minister for Education and Science having some discretion in how he or she spends money. The Minister has such discretion within the overall envelope given by the Minister for Finance. However, the Minister’s discretion within the education budget is being curtailed by this section in that it specifically states that the Minister must take into account the priorities in regard to children with special needs. This Bill states that, whatever else is provided for in the education budget, children with special needs are a priority, which factor must be reflected in spending. It states the same to the Minister for Health and Children. One will not find this type of curtailment of discretion in any other Bill. Within the overall envelope which is allocated to the Minister for Education and Science, priority must be given to ensure equal treatment for children with special needs. I appreciate what the Deputies have stated but I must say respectfully that they are looking wrongly at the provision. The provision prioritises within the overall envelope.

Within our constitutional and Government framework, we cannot write the Minister for Finance out of legislation. The Minister for Finance is the only Minister mentioned in the Constitution and he or she has constitutional obligations in respect of public expenditure. No matter what rhetoric we engage in here, it is not possible to write the Minister for Finance out of a Bill which involves public expenditure. The section accepts the reality of the constitutional and legislative input the Minister for Finance has on the total amount of money the Department of Education and Science is allocated. The section goes on to provide that the Ministers for Education and Science and Health and Children

[Mr. N. Dempsey.]

must have regard to the policies we have enunciated and the priorities to treat all children equally and give them an equal chance. Deputies are concerned that this is a negative, but it is a positive. It has not appeared anywhere else and it has been included here specifically to prioritise expenditure on education for children with special needs.

Some Members have asked why people with special needs or disabilities always have to wait. Within my departmental budget almost €450 million is dedicated directly to providing services for students with special needs. Across all Departments, including mine and the Department of Health and Children, approximately €3 billion goes to people with disabilities. That is a sizeable amount, but while I accept it may not be targeted or focused as well as it should be, we hope this Bill and the Disability Bill will help to improve that focus. This is our template to provide for people with disabilities and each Department will have its own template and work plan to help focus spending. At present, when the latest increases are taken into account we are providing just under €450 million for children with special needs before this legislation comes on stream. The Bill will copperfasten those rights and give them a statutory basis.

I do not agree with Deputy Enright's comment that there is a change in the Department's approach since the Bill was published, with everything going back to the Minister for Finance. There is a problem we are trying to overcome in the way we operate in providing resource teachers and so on. As I told the Deputy we hope that will be resolved from September on.

Deputy Stanton said a Minister might decide that ABA is not suitable and that people were worried about this. We have a report on autism from the task force which outlines the benefits of ABA. It has been beneficial and while it may not be the answer for every child with autism, as there are other methods which can be used, it seems to be working well. The Deputy asked me to visit some autism units and I have done so in recent months. It is not up to the Minister to make the decision that ABA is no longer suitable as a cost-saving exercise, particularly when the Bill is passed. The council will advise us and we have included a provision in the legislation that the council has to make recommendations and decisions on best international practice. A Minister cannot decide on a whim to save money; the special education council will deal with this matter.

I realise that people worry about the provision of facilities for those with disabilities but this section does not do what Members fear. It is probably the best guarantee they could have that

funding will be made available and that priority will be given within the education system to the education of people with disabilities. There will be a focus on that. The reason the Minister for Health and Children is included in the Bill is that I wanted his policies aligned with ours. He has a current role in the pre-school area, one which our Department will take over to a greater extent according to other policies on disadvantage. However, it is important that the Minister for Health and Children comes under the same constraints as the Minister for Education and Science and that the former has to prioritise to ensure those with special needs are dealt with within his budget as well.

On amendment No. 140, each Minister must take due account of the principles set down in section 13, where there is a strict constitutional requirement. "Taking due account" means complying strictly with that requirement. One cannot take due account of a constitutional requirement by ignoring it. As a result amendment No. 140 is not necessary.

Ms O'Sullivan: I accept the inclusion of the Minister for Health and Children in the Bill is good and I also agree with some of the comments of the Minister for Education and Science. I accept that this section states that resources should be provided but that is a given. That we have the Bill is an indication that resources will be required to address the needs of children with disabilities in accordance with the individual assessments which are provided for. My point with amendment No. 139 is that resources are doubly constrained, first by the opinion of the Minister for Education and Science and then by the consent of the Minister for Finance. In effect children are not being given the right to resources determined by their individual education plans.

On the constitutional right to attend school, if there are not enough school places in an area then they will be provided. I know that from dealing with the recent situation in Limerick, though there were enough places in that case. There are educational welfare officers in place and if school places are needed they will be provided. That is what children without special needs require, but those with special needs require more than a school place. They require specific resources to give them the opportunity to have an education. That is why we need a strong principle in the Bill to the effect that resources will be provided as needed and as determined in accordance with the assessments of need and individual education plans. That is why I feel strongly that this subsection must be strengthened. If this is ruled out of order I will press the amendment.

Question put: "That the words proposed to be deleted stand."

The Dáil divided: Tá, 58; Níl, 48.

Tá

Ahern, Michael.
 Andrews, Barry.
 Ardagh, Seán.
 Blaney, Niall.
 Brady, Johnny.
 Brady, Martin.
 Browne, John.
 Callanan, Joe.
 Callely, Ivor.
 Carey, Pat.
 Carty, John.
 Collins, Michael.
 Coughlan, Mary.
 Cregan, John.
 Davern, Noel.
 de Valera, Síle.
 Dempsey, Noel.
 Dennehy, John.
 Devins, Jimmy.
 Ellis, John.
 Fitzpatrick, Dermot.
 Fleming, Seán.
 Glennon, Jim.
 Grealish, Noel.
 Hanafin, Mary.
 Haughey, Seán.
 Hoctor, Máire.
 Jacob, Joe.
 Keaveney, Cecilia.

Kelleher, Billy.
 Killeen, Tony.
 Kitt, Tom.
 Lenihan, Conor.
 McCreevy, Charlie.
 McDowell, Michael.
 McEllistrim, Thomas.
 Martin, Micheál.
 Moloney, John.
 Moynihan, Donal.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M.J.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donovan, Denis.
 O'Keefe, Batt.
 O'Keefe, Ned.
 O'Malley, Fiona.
 O'Malley, Tim.
 Parlon, Tom.
 Power, Peter.
 Sexton, Mae.
 Treacy, Noel.
 Wallace, Dan.
 Walsh, Joe.
 Wilkinson, Ollie.
 Woods, Michael.
 Wright, G.V.

Níl

Boyle, Dan.
 Breen, Pat.
 Broughan, Thomas P.
 Bruton, Richard.
 Burton, Joan.
 Connolly, Paudge.
 Costello, Joe.
 Cowley, Jerry.
 Crawford, Seymour.
 Crowe, Seán.
 Cuffe, Ciarán.
 Deenihan, Jimmy.
 Durkan, Bernard J.
 Enright, Olwyn.
 Gogarty, Paul.
 Gormley, John.
 Harkin, Marian.
 Hayes, Tom.
 Healy, Seamus.
 Higgins, Michael D.
 Howlin, Brendan.
 Kenny, Enda.
 Lynch, Kathleen.
 McCormack, Padraic.

McGrath, Finian.
 McGrath, Paul.
 McManus, Liz.
 Mitchell, Olivia.
 Murphy, Gerard.
 Naughten, Denis.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Dowd, Fergus.
 O'Keefe, Jim.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Pattison, Seamus.
 Perry, John.
 Quinn, Ruairi.
 Rabbitte, Pat.
 Ryan, Seán.
 Sherlock, Joe.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Upton, Mary.

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

Question declared carried.

Ms O'Sullivan: I move amendment No. 142:

Amendment declared lost.

In page 17, line 44, after “needs” to insert “and that children with educational disabilities receive the services required to meet their needs in accordance with assessments and educational plans prepared under this Act”.

Amendment No. 140 not moved.

Acting Chairman (Dr. Cowley): Amendment No. 141 in the names of Deputies Stanton and Enright has been ruled out of order.

In many ways this follows on from section 13(1) which we have been discussing. It concerns the Minister's responsibilities, which is dealt with later in the section. The amendment will give a

Amendment No. 141 not moved.

[Ms O'Sullivan.]

similar result to what we discussed. The effect is that the services would be provided for each individual child in accordance with his or her assessment of need and individual education plan. We wish to ensure that the money will be provided for the Minister and that he will spend it appropriately in order to provide for the need.

I will not repeat the arguments I made for amendment No. 139. Essentially it is the same argument and it is to ensure the Bill is strong enough to address the needs of people with educational disabilities and to ensure the resources are in place.

Mr. F. McGrath: I support strongly amendment No. 142. This very important amendment contains the key words, "in accordance with assessments and educational plans prepared under this Act." The

1 o'clock assessments have to be carried out professionally and properly in order to have the child ready for the services. It is important to plan a service for the child with a disability. I would like to see the professionals, teachers, psychologists, the principal, the class teacher and the resource teacher with the parents working together to ensure the child gets the maximum service. When a child with a disability comes to school, the preparations should have been made well in advance and the resources should be ready to come on stream as soon as the child comes to school on 1 September.

The weakness in the past was that some children had been in the school system for four to six years before their name went on a list. I know from dealing with families who have a Down's syndrome child that their child had reached fourth class before he or she was given the necessary services.

The Minister stated that some of these additional services were provided before the introduction of this Bill and that €450 million has been spent on such services. However, there are still major gaps in the services. I accept that areas have been prioritised, for example, I know that schools, particularly in disadvantaged areas have received resources for services. I acknowledge such positive measures. However, there are still major gaps.

We must ensure that the resources and back-up services are available for the child with an intellectual disability who starts school in September. There should be no more debates about the lack of ramps and lifts to cater for those with physical disabilities. The Department of Education and Science has to be more radical in its thinking and ensure it plans for the disability sector of society before schools are built. That should not be a major problem. We need the education plan. The services must come on stream at the proper time.

Mr. Stanton: This important amendment copperfastens the educational objective which is

to ensure that children with special educational needs have the same right to avail and benefit from appropriate education as their peers who do not have such needs, and that children with special educational needs receive the support services required to meet their needs in accordance with an educational assessment. The objective is that people with disabilities would have the right to and avail of appropriate education and that the support services will be put in place.

The issue of special classes in schools was brought to my attention last weekend. Children might move from a small primary school to a secondary school, which invariably will be larger. A child with Asperger's syndrome might be very afraid.

Section 2 provides that education take place in an inclusive environment "unless it is inconsistent with (a) the best interests of the child as determined in accordance with any assessment carried out under this Act". We have not given guidance as to what that might be. An area we might need to include somewhere in the Bill is that of special classes, namely, separate classes in mainstream schools if that is appropriate for certain children. Not all children with special educational needs will require this but there will be children who will specifically need special classes.

The other issue I bring to the Minister's attention which has not been mentioned — he knows I brought it up on a number of occasions by way of parliamentary questions — is dual enrolment. I am not sure if we need a change in legislation to enable dual enrolment to take place. Dual enrolment is where a child attends a special school for part of the week and a mainstream school or a special class in a mainstream school for the rest of the week. The idea is to help the child become integrated or included in mainstream education and, over time, to be fully involved in and be able to attend a mainstream school on a full-time basis. For that to happen, we need a transitional period in which the child would attend both schools for different parts of the week. I have been told there are difficulties in regard to this matter with insurance, grant aid, who is responsible for the child and getting the child from one school to another. It is a fairly crucial issue which perhaps we should include in this Bill, and I am sorry I did not think of it sooner.

Deputy O'Sullivan's amendment may go some way to meeting the issues of special classes and dual enrolment. Will the Minister look at these issues before he brings the Bill to the Seanad to see if he should consider tabling amendments on Committee Stage to make it clear where people and schools stand as far as both those issues are concerned and to enable and alert schools that they can establish special classes and that, in certain cases, it may be necessary to do so?

Ms Enright: From my reading of section 7, the amendment tabled by Deputy O'Sullivan copperfastens the rights of children. The Bill deals with the assessments, the multidisciplinary approach and so on, but the services being provided are the kernel of the issue. This amendment copperfastens that by reiterating, to some extent what is in section 7. It is an improvement on, or an addition to, section 7. The services required need to be restated at this point in the Bill. For that reason, I ask the Minister to support the amendment.

Mr. N. Dempsey: The purpose of this legislation is to put in place mechanisms whereby children are provided with the educational and related services they require in accordance with the provisions of the Bill, which include assessment and educational plans. For that reason, this amendment is not necessary. As Deputy Enright said, all this is dealt with in section 7. I do not believe it is good practice to lay something out in one section of a Bill and restate it in another because, as sure as God made little green apples, if one does that, a lawyer will find a difference between one section and another and will cause chaos in regard to the legislation.

What we are talking about here are the principles under which and by which Ministers must make decisions in regard to the priorities. They are broad principles and are not meant to be a restatement of anything. They are broad principles under which any Minister of the Government must operate in regard to the education of persons with disabilities. We dealt with this issue in section 7. We are dealing with something entirely different in section 13 and it is not necessary to reiterate it — in some respects, doing so could perhaps cause confusion.

I will look at the question raised by Deputy Stanton but I do not believe it is absolutely necessary to include it in the Bill. The individual educational plans will meet the difficulties he sees, whether special classes in schools, dual enrolment or otherwise. Part of the individual educational plan will be the conclusion as to the services needed and the most effective way of meeting the educational needs of the child. If the educational plan states that it is necessary for the child to be in a special school or a special class for a portion of the week and in a mainstream school for the rest of it, that would have to be complied with. I will see if we need to copperfasten that in some way. There are probably practical issues which would have to be dealt with and which I believe Deputy Stanton mentioned on Committee Stage, including dual enrolment, who is credited with the pupil and so on. I will look at that to clarify the situation.

We have dealt with amendment No. 142 in a straightforward way. We have improved and strengthened section 7 to ensure that assessments, educational plans and services are provided. For that reason, I cannot accept the amendment

which could cause confusion, and I know the Deputy would not particularly want that to occur.

Ms O'Sullivan: I accept the issue is addressed in section 7 but I seek to include it in the section which deals with the principles to which the Minister should adhere. Section 13 relates to the Minister's duties in regard to policy and the principles of which he should take account. It is appropriate to include it in that section with the two other subsections.

Amendment put and declared lost.

Acting Chairman: Amendments Nos. 143 and 144 in the names of Deputies Enright and Stanton have been ruled out of order. Amendment No. 145 arises out of committee proceedings.

Amendments Nos. 143 and 144 not moved.

Mr. Stanton: I move amendment No. 145:

In page 17, between lines 44 and 45, to insert the following:

“(4) The Minister shall take into account the views of the Deaf community in the provision of resources and when determining policy under this Act.”.

We mentioned this on Committee Stage. Members of the deaf community asked us to highlight their needs, the fact they have different needs from others and that these needs should be met in the provision of resources and in determining policies. They made the point that it is better for deaf people to be educated in schools for the deaf rather than in mainstream schools. Another issue that has arisen since is that people who are hard of hearing have different needs. I am not sure whether the Minister can accept an amendment of this kind, but I wanted to highlight this issue once again and see if there might be some way to incorporate special needs.

Mr. F. McGrath: I strongly support amendment No. 145 because it is important in taking on board the views of the deaf community. Like some of my colleagues, I was talking to them recently, and there is definitely a problem. I would call it more than a problem. There seems to be a major issue regarding the educational and political establishments of this State, as well as wider society. We all have a responsibility, but we are not taking on board their views. It is essential when dealing with the legislation that we take on board the views of the deaf community which is feeling excluded and isolated. I know from my talks with them and listening to their views and those of their friends on an international level that they feel that society should begin taking on board their new, creative ideas on such matters as education, communications and sign language. It is important that we accept amendment No. 145.

[Mr. F. McGrath.]

In the debate on education in the context of the special school system and the choice of integrated education, it is important to remember that there are many families with different views. It is up to us at the Department of Education and Science to provide choices for the families and adapt to the children's needs. There are many different views on whether a special or integrated school system is best. I have had positive personal experiences of both at primary and secondary level. That was my choice regarding education. Some people feel strongly about inclusive education. Others feel strongly about special education. The important point is that the Minister for Education and Science should put forward the options to allow parents, with the assistance of professionals and his officials, make an informed choice in choosing the right service for their child.

I strongly support amendment No. 145 because the deaf community has been ignored for too long. We should be more proactive in taking their views on board, particularly when it comes to the provision of resources and determining policy through such measures as this Bill.

Mr. Crowe: I support the amendment. Deputy Finian McGrath spoke of the need for families to be given choices. I recently attended the Irish Deaf Society annual general meeting at which concerns were expressed regarding the Bill. Those concerns extended even to its Title. I informed them that the Minister had proposed to change it. They raised several matters. For instance, we have spoken of being an inclusive society and preventing the marginalisation of people and so on. It would be difficult for anyone from the Irish Deaf Society to follow this discussion on "Oireachtas Report" because it is not subtitled, which is a disgrace. We want to encourage people to have a greater interest in politics, yet a significant section of society cannot follow what is going on. There is probably quite a significant section that does not want to do so, but members of the Irish Deaf Society want to be a part of society rather than be marginalised or excluded. Despite this, that is what is happening. One of the more positive actions we could take is collectively encourage RTE to subtitle "Oireachtas Report".

Another matter that has arisen once again is that Irish sign language has not been recognised. A British Minister in the North has recognised Irish sign language alongside BSL, and people are asking why it is not included. We must take on board the opinions of the deaf community in this Bill, and considerable concerns were expressed, not only from the deaf community itself, but by parents of deaf children. They were concerned that the Bill did not address their needs.

Mr. Gogarty: I will also speak in favour of the amendment. I had been trying to say nothing since much was said on Committee Stage and the

Government has a majority. I do not wish to rehash anything, but some of my predecessors made some very relevant points regarding Irish sign language, for example. There is no reason Irish and British sign language in the Thirty-two County context of the Good Friday Agreement cannot be pushed by the Department. Regarding education for deaf people, we knew on Committee Stage that it is very beneficial to educate children with educational disabilities in an inclusive context in the same school as others. However, both the deaf and blind communities have strongly stated that they feel that it would be almost impossible for such education to take place for their specific disabilities. Cognisance must be taken of that fact, and some effort has been made.

I am leaning towards not voting against this Bill, although it is flawed in places. The sum of its parts, notwithstanding the role of the Minister for Finance, Deputy McCreevy, will probably do more good than bad. However, I ask the Minister to take on board the views of the deaf and blind communities regarding their stand-alone educational requirements.

Ms O'Sullivan: I support this amendment. We had strong representations from the deaf community at the committee, and those should be taken into account. They have a special issue because they have a separate language, Irish sign language. I support what has already been said. It is rather like the idea of *gaelscoileanna*. Where people want education through a different language, they have it separately. Some of those who attended to represent the deaf community certainly expressed the view that they wanted full provision through schools for the deaf that would cater for their language. However, I agree with what has been said on the need for those of us who are not deaf to have access to that language. There is a need for a better response from the general community to learning Irish sign language. If it were more prevalent, especially on television, it would become more the norm, meaning that the community in question would no longer be isolated from the rest of us.

Mr. F. McGrath: Deputy O'Sullivan made an important point that the wider society and community also have a duty to take on board Irish sign language. I recently met a group of children with Down's syndrome who were involved in sign language. They had to communicate with deaf children. Children with disabilities were teaching broader society and communicated with other children with disabilities. It is more than just the deaf community; it is the wider society, the whole State and the country. We must all change, move out and be more inclusive. We all experienced the feel-good factor during the Special Olympics, which was a very successful project, and I commend all those involved. However, one must remember that, now that it is over, we must try

to continue that feeling of inclusiveness. Respect in accommodating difference must continue 365 days a year. This legislation and the debate in the House are part of that.

Mr. N. Dempsey: I will not accept this amendment, since, as I said on Committee Stage, the Bill has deliberately stayed silent rather than identify any group of people with disabilities. We changed definitions through amendment No. 12 so that we would not have to mention any individual disabilities. I respect what the Deputies are saying and very much agree with a great deal of what has been said.

Debate adjourned.

Ceisteanna — Questions (Resumed)

Priority Questions.

Mental Health Services.

31. **Ms O. Mitchell** asked the Minister for Health and Children the reason the increase in funding in 2004 for psychiatry is the lowest of all medical specialties; and the further reason for a drop in mental health services funding from 11% of the health budget in 1997 to 6% in 2004. [15735/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): In recent years, significant additional resources have been committed to developing comprehensive, community based mental health services. This has resulted in a continuing decline in the number of in-patients from 5,192 in 1997 to 3,966 in 2002 with a corresponding increase in the provision of a range of care facilities based in the community to complement in-patient services. There are now 411 community psychiatric residences providing 3,146 places compared to 391 residences providing 2,878 places in 1997.

Since 1997, approximately €90 million additional revenue funding has been invested in the mental health services. This funding has been used to provide medical and health professional staff for expanding community mental health services, to increase child and adolescent services, to expand the old age psychiatric services, to provide liaison psychiatry services in general hospitals and to enhance the support provided to voluntary agencies.

Recent years have seen a considerable expansion in the number of professionals in the mental health sector. For example, in 1997 there were 207 consultant psychiatrist posts and by 2004 this had increased by 74 to a total of 281. This includes an extra 19 psychiatrists dealing with children and adolescents, eight dealing with learning disability, three with forensics, 28 with adults and an extra 16 dealing with geriatric patients.

Since 1997, five new acute psychiatric units have opened in general hospitals. These units are in the Mercy Hospital, Cork, as well as Tallaght and Ennis general hospitals and two units opened in 2003 in Kilkenny and Castlebar. There are now 21 acute psychiatric units attached to general hospitals. A new unit at the Midlands Regional Hospital, Portlaoise is due to open to clients next month. Other units are currently at various stages of planning.

The injection of capital funding in recent years has accelerated the shift from a predominantly institutional based mental health service to a more community directed service as set out in the 1984 report on the psychiatric services, *Planning for the Future*. A new capital development framework for the period 2004-08 is being prepared and will include further significant developments for the mental health services.

Additional Information not given on the floor of the House.

The estimate for the mental health expenditure in 2004 is €661.35 million or 6.69% of the total health budget. It should, however, be considered that in the financial year 1956-57 the percentage spent on mental health services was 19.5% and rose by 2.3% to 21.8% in 1960-61. At that time there were almost 20,000 public in-patients, and this figure has since fallen to around 3,200 in 2003. In this regard, it must be noted that in-patient care has always been the most expensive element of the mental health service and with the consistent reduction in psychiatric hospital bed numbers and the ongoing transfer of intellectually disabled and elderly patients to other settings, it is to be expected that expenditure relative to other services would fall.

Recent years have seen a significant transfer of intellectually disabled and elderly patients from psychiatric hospitals to other, more appropriate settings. In this regard it is noteworthy that the percentage of health expenditure allocated to services for the intellectually disabled has increased substantially since 1997 and expenditure on services for older people has also increased in the same period.

Substantial progress has been made in recent years in ensuring that those in need of mental health services receive care and treatment in the most appropriate setting. However, much remains to be done. I am committed to the provision of quality care in the area of mental health and I will endeavour to secure additional funding for this sector in the coming years. The further development of our mental health services will be considered in the context of the estimates process for 2005 and subsequent years.

Ms O. Mitchell: I do not wish to be rude to the Minister of State, but one has to be deluded to believe there is a comprehensive community psychiatric service. There simply is not. He says there is a move from institutional beds to the community. The "community" does not exist.

[Ms O. Mitchell.]

What exists is people living in doorways out there in Molesworth Street and elsewhere. This is often an acute service. Virtually no acute beds are ever available in this city or throughout the country. Some 45% of acute beds are blocked at any time. Does the Minister of State realise that if this was happening in the ordinary health service, and not in area of mental health, there would be revolution? Almost 50% of the beds are blocked.

Is there a plan or strategy of any sort to develop multi-disciplinary teams, as recommended by the Irish College of Psychiatrists. The Minister of State rightly says additional psychiatrists have been appointed. However, on their own they can do nothing except administer drugs. That is all they can do if they do not have multi-disciplinary teams to back up the service. Is the Minister of State aware of the major hardship being placed on families by the absence of any follow-up comprehensive treatment other than the fact that people can be doled out drugs week in week out?

Mr. T. O'Malley: As regards the 11%, anyone can play around with percentages. The funding for mental health services in 1997 was £326.8 million. Eight years later that funding had doubled. In 2004 it was €661.352 million. At the same time, on account of the large increase in expenditure in the whole area of health, the percentage has fallen from 8.96% to 6.69%.

I understand the points made by the Deputy, but it is not true to say there are not plans. Significant plans exist at the moment for all the health services. Even as regards the other disciplines, apart from the psychiatrists I mentioned in my reply, there has been a large increase in the number of psychologists, occupational and speech therapists. I agree the number in the services is not sufficient, but we have put in place a comprehensive range of new courses in several of the institutional colleges around the country, to educate more clinical psychologists. These will come on-stream in a few years time.

I will also tell the Deputy about further plans for a comprehensive roll-out in a seamless fashion. She is right in so far as there is much debate about the mental services and how the money is being used. I have set up an expert group. It is diligently reviewing the entire area of mental health. It has had more than 140 submissions and I have attended two days of consultations in this regard, where the group has engaged with clients who use the mental health services, as well as providers. There is broad-ranging discussion as to the way forward and the need to change some of the current methods. In many cases there may not be a need for general practitioners to refer some of the patients in the mental health area directly to consultant psychiatrists. There should be a seamless way of doing it, through psychologists, counsellors and so on, and that is one of the topics which the

expert group is examining. I met recently with the IMO which is also acutely aware of the problems in the education of doctors in the mental health area and it is trying to resolve those problems.

Ms O. Mitchell: Will the Minister of State guarantee that he will not wait until this report is published at least to deal with child and adolescent psychiatry? That is a service that is acutely needed. When an adolescent presents with a psychiatric problem it is most acute and families are distraught to have a child in that condition, with no service. The only treatment available is pharmacological, which is totally unacceptable nowadays. Will the Minister of State guarantee that he will at least look at that area as a matter of priority?

Mr. T. O'Malley: I am looking at that area but it can be too easy and glib to say that medication is the only resource available. Often there are other reasons but I do not want to go into this in detail.

Ms O. Mitchell: I understand that but it does not excuse the absence of all the other services needed.

Medical Practitioners.

32. **Ms McManus** asked the Minister for Health and Children the action he has taken or plans to take arising from public concern regarding persons paying very substantial sums of money to a doctor claiming to provide alternative treatment for cancer patients; if the next of kin of patients have met officials of his Department; the outcome of the meeting; and if he will make a statement on the matter. [15738/04]

Minister for Health and Children (Mr. Martin): The Medical Council is the statutory body established to provide for the registration and control of persons engaged in the practice of medicine under the Medical Practitioners Act 1978. To engage in medical practice, a doctor should be registered with the Medical Council. Investigations by the Medical Council and the Irish Medicines Board into the activities of a registered doctor who had been offering medicines and services to cancer patients resulted in that doctor's erasure from the General Register of Medical Practitioners and a successful prosecution by the Irish Medicines Board. The same doctor has been suspended by the Medical Council on foot of a High Court order since July 2003. The individual to whom the Deputy's question refers was not on the register of the Medical Council.

My Department is carrying out a comprehensive review of the Medical Practitioners Act 1978. I intend to put before Cabinet soon the heads of a Bill for an amendment to the 1978 Act, which are at an advanced stage. Some of the main issues which have been considered are: greater public interest

representation on the Medical Council; measures to improve the public accountability and transparency of the council; improved efficiencies in the fitness to practise procedures, and measures to ensure the ongoing competence of all doctors to engage in their profession. An increased public advisory role for the council on its area of expertise is envisaged.

The amendments will also include: a new definition of “medical practitioner” which defines the activities of a medical practitioner and also defines that he or she must meet the criteria for enrolment on the register. There will be provision for the council, which is in part relevant to this situation, on its own initiative or on the advice of the Minister, or any member of the public, to investigate instances or reports of individuals falsely claiming to be medical practitioners or providing services proper only to registered medical practitioners. It will be an offence, with appropriate penalties, for a person to sign a certificate or prescription which should only be signed by a registered medical practitioner. There will be provision for an offence, with appropriate penalties, for a person to take any title implying that he or she is a registered medical practitioner or to perform any action proper only to a registered medical practitioner. The Medical Council will be able to investigate cases of individuals who are not registered with the council providing services proper only to registered medical practitioners.

Persons who avail of services, whether medical, alternative or otherwise, should endeavour to seek the services of reputable institutions. For significant procedures in respect of serious illnesses, such as cancer, persons would be strongly advised to check that the services are provided by, or under the direction of, a registered medical practitioner and that such a doctor is in good standing with the Medical Council in this country. The advice of the patient’s GP or other clinician responsible for that person’s medical care should be sought in advance of commencing alternative or complementary therapy.

While the proposed amendments to the Medical Practitioners Act will relate to conventional medical practitioners, it must be acknowledged that the public will continue to use the services of alternative and complementary practitioners and alternative and complementary remedies. Alternative and complementary practitioners are not regulated in Ireland and I have taken steps, with which the remainder of this reply deals, to move towards a regulatory framework for alternative practitioners.

A meeting had been arranged for Friday, 21 May between officials of my Department and certain relatives of patients of the doctor in question, but this was cancelled at the request of those due to attend. I have been informed a meeting has been arranged for tomorrow, Thursday, 27 May.

Additional Information not given on the floor of the House.

As a first step towards strengthening the regulatory environment for complementary therapists, I convened a forum in June 2001 to examine and explore practical issues involved in establishing appropriate regulation. Arising from the work of the forum I asked the Institute of Public Administration to prepare a report on proposals for the way forward, taking into consideration the formal views of the representative groups that participated in the forum.

The report, which was launched in November 2002, delivers on action 106 of the health strategy, Quality and Fairness — A Health System For You, and makes several recommendations on proposals for the way forward including the establishment of a working group to examine and consider regulatory issues; the continuation and development of a consultation process; and support for individual therapies in developing or strengthening their systems of self-regulation. As recommended in the report, I established a national working group to advise me on future measures for the regulation of complementary therapists. The working group held its first meeting in May 2003, is continuing to meet regularly and is expected to report within the next 12 months.

Ms McManus: I welcome the fact that a meeting will be held. Does the Minister not accept that this is an extremely serious matter involving one doctor who was struck off the Irish register and another who was struck off the register in America for gross negligence, both of whom appear to have been practising quack medicine and taking large sums of money — between €10,000 and €20,000 — from people who are extremely sick and vulnerable, and that this extended over a considerable time and appears to be continuing in regard to one individual.

To date, only the planning law has been used in this case. Has the Garda Síochána proceeded with its inquiries? Is the Minister not ashamed that he is further delaying the amendment to the Medical Practitioners Act, publication of which was promised for 2005? We have waited over seven years for this Act, for which the medical practitioners have called, yet the Minister is unable to say when it will be published because he has taken off on his venture of supposedly reforming the health service while leaving the nuts and bolts legislation aside.

What will he do to regulate alternative procedures and medicine? He has not stated whether legislation will be introduced to deal with alternative practice. It has been sought by people in that area. We have not seen the health care professionals Bill but I presume it is not included in that so where exactly will that area of activity be regulated so that people can be protected, at a time when they are vulnerable, from unscrupulous people who are willing to take

[Ms McManus.]
their money and not provide the care and treatment they need.

Mr. Martin: I take the recent events particularly seriously and the behaviour that transpired was unacceptable. The Medical Council took action in respect of one individual.

Ms McManus: The first complaint was in 1992.

Mr. Martin: May I please continue my reply? I did not interrupt the Deputy. That individual was taken off the register. The council had no authority over the second individual because he was not on the register.

Ms McManus: That is the point.

Mr. Martin: My officials have done substantive work on a new medical council Bill. They have consulted widely and have taken submissions. The heads of the Bill are almost ready, they have gone through every other Department and are now in the Attorney General's office and will be cleared within a week.

Ms McManus: When will it be published?

Mr. Martin: The heads will be published very quickly, perhaps by the end of the next month, if not sooner. I caution against offering a panacea and pretending to people that a new medical practitioners Bill will suddenly eliminate this kind of practice and behaviour because it will not. There are limits to what we can do by regulation. It will strengthen certain aspects of it and perhaps give additional capacity to the Medical Council, but people visit various individuals seeking the ultimate solution to a very difficult and traumatic problem for themselves and their families, particularly when dealing with end stage terminal cancer or other terminal illnesses, and certain people come forward and offer solutions to that. People have travelled abroad for those kinds of services too.

We need to educate the public about the existence of the Medical Council, the idea of a register and so forth. I am the first Minister to move in this area, in conjunction with those involved in the field. There is a very wide continuum of alternative and complementary therapies available, all at varying stages of development. I outlined in my reply the up-to-date position on that. I convened a forum in June 2001 to examine and employ practical steps on the regulation of alternative and complementary therapists. I asked the Institute of Public Administration to prepare a report on proposals which it launched in November 2002. I established a national working group under Terry Garvey to advise me on future measures in the regulation and the group hopes to complete its work within the next 12 months. This is a wide continuum of somewhat complex people, some are pro-regulation, some are cautious about

regulation and some have well developed self-regulatory mechanisms in place which will help us when we get to a regulatory framework, but I intend to bring forward proposals for the regulation of the alternative field.

Forum on Fluoridation.

33. **Mr. Gormley** asked the Minister for Health and Children the reason a person (details supplied), who was invited by the fluoridation forum to make a submission, has not yet received a response to his 50 reasons against fluoridation despite repeated assurances that this will be done; and if he will make a statement on the matter.
[15889/04]

Mr. Martin: The use of fluoride technology is known to manifest a positive oral health outcome. Local and national surveys and studies conducted since the introduction of fluoridation in this country attest to the reduced dental decay levels of children and teenagers in fluoridated areas compared to those residing in non-fluoridated areas.

The safety and effectiveness of water fluoridation has been endorsed by a number of reputable international bodies such as the World Health Organisation, the European Centre for Disease Control and Prevention, the United States Public Health Service and the United States Surgeon General.

As the Deputy is aware, I established the Forum on Fluoridation to review the fluoridation of public piped water supplies in Ireland. The forum's report was launched on 10 September 2002 and its main conclusion was that the fluoridation of public piped water supplies should continue as a public health measure.

The forum also concluded that water fluoridation has been most effective in improving the oral health of the Irish population, especially of children, but also of adults and the elderly. The best available and most reliable scientific evidence indicates that, at the maximum permitted level of fluoride in drinking water, one part per million, human health is not adversely affected.

Dental fluorosis is a well-recognised condition and an indicator of overall fluoride absorption, whether from natural sources, fluoridated water, or from the inappropriate use of fluoride toothpaste at a young age. There is evidence that the prevalence of dental fluorosis is increasing in Ireland. The forum consisted of people with expert knowledge spanning the areas of public health, biochemistry, dental health, bone health, food safety, environmental protection, ethics, water quality, health promotion and representatives from the consumer and environmental areas. This diversity of professional backgrounds and representation was reflected in the comprehensive way the forum conducted its work and research. Ultimately, the forum took an evidence-based approach to its examination of water fluoridation.

The Deputy should be aware that, in its comprehensive report, the forum has already largely addressed the 50 reasons to oppose fluoridation, raised by the person concerned. The forum comprehensively examined the benefits and risks of fluoridation, including its alleged adverse general health effects. The forum concluded that human health is not adversely affected when fluoride is present in drinking water at one part fluoride per million parts of water. This is based on measured scientific results and the most reliable scientific evidence.

In spite of this, the oral health services research centre at University College Cork is preparing a direct response to these 50 reasons to oppose fluoridation. The institute, which is a World Health Organisation collaborating centre for oral health research, advised that work on a response is well advanced, and plan to make it available at the end of June. However, progress with completing this formal response has not been helped by the regular changes made by the person concerned to the text of these 50 reasons.

Mr. Gormley: I welcome the fact that some response will be made. Even though it will be denied, the body referred to by the Minister is a well known pro-fluoridation body and he is trotting out the usual pro-fluoridation propaganda. The person referred to is Professor Paul Connett, who came before the Oireachtas Joint Committee on Health and Children. The reason we have not had a response to date is that the forum could not make one. It has been unable to come up with a response to the 50 reasons in three and a half years. Professor Connett asked those who are pro-fluoridation to come and debate the issues with him, but they all refused. Does the Minister agree this would appear to suggest they have no case and they are afraid to come out in the open and debate the issues properly and fully?

Does the Minister now accept that fluoride acts topically rather than systemically? It was previously thought it acted systemically which is why it had to be ingested. We now know that it acts on teeth in a topical way and, therefore, it does not need to be ingested.

I also wish to ask the Minister about the submission made by Dr. Hardy Limeback, who also came before the joint Oireachtas committee. He gave a most convincing presentation in regard to the use of fluoridated water for bottle-fed babies. Is the Minister happy about the manner in which this was discussed in the forum? Initially, the Food Safety Authority made a recommendation that fluoridated water should not be used for the bottle-feeding of babies, yet this recommendation was overturned after a few phone calls made by people who were not on that sub-committee. Is the Minister happy this is the proper way to conduct business? We know this took place because of a freedom of information request.

The Minister for Health and Children should be interested in the health of the general public. Why were no health studies conducted under the original legislation? Is it not about time we had a comprehensive study about the levels of fluoride in the bone, blood and urine of Irish people to see if there is too much fluoride, which is a toxic substance, in their bodies?

Mr. Martin: Regarding the Deputy's opening comments, I am not interested in propaganda. I have no vested interest in the issue of fluoridation, other than as a citizen like the Deputy and as Minister for Health and Children. I would need to hear a convincing argument to remove mandatory fluoridation of public water, given the indisputable fact of the positive impact it has had on the oral health of the nation.

Mr. Gormley: It has not.

Mr. Martin: If one looks at the oral health of 12 year olds in Dublin, the average incidence of decayed, missing or filled teeth in 1961 was 5.2%, in 1970 it was 4.5%, in 1984 it was 2.2%, in 1993—

Ms O. Mitchell: They were better 40 years ago.

Mr. Martin: —it was 1.2%. That has been shown in a range of studies. It is ridiculous to suggest it has not had an impact on oral health. Let us park that issue for a moment.

Mr. Gormley: It is not ridiculous.

Ms O. Mitchell: Improved dental health cannot be attributed to fluoride.

An Leas-Cheann Comhairle: Order, please.

Mr. Martin: The studies comparing fluoridated areas with non-fluoridated areas show a marked contrast in the status of oral health.

Mr. Gormley: They do not stand up.

Mr. Martin: They do. I have seen them.

Mr. Gormley: They do not. I can show the Minister the studies.

Mr. Martin: I can show them to the Deputy also.

An Leas-Cheann Comhairle: Order, please.

Mr. Martin: The forum was a public one. Professor Connett's position was widely reported at the time of his presentation to the forum. The forum argued it dealt with many of the issues contained in the 50 reasons relating to toxicity and osteoporosis, for example, which was strongly rebutted by it, or the lowering of IQ.

Regarding infant feed formula, the Food Safety Authority of Ireland was asked to conduct a risk

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assessment on potential adverse effects on infants. The final report of the FSAI concluded there was no significant evidence of any adverse effect, other than dental fluorosis when assessing the intake of fluoride intake on young infants. The Deputy's description of what happened is very much at odds with the information I received.

Mr. Gormley: They came before the committee and we know exactly what went on.

Mr. Martin: The final conclusions of the FSAI were not changed in any way by the fluoridation forum. We must be careful we do not raise fears among the general public without using an evidence-based approach.

Forum members were not all from the dental world, many others were from other specialist areas who had no axe to grind one way or the other in regard to fluoridation. They have their own personal reputations as scientists and experts in certain fields to protect. They did not go out with the view that they must ensure fluoridation continued and that the report must reflect that.

Mr. Gormley: What about health studies? That is an important point.

Mr. Martin: The only regret I have is that those who were against fluoridation and who I invited to become forum members, declined to do so. That is not acceptable. There comes a stage when one needs to engage. The only people who refused to engage were those who were against fluoridation.

Mr. Gormley: On a point of order. The most important question I asked the Minister was about the health studies.

An Leas-Cheann Comhairle: That is not a point of order.

Mr. Gormley: Why has the Minister not conducted health studies? Will he please answer that one?

Mr. Martin: I do not conduct research. The Health Research Board funds research when it is required.

Mr. Gormley: I beg the Minister's pardon, but under the legislation he is required to carry out a health study and that has not been done to date.

Mr. Martin: I know that.

Mr. Gormley: The reason it has not been done is that, quite simply, people have too much fluoride in their bodies. That is what would be discovered.

An Leas-Cheann Comhairle: We must move on. We are way over the time limit for this question.

Mr. Gormley: We are not fluoride deficient.

Mr. Martin: We are not deficient in a lot of things.

Ms O. Mitchell: Some of us are deficient in health services.

Mr. Gormley: We are deficient in the health service.

Hospital Services.

34. **Ms O. Mitchell** asked the Minister for Health and Children when he will release funding for interim improvement measures at the National Maternity Hospital, Holles Street, Dublin; and when he will sanction the appointment of the design team for the urgently needed new maternity hospital at St. Vincent's University Hospital, Dublin. [15736/04]

Mr. Martin: Any proposal to develop services at the National Maternity Hospital is a matter for consideration by the Eastern Regional Health Authority in the first instance. My Department is advised by the authority that since the foundation of the hospital in 1894, its premises have been extended and modified as required to meet patient and clinical needs. In common with many older buildings, the infrastructural layout and configuration of the buildings are a constraint on the delivery of optimal services.

Coupled with this infrastructural issue is the growing demand for obstetric and gynaecological services over recent years. Against this background, my Department approved the establishment of a project team comprising representatives of my Department, the hospital and the authority, to examine the future role and accommodation needs of the hospital.

In light of particular concerns which have arisen in respect of overcrowding and consequential health and safety risks in some areas of service delivery, I understand that the project team is finalising a brief for interim developments which will broadly address the following key areas of concern: laboratory; post mortem facilities; out-patient clinics; patient waiting areas; pharmacy; neo-natal ICU; ward accommodation; delivery unit; physiotherapy; social work department; and theatre sterile supplies unit.

On receipt of the completed brief by the authority, it will be examined as a priority in conjunction with my Department. That is a matter on which we want to move relatively quickly. My officials met the board of the hospital recently and I am due to meet it shortly.

Ms O. Mitchell: Did the Minister visit the hospital?

Mr. Martin: I have done so on numerous occasions.

Ms O. Mitchell: If he had done so, he would have closed the hospital down because of the bad conditions that obtain there. Holles Street is a sorry excuse for a National Maternity Hospital. It is a fire hazard and it is dangerous. It is a disgrace that we are asking mothers to have their babies in such unsafe conditions, irrespective the best efforts of the staff to alleviate the difficulties.

Is the Minister aware of the conditions at the hospital? Corridors are blocked by laboratory and other equipment, including bins. There is virtually no access to the lifts. Acutely ill and premature babies must be brought through the staff canteen to the intensive care unit. If there was a fire, every baby and the nurses in that unit would die because there is no way they would be able to get out of the building. This matter is urgent and the Minister must take action.

The staff in Holles Street and St. Vincent's, when contacted, were of the opinion that the National Maternity Hospital would be moving to the St. Vincent's site. Is the plan in this regard progressing? The Minister's Department appears to know nothing about this plan, despite that everyone else seemed to assume that it had been agreed. When will the Minister appoint the project team and sanction the detailed design and funding of the hospital?

Mr. Martin: Is the Deputy referring to the new hospital?

Ms O. Mitchell: Yes. I am glad that the Minister regards the interim arrangement as a priority. However, it cannot be regarded as enough of a priority. What is happening is appalling and the interim arrangement can only provide a temporary solution. The Minister is correct that the laboratory is one of the worst areas in the hospital. The conditions there are Dickensian. The laboratory is significantly under-resourced and has not benefited from investment in 30 years. Is the Minister aware that mothers are not now automatically called back for cervical screening? This service was available to their grandmothers but it is not available to them. Up to 8,000 babies will be born in the hospital this year and their mothers will not be able to avail of the services their grandmothers could avail of.

This is an indictment of the health service and we must make the required investment to improve conditions at the hospital in the short term to allow it to continue to operate until the new hospital is built. The new hospital is essential and its construction must be sanctioned. Will the Minister provide a timescale for the interim arrangement and the construction of the new hospital?

Mr. Martin: I look forward to meeting the board in respect of the new hospital because when the first national development plan was

being drawn up, what is now the Eastern Regional Health Authority would have submitted its priorities for the east and it seemed to me that, at the time, the emphasis and focus was on redeveloping Holles Street on the existing site. Subsequently, there was an idea floating around to move it to St. Vincent's. When the St. Vincent's project came before us — we increased the allocation in respect of it by up to €40 million or €50 million to accommodate additionality on the campus at the hospital in terms of theatre suites, etc. — the moving of the National Maternity Hospital to that site was not on the agenda in any documentation put before me in terms of the national development plan allocation. At that time, the emphasis seemed to be on developing the hospital on the existing site.

I would have no difficulty with locating the National Maternity Hospital on the St. Vincent's campus but this would depend on the feasibility of doing so. The Hanly report recommends that ultimately, if possible, the National Maternity Hospital should be located on the St. Vincent's site. I would be responsive to any plans that come forward from the hospital and the authority in terms of what can be done to improve facilities in the interim.

We have already made significant investment in the Rotunda and the Coombe. There has been huge investment in most of the major hospitals at this stage and the lack of development is a legacy from decades of under-investment in health. In the past six or seven years there has been significant investment. I am anxious to proceed with improving the position in Holles Street and I look forward to meeting the board to see how this can be done immediately in terms of the interim solution and settling the question of relocation.

Ms O. Mitchell: I do not believe it is fair to go back to the hospital and seek suggestions as to what can be done. It has already provided those suggestions and it knows what needs to be done. The money must be allocated so that the project can proceed.

I was perturbed by the Minister's statement that the plan regarding the possible move to St. Vincent's was "floating around". At that time, it was realised that it would not be possible to redevelop on the Holles Street site because it is too small and constrained and also that babies could not be born there during reconstruction. The thinking, even before publication of the Hanly report, was to move to a single site. St. Vincent's has a site allocated for the National Maternity Hospital in its new development. All that is required is funding from the Department which does not even appear to know about the existence of the site. I am concerned that there appears to be no joined-up thinking in the Department.

Mr. Martin: The Department knows about it.

Ms O. Mitchell: The Minister is referring to a plan which came into existence several years ago.

Mr. Martin: There are many issues which have to be investigated, particularly the situation regarding the site at St. Vincent's and whether it is large enough to accommodate the National Maternity Hospital.

Ms O. Mitchell: That matter has already been investigated.

Mr. Martin: Yes, and there are certain conclusions in that regard which I wish to discuss with the board.

Ms O. Mitchell: Does the Minister understand that urgency is required?

Mr. Martin: I do.

Ms O. Mitchell: He should visit the hospital now and he would make the decision after doing so.

Mr. Martin: I have appointed the project team and it must do the necessary work in terms of putting forward the plan for what will be done in the interim period. The team is due to report back to the authority which will come back to us with a brief.

Ms O. Mitchell: It is money that is needed.

Medical Inquiries.

35. **Ms McManus** asked the Minister for Health and Children if the terms of reference of the inquiry to be chaired by Judge Maureen Harding Clark into the activities of a person (details supplied) have been finalised; when the inquiry will begin; the form it will take; the steps being taken to address the serious concerns regarding the adequacy of the proposed inquiry raised by Patient Focus and others; and if he will make a statement on the matter. [15739/04]

Mr. Martin: Following the Medical Council's investigation into the conduct of Dr. Michael Neary, which found him guilty of professional misconduct regarding ten patients, the Government decided to establish a non-statutory inquiry chaired by Judge Maureen Harding Clark. A formal announcement of the terms of reference will be made shortly. In broad terms, it will inquire into whether Dr. Neary's practice was commented or acted upon by others at the hospital. It will examine whether internal or external reviews were conducted. It will also inquire into the measures put in place to prevent a repeat of those events at the hospital and offer advice on any additional systems that should be put in place. A number of meetings have been held with Patient Focus, the patient support group, with the most recent being on 20 May, 2004. As part of this process the group has been briefed by counsel to the inquiry in respect of

how it proposes to conduct its investigations. In particular, the group has been assured that any woman who wishes to give evidence will be facilitated in doing so. I am aware that the group has some concerns about the scope of the report to be furnished by the inquiry and about the compellability of witnesses. As regards the report, I asked my Department, following a meeting I had last week with Patient Focus, to raise the group's concerns with the inquiry. I will revert to the group in due course. As regards compellability, if the inquiry finds itself unable to fully discharge its remit due to non co-operation by relevant persons or bodies, the judge will report that to me and I will ask the Government to consider what further action may be necessary. Such action may include recourse to an investigation under the Commissions of Investigation Bill 2003, particularly if the inquiry is undermined by such non co-operation. The inquiry team has already examined a substantial amount of documents and records which relate to the inquiry and the latter has been asked to report within a nine-month timescale.

Ms McManus: I thank the Minister for his reply. It is not absolutely reassuring for him to say that on the issue of compellability, which is central to the success or otherwise of the inquiry, he may consider using the legislation that is in the process of going through the Houses. Is he giving to Patient Focus and the women who were so brutally and barbarously mutilated a guarantee that the Government will use the legislation that will be available to it if the compellability issue is not resolved under the current arrangements? Is he in a position to provide that guarantee now?

Will the full investigation sought by the women take place? They want included in the investigation, other than caesarean hysterectomies, gynaecological procedures, the death of babies and other issues. Will the investigation extend back to 1974 when Dr. Neary began his practice? What kind of co-operation or communication will be put in place with the women regarding the ongoing work of the inquiry? Has the Minister set up arrangements for keeping in contact with the women on an ongoing basis with regard to the progress of the inquiry?

Mr. Martin: I met the group last week in regard to the issues about which the Deputy has asked. The chairperson is an esteemed judge of an international court. It is clear that the Medical Council has set the parameters in the context that it found Dr. Neary guilty of malpractice in his performance, particularly with regard to a number of caesarean hysterectomies which came before the council for adjudication and on which he was found guilty. Our first objective and the ultimate objective of the inquiry is to ensure that such events never happen again, not just in Drogheda hospital but in any other maternity hospital in the country. We must also facilitate

the women who were so badly treated by providing them with the opportunity to give evidence, tell their story and inform the inquiry about what happened.

On the issue of the scope of the inquiry, the group has said clearly that it does not expect the chairperson to investigate every procedure that took place in the hospital or to reach definitive conclusions on each adverse event or incident that might be brought to the inquiry's attention. In other words, the judge is in a position to find matters of fact or conclusions regarding events not covered by the Medical Council, and which may be the subject matter of individual presentations to the inquiry. The group does not expect every incident that happened to be investigated but it wants the opportunity to have them heard and, perhaps, reflected in the report.

The terms of reference relate to the systems in place at the time, the absence or presence of a clinical audit, peer review etc. The terms will encompass a systems approach to what did or did not happen in Drogheda. This will facilitate the women and ensure they have the opportunity to present their individual cases to the inquiry team.

On the issue of compellability, the chairperson is assertive and strong in her view that she can conduct an effective inquiry under the current arrangements.

Ms McManus: What if she is wrong?

Mr. Martin: I do not want to say or do anything that would undermine her function in that regard, other than what I said in my reply. Action the Government may take in the event of non-co-operation will depend on the report we receive from the judge and the degree to which her inquiry was or would be hampered by the absence of co-operation. We want to get to the bottom of the issue. We want answers as to how matters went wrong. We know they went wrong and that appalling acts were carried out. The Medical Council has adjudicated on that. We must find out the reason such acts were allowed to continue for such a length of time and we are determined to do that.

Ms McManus: Is the Minister saying that even though the legislation, which is at the end of the legislative process now, will be in place, he will not undertake to use it to ensure issues of compellability that exist are addressed? Let us assume that it is likely compellability will be an issue. Is he willing to give the guarantee now that if the issue arises as a problem, as is likely no matter how good the judge, he will use the legislation, which everybody in the House supports, that will be available to him? Is he willing to give that undertaking now?

Mr. Martin: That is not what I said, the Deputy is putting words in my mouth. I have clearance from Government to move on to the statutory phase in the context of the new commission of

inquiry Bill. If co-operation is not forthcoming or if the degree of co-operation is such as to render the inquiry fatally flawed or undermined, there will be no difficulty about moving on to the commission of inquiry format. I want to respect the judge's position. She, as chairperson of the inquiry, is of the view that an effective inquiry can be conducted under the current format.

Other Questions.

An Leas-Cheann Comhairle: I remind the House that supplementary questions and replies are subject to a maximum of one minute.

Ambulance Service.

36. **Dr. Cowley** asked the Minister for Health and Children the action he has taken on the recently released feasibility study report into an all-Ireland helicopter emergency medical service; if he has met the Minister for Defence as he indicated he would; if he has taken steps to ensure the construction of the badly needed heliport at Beaumont Hospital in Dublin; if he can indicate, in view of the positive recommendation for a one-helicopter inter-hospital helicopter emergency medical service, when this badly needed service will be made available by him; and if he will make a statement on the matter. [15462/04]

75. **Dr. Cowley** asked the Minister for Health and Children if, in view of the study undertaken on aviation transfer by the Air Corps to Beaumont Hospital, Dublin, he will discuss with the Department of Defence the way in which a report (details supplied) impacts on the Air Corps air ambulance service; his views on the way in which the HEMS report recommendations for dedicated inter-hospital HEMS may be implemented. [13475/04]

Mr. Martin: I propose to take Questions Nos. 36 and 75 together.

My Department and the Department of Health, Social Services and Public Safety, Belfast, DHSSPS, commissioned a feasibility study and report on the costs and benefits associated with the introduction of a dedicated helicopter emergency medical service, HEMS, for the island of Ireland. The decision to commission the study followed a recommendation by a cross-Border working group on pre-hospital emergency care, one of a number of groups established under the North-South Ministerial Council to examine areas of North-South co-operation in the health field.

The report of the consultants appointed to undertake the study was published on 30 April 2004 and is available on my Department's website. The study identifies possible roles for a helicopter emergency medical service, HEMS, a primary response which will travel directly to the scene of an incident to take the patient to hospital or an inter-hospital response which is the planned, rapid transfer between hospital of

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patients requiring specialist care, escorted by skilled professionals. The study concludes that an inter-hospital transfer service would be the most appropriate in an all-island context. It indicates that this would involve significant capital investment and annual operating costs. The estimated cost is €12 million capital and €4 million annual operating costs for a single helicopter. Additional helicopters could be added with an additional annual cost for each aircraft of over €3 million.

A three-year programme of work would be needed to establish HEMS, including procurement of aircraft, identifying and constructing landing sites, developing cross-Border communications and control systems, producing service protocols and cross-Border management agreements, staff recruitment and training, and arrangements for integration with existing hospital and ambulance services.

An air ambulance service is currently provided for health boards by the Air Corps on a request and availability basis. The Air Corps provides this service subject to the nature of the mission, available aircraft and other operational commitments. Air Corps helicopters operate from airports and, where available and deemed safe, hospital helipads. Most transfers are airport to airport with onward transfer by land ambulance. The service is well regarded and appreciated by those in the health service who avail of it.

The reconfiguration of acute hospital services along the lines proposed by the national task force on medical staffing — the Hanly report — underlines the importance of having a well organised ambulance service capable of responding rapidly to the needs of emergency patients. While the study shows that a HEMS would have a part to play in providing improved response times, it is not a substitute for the emergency ambulance service.

My Department is exploring options in relation to HEMS development in light of the study. As part of this exercise, it has initiated discussions with the Department of Defence and the Department of Communications, Marine and Natural Resources. Policy on the development of emergency medical services in Ireland is set out in a number of documents, including Quality and Fairness — A Health System for You; Building Healthier Hearts, the Government's cardiovascular health strategy; the strategic review of the ambulance service 2001; and the national task force on medical staffing — Hanly report.

Funding provided by my Department in recent years has facilitated significant advancements in the development of the ambulance service in line with the recommendations of these reports, including a major upgrading in training and standards; the equipping of emergency ambulances with defibrillators and the training of ambulance personnel in their use; the

introduction of two-person crewing; and an upgrading of the ambulance fleet and equipment and improvements in communication equipment and control operations.

The strategic review of the ambulance service 2001 report, which forms the basis for the development of pre-hospital emergency medical services into the future, identifies aspects of the current emergency ambulance service which need to be addressed to bring it into line with best international practice to ensure effective and quality driven practices. The review recommended an additional investment of €26 million up to 2006 in the ambulance service, and my Department will continue to pursue this as a priority.

The report recommends that the service be developed at a number of levels. Principal among the proposed developments are the elimination of on-call as a means of providing emergency cover, improved fleet reliability and the roll-out of the emergency medical technician-advanced, EMT-A, programme.

The elimination of on-call is designed to facilitate further improvement in response times. I was pleased to be in a position to provide funding in excess of €3 million in the current year to facilitate the continuing phasing out of on-call in a number of regions. This is a programme which I hope to be in a position to extend.

My Department also provided additional capital funding of €2.5 million in December 2003 to enable the boards and authorities to continue with fleet and equipment replacement programmes which are essential prerequisites for enhanced speedy and appropriate care.

In addition I announced policy approval for the development of the emergency medical technician-advanced, EMT-A, programme. Considerable work has been undertaken by the pre-hospital emergency care council in conjunction with my Department in preparing the legislation necessary to give effect to the introduction of this programme. Funding of €500,000 has been allocated to the council to facilitate the roll-out of the training element of the programme in the current year.

Dr. Cowley: Nobody has ever said that this is a substitute for the ground ambulance system which seems to be the implication being made. Everybody wants this, including the ambulance association. There are cases where time is of the essence and one needs the assistance of HEMS or a helicopter intensive care unit. The Minister must be ashamed when going to Europe that Ireland is the only country that does not have this service, either in the North or the South. The recent report refers to the Hanly report. Does the Minister agree that such a service is a necessity? I would like to hear his views on whether he considers this should be a dedicated service. The lack of it is the problem.

The Minister referred to his Department having discussions with the Department of

Defence and the Department of Communications, Marine and Natural Resources. What is the point of having such discussions? We have an Air Corps service, but the problem is that it is not dedicated. The equipment the Air Corps helicopters carry reflect the Air Corps' multi-purpose role. It takes the Air Corps 12.25 hours to arrive at a hospital to pick up a patient. The report of the ambulance review recommended the service I propose. It is not intended as a substitute but as an essential part of the ambulance service. It is the missing link in that.

I have met Ministers for Health and Children going back to the former Minister, Deputy Noonan, and I have also met the current Minister in this regard. I also met Bairbre de Brún. The provision of a North-South emergency care body is covered under the Good Friday Agreement and the Council of Ministers recommended the commissioning of this report. Two years later the Minister has the report. He should put his hand into the wound like the doubting Thomas he is. He should not mind what his officials say. They are not the people who would benefit from this service.

The report recommends we need this service and that it could be provided at a cost of €16 million, €12 million being the cost of the aircraft and €4 million being the cost to run it. Does the Minister not consider that the logical course of action is to provide this service? He could arrange for it to be provided tomorrow. A helipad is required at Beaumont. I would like to know when that will be provided.

Why is the Minister not providing this service immediately? Its provision is essential. He could make a great name for himself by providing it. Lives are being lost under the existing service. An injured patient of mine had to lie in a field and is now paralysed for life because his general practitioner was expecting a helicopter service to assist his patient which did not arrive because we do not have HEMS. That man is in a wheelchair. What would the Minister say to him? The €52 million the Government wasted on the introduction of electronic voting could have covered the cost of the introduction of this helicopter service for the whole country twice or three times over. How does the Minister rationalise such spending?

Mr. Martin: Capital investment can always be found. It is always the current ongoing cost that is the issue.

Ms McManus: That is something we well know.

Mr. Martin: Whether it is capital money to cover the cost of electronic voting, to purchase helicopters or to build hospitals——

Dr. Cowley: The running cost of this service at €4 million a year is not an issue.

Mr. Martin: Capital investment is an issue and there are limits to such expenditure every year, but the obvious issue in terms of sustainability is the annual operating costs of a service. It is worth talking to the Department of Defence in this regard.

Dr. Cowley: Why?

Mr. Martin: Because it has been providing service and in the interim——

Dr. Cowley: In the interim people are dying.

Mr. Martin: ——we need perhaps to formalise that service in terms of a service level contract.

Dr. Cowley: That is not a dedicated service; that is the point.

Mr. Martin: There were 96 missions in 2003 involving the Dauphin and Alouette, Casa, Beech, Cessna and X61 aircraft. The missions took a total of 240 hours. The report states that the hospital secondary transfer is probably the recommended option, not necessarily flying to the scene of an accident.

Dr. Cowley: That is not what the Minister said.

Mr. Martin: The Deputy suggested that in his illustration. Within the resources I have there is still a need to further upgrade the ambulance fleet on the ground.

(Interruptions).

Mr. Martin: I am talking the following approach. We are entering into discussions with the Department of Defence and the Department of Communications, Marine and Natural Resources, under the aegis of which is the Irish Coastguard service. I am prioritising in the interim the upgrading of the ambulance fleet——

Dr. Cowley: That has been done for years. The ambulance crew do a wonderful job but they would also agree with what I propose.

Mr. Martin: —— its capital expenditure, the elimination of the on-call service, the introduction of two person crewing, and also the EMTA training programme, which I regard as the ultimate priority going forward.

Dr. Cowley: It is long overdue.

Mr. Martin: We are going through the legal issues pertaining to the administration of drugs. I provided funding for the training programme. There is an issue concerning the legality of delegating authority under legislation, once the education programmes are completed, to facilitate the ambulance personnel — the emergency medical technicians — administering certain drugs to patients.

Dr. Cowley: A ground ambulance crew cannot fly.

Mr. Martin: I accept that.

Dr. Cowley: When speed is of the essence and children are dying of meningococcal meningitis—

Mr. Martin: The Deputy should hold on there.

Dr. Cowley: That happened in the north-west and the south-west. Children have died in ambulances because of delays encountered by ambulances trying to overtake traffic. When speed is of the essence, nothing will assist expect HEMS. That is what the report states. The Minister should not be a doubting Thomas.

Mr. Martin: I am not a doubting Thomas.

Dr. Cowley: The Minister has the report. He said he would think about this if he had the report. Now he has the report and he should deal with it. He is responsible for health. I demand that he does that, as do my patients and every single frontline organisation. It is time he worked on this. We can have no more fudge on this. We need HEMS and we need it now.

Mr. Martin: With respect, I am not fudging. I am being straight and telling the Deputy that I will prioritise the modernisation of the Irish ambulance fleet on the ground, which is important. We have done significant work in that regard in recent years.

Dr. Cowley: The ambulance personnel would agree, but even they say that ground ambulance crew cannot fly and that is why we need HEMS.

Ms O. Mitchell: The Minister referred to the advanced training programme for ambulance personnel and said he had allocated funding for it. Has that training programme commenced and has it been rolled out nationally?

Mr. Martin: The training has not started yet but it is due to begin.

Ms O. Mitchell: Will that include all ambulance personnel throughout the country?

Mr. Martin: It will over time.

Ms McManus: Is the Minister aware of the current deficiencies in the ambulance service? Irrespective of what is stated in the Hanly report and whatever training is required, will he ensure that the provision of the basic infrastructure of a decent ambulance service is available throughout the country? Even today in south Wicklow in my constituency I had great difficulty calling an ambulance for an elderly patient. The basic infrastructure for this service is not available in south Wicklow. We do not have sufficient ambulances. What will the Minister do about that?

Mr. Martin: That issue is my priority. That is what I said. We have made great progress—

Ms McManus: Not in my area.

Mr. Martin: —since 2001, particularly since the strategic review was published, in investment in the fleet. I managed to secure additional funding this year in what was a tight year in budgetary terms for the upgrading of the fleet — last year we allocated €2.5 million for fleet enhancement — and funding for the elimination of the on-call service, which will improve response times and so forth. I am mindful that if we allocate minor capital funding before a certain day, we will be accused of all sorts of things. I intend this year to again prioritise upgrading of the fleet on the ground. I will look into the situation in Wicklow.

Health Service Reform.

37. **Mr. Quinn** asked the Minister for Health and Children the progress made with regard to implementation of the recommendations of the Hanly report; and if he will make a statement on the matter. [15596/04]

85. **Mr. Gilmore** asked the Minister for Health and Children the progress in the work of the implementation bodies for the East Coast Area Health Board and Mid-Western Health Board area in regard to the Hanly report; if an assessment has been undertaken of the costs of implementing the Hanly recommendations in each area; and if he will make a statement on the matter. [15579/04]

88. **Mr. Gogarty** asked the Minister for Health and Children if he intends to implement the Hanly report fully and the areas he intends not to implement; and if he will make a statement on the matter. [15719/04]

92. **Mr. Durkan** asked the Minister for Health and Children the aspects of the Hanly report that have been shelved, temporarily or permanently; and if he will make a statement on the matter. [15677/04]

Mr. Martin: I propose to take Questions Nos. 37, 85, 88 and 92 together.

The Government is committed to progressing the implementation of the Hanly report for the benefit of all patients. I announced the establishment of implementation groups for the Hanly report in both the east coast and mid-western regions in February. The groups will carry out the detailed work on identifying what services should be provided in each hospital, in line with the Hanly recommendations.

Substantial progress has been made in developing hospital services which will support implementation of the Hanly report. In the mid-west, for example, 1,110 additional staff have been appointed to the region's acute hospitals since 1997. There has been a 77% increase in ambulance staff in the past five years. Some €80 million has been invested in major redevelopment of Mid-Western Regional Hospital. A new €5.7 million acute psychiatric

unit opened in Ennis General Hospital. A design team has been appointed for further development of Ennis General Hospital, which I announced recently. A design team has been appointed for extensions in Nenagh General Hospital's X-ray department, laboratory and accident and emergency unit. A 24-bed acute psychiatric unit has been approved for Nenagh General Hospital and a health centre-community care headquarters will commence construction on the site of Nenagh General Hospital.

In regard to hospital services outside these two regions, I have announced the composition of a group to prepare a national plan for acute hospital services. The group contains a wide range of expertise from the areas of medicine, nursing, health and social care professions and management. It also includes an expert in spatial planning and representation of the public interest.

The group has been asked to prepare a plan for the interim Health Services Executive for the re-organisation of acute hospital services, taking account of the recommendations of the national task force on medical staffing, including spatial, demographic and geographic factors.

Neither the local implementation groups nor the acute hospitals review group has been able to meet due to the consultants' continuing industrial action. I again ask that all parties return to the table to progress the work of these groups.

In regard to the consultant contract, a number of meetings have taken place between officials of my Department, health service employers and representatives of the Irish Hospital Consultants Association and the Irish Medical Organisation. These talks are also affected by the current programme of industrial action by the Irish Hospital Consultants Association.

Negotiations with the Irish Medical Organisation regarding the reduction of non-consultant hospital doctors' hours are continuing in the Labour Relations Commission. A number of further meetings have been scheduled over the coming weeks and every effort will be made to complete these negotiations at the earliest possible date.

In recent weeks, a national co-ordinator and support team have been seconded to oversee the implementation process in the health agencies. A working group in each hospital is needed to implement these measures and to monitor progress on the reduction in NCHD hours. The urgent need to establish these groups at both national and local level has been discussed with the Irish Medical Organisation. To date, the IMO has not agreed to the establishment or operation of these groups.

The subgroup of the task force which dealt with medical education and training is still in place. It has been asked to examine, and to report to me on, the measures required to accommodate NCHD training in all postgraduate training programmes in a 48-hour working week and to safeguard training and service delivery during the transition to a 48-hour working week.

Ms McManus: The essential recommendation of the Hanly report is that all hospitals providing emergency care must provide acute medicine, surgery and anaesthesia services on site. An irreducible minimum of 21 doctors will be needed to provide such basic on-site medical cover. What progress has been made in that regard? The Taoiseach and the Minister are trying to convince the public that accident and emergency departments across the country will stay open with medical cover. Will the Minister ensure that every hospital in the country will have an irreducible minimum of 21 doctors, and possibly more, in line with the recommendation in the Hanly report? Is the Minister unravelling the Hanly report in an attempt to fool people until the June elections are out of the way?

How does the Minister intend to implement the European working time directive? The implementation bodies have not met, even though the directive is due to come into force on 1 August next. The Minister has admitted that just 60% of doctors are in a position to comply with the directive. I assume this means that 40% of doctors will be unable to comply. How does the Minister propose to meet the deadline required of him by law?

Mr. Martin: I am conscious that the debate on the Hanly report in recent weeks has taken place in the context of the forthcoming local elections. Having examined many of the leaflets that have been distributed, it seems to me that people are saying "I will get elected on Hanly, or I will get elected on the hospital". I am conscious that it is pointless and fruitless to try to have a rational debate on the Hanly report at this point in time.

Ms McManus: Especially when the Minister keeps changing his line.

Mr. Martin: There is a clear political agenda.

Mr. Durkan: The Minister is not being very complimentary to some of his colleagues.

Mr. Martin: The main consideration is not best survival or outcomes—

Ms McManus: The Minister should answer the question.

Mr. Martin: The only outcome that seems to be considered in this debate is the best electoral outcome—

Ms McManus: What about recommendation 356?

Mr. Martin: —for those who are making contributions.

Mr. Durkan: The Minister does not have to go far if he wants to meet people who are doing that.

Ms McManus: I asked about recommendation 356.

Mr. Martin: Regarding major trauma in accident and emergency——

Ms O. Mitchell: Fianna Fáil is looking for——

Mr. Martin: ——I have already made my position clear.

Ms McManus: I am sorry——

Mr. Martin: May I reply?

Ms McManus: It is not——

Mr. Martin: With respect, I have listened to the Deputy.

Ms McManus: The Minister is deliberately misleading the House.

Mr. Martin: I have heard what she has to say.

An Leas-Cheann Comhairle: The Minister is in possession.

Ms McManus: I did not ask about major trauma.

Mr. Martin: I have heard her.

Ms McManus: I asked about basic medical cover.

Mr. Martin: I know what the Deputy asked about.

An Leas-Cheann Comhairle: The Minister should be allowed to speak.

Ms McManus: He should stick to what I asked about.

Mr. Martin: The Deputy will not dictate my reply. I will reply in the manner I see fit.

Ms McManus: If I ask a question, I expect it to be answered.

An Leas-Cheann Comhairle: The Minister should be allowed to proceed.

Mr. Martin: I expect to be allowed the opportunity to reply.

Ms O. Mitchell: The Minister should answer the question he has been asked.

Mr. Martin: I have appointed local implementation groups in the mid-west and east coast areas. The national hospitals review group has not met yet because of the industrial action by the IHCA. The group has not examined anywhere outside the mid-west and east coast areas. We have appointed local implementation groups to suggest solutions to the issues that have been raised in respect of the Hanly report. Nobody said the Hanly report would be implemented in one or two years. In the interim, the health boards in both areas have come

forward with their responses to overtures from the Medical Council and other regulatory bodies. Deputy McManus refuses to acknowledge in any debate in the House that the regulatory bodies have a significant role to play in deciding whether hospitals or accident and emergency departments continue with accreditation for junior hospital doctors.

Ms McManus: Is the Minister going to blame them now?

Mr. Martin: That is consistently ignored. The Mid-Western Health Board has responded.

Ms McManus: He has found somebody to blame.

Mr. Martin: Everyone is getting up on their high horses to condemn the response of the Mid-Western Health Board. I thought it was a rather practical immediate response to the problem with which the board was presented. That was clearly articulated by the health board at the time, but people chose to ignore it because of the forthcoming local elections. It seems that the only people who cannot make announcements about health in advance of the local elections are members of the Government parties. The Opposition parties can put up any placards they like.

Ms McManus: What about the working time directive?

Mr. Martin: It seems that it is fine for them to engage in scaremongering and to put up whatever banners they like.

Ms O. Mitchell: Will the Minister stop?

Ms McManus: The man is suffering from some kind of obsession.

An Leas-Cheann Comhairle: Order, please.

Mr. Martin: I wish to speak about the working time directive.

Ms McManus: Can we have an answer to the question?

Mr. Martin: I have answered questions on the directive in the House, including in my formal reply some moments ago. It is a simple and straightforward matter. We have endeavoured to engage the social partners on the implementation of the working time directive over a sustained period of time as part of the social partnership process. That 60% of doctors are in a position to comply with the directive represents significant progress on the issue. I am concerned and surprised that the IMO does not seem enthusiastic about the proposal to reduce the number of hours worked by non-consultant doctors. We agreed a major financial package

three or four years ago to compensate doctors for the number of hours they were working. At that time, the campaign was waged on the basis that doctors were working too many hours in hospitals.

Ms O. Mitchell: Perhaps the Minister should reform them.

Mr. Martin: The pendulum has swung fully now, however, because it seems that there is resistance to the idea of reducing the number of hours worked by non-consultant hospital doctors.

Ms McManus: What is the Minister doing about it?

Mr. Martin: I will review the situation on an ongoing basis.

Ms O. Mitchell: The Minister cannot expect them to give up money he granted to them two years ago.

Mr. Martin: It is a matter of regret to me that the present industrial action is slowing things up.

Ms McManus: It has to be implemented by 1 August.

Mr. Martin: The industrial action is being pursued because of the clinical indemnity scheme. The Government is acting properly on behalf of the consultants and the taxpayer in dealing with a body that is saying it cannot meet its obligations. The consultants have taken limited industrial action on that basis. I find such a position to be untenable, in light of the role of the Government and the Department in trying to resolve the problem in the interests of consultants, etc.

Ms McManus: Will the Minister look for a derogation?

Mr. Martin: No, that does not arise. The law will apply.

Ms McManus: It will apply from 1 August.

Mr. Martin: Yes, the law will apply.

Ms O. Mitchell: The Minister has accused the Opposition of playing politics, but he has not been behind the door in doing so. A new version of the Hanly report seems to emerge every time there is a public meeting. It is no wonder that we keep asking questions about it because we are at a loss. Those most at a loss are the unfortunate people who have to implement the report. Representatives of the interim Health Service Executive who attended a meeting of the Joint Committee on Health and Children a few weeks ago do not have the slightest idea of what they are implementing because it changes every day when they turn on the radio.

I want the Minister to clarify what is proposed in the specific instances of Ennis and Nenagh. When the doctors are appointed as medical cover, will they be in a position to admit patients? Will they have beds in the hospitals? Will they perform the functions of those in ordinary accident and emergency departments, or will they treat people before sending them on? Will they be able to admit patients in the normal way, as any accident and emergency department can? Will the same rule apply to other local hospitals in areas that are not pilot areas?

Mr. Martin: There is an air of unreality about the manner in which the Deputy has posed her questions. What happens in accident and emergency departments at present?

Ms O. Mitchell: The Minister should not ask me the questions. I have asked him the questions.

Mr. Martin: I am asking a rhetorical question by way of reply.

Mr. Durkan: What does happen? It is time for the Minister to answer his own question.

Mr. Martin: In the accident and emergency units in Ennis and Nenagh—

Ms O. Mitchell: Will the physicians be able to admit people to Ennis and Nenagh?

Mr. Martin: —non-qualified doctors are in training.

Ms O. Mitchell: I understand that.

An Leas-Cheann Comhairle: Order, please. The Minister is in possession.

Ms O. Mitchell: I do not doubt that they will be wonderful doctors.

Mr. Martin: Such people are staffing accident and emergency departments in hospitals up and down the country.

Ms O. Mitchell: Will they be able to admit patients or will they put them in an ambulance?

An Leas-Cheann Comhairle: The Deputy should resume her seat.

Ms O. Mitchell: Which is it?

Mr. Martin: That is the position at the moment.

Ms O. Mitchell: I ask the Minister to answer my question.

Mr. Martin: I say respectfully to the Deputy that the proposal that emerged from the Mid-Western Health Board in consultation with the medical people in the region is a superior provision, in terms of medical cover, than the provision that is currently in place.

Ms O. Mitchell: I am sure the medical cover is wonderful.

Mr. Martin: That would be my argument.

Ms O. Mitchell: Can they admit patients?

Mr. Martin: Yes. Has the Deputy asked the Mid-Western Health Board?

Ms O. Mitchell: The Minister does not answer questions.

Mr. Martin: The Mid-Western Health Board came in with the proposal.

Ms O. Mitchell: Is the Minister giving direction and leadership in respect of the Hanly report?

An Leas-Cheann Comhairle: The Minister should be allowed to proceed.

Mr. Martin: The proposal was not made in the context of the Hanly report.

Ms O. Mitchell: Will the Minister tell the people of the Mid-Western Health Board area if the doctors in question will have admission rights to accident and emergency units?

Mr. Martin: Yes.

Ms O. Mitchell: Will they have beds?

Mr. Martin: Yes.

Ms O. Mitchell: Is the Minister sure?

Mr. Martin: The bottom line is——

Ms O. Mitchell: Is the Minister sure, or will I have to ask the Mid-Western Health Board?

Mr. Martin: I respectfully suggest that the Deputy should have consulted the Mid-Western Health Board a long time ago, if she is concerned about these issues. The health board announced this about three months ago. The advertisements were in the newspaper well over——

Ms O. Mitchell: The Minister announced it in recent weeks.

Mr. Martin: I did not announce it.

An Leas-Cheann Comhairle: Deputy Mitchell should resume her seat.

Mr. Martin: I did not announce it. That is an untruth which is deliberately articulated by those who——

Ms O. Mitchell: Perhaps it was announced by the Minister, Deputy Michael Smith.

Mr. Durkan: Did the Minister get somebody else to announce it?

Ms O. Mitchell: It was the Minister for Defence.

An Leas-Cheann Comhairle: The Chair has not called Deputy Mitchell.

Mr. Martin: I went down to announce the design team for a multi-million euro development at Ennis General Hospital. The accident and emergency doctor posts were advertised in the newspapers before I went there. They had already been in the newspapers. Did the Deputies not read them?

Ms O. Mitchell: Was the Minister for Defence wrong when he said that the Hanly report had changed?

An Leas-Cheann Comhairle: I call Deputy Cowley.

Mr. Martin: It suited the political agenda to merge the two——

Ms O. Mitchell: Was the Minister for Defence wrong——

Mr. Martin: ——but that is not what actually happened.

Ms O. Mitchell: ——when he said that the Hanly report had changed?

An Leas-Cheann Comhairle: I call Deputy Cowley.

Ms O. Mitchell: Confusion remains.

Dr. Cowley: If the Minister, Deputy Martin, is wondering, I am wondering too. The debate on the Hanly report started with the Minister's proposal to have a nurse-led unit at Ennis. It is certain that the Minister has now made provisions for doctors there. Is it not the case that the doctors will not have any admission rights? The unit will close at 5 p.m. each day and people will have to travel elsewhere. The Minister has not made any provision for such people. He is crying crocodile tears about NCHD hours, but what about GPs? If I was in my practice, my locum would have to do 168 hours per week. How about us?

Not one penny has been allocated to the primary care strategy this year. If the Hanly report is implemented, people will have to go to their GP and then travel to a hospital that is far away when they look for services, but the Minister has catered for neither. Who is fooling whom?

Mr. Martin: The Hanly report is approximately six months old.

Mr. Durkan: I am getting older.

Mr. Martin: It is probably ten months old at this stage.

Ms O. Mitchell: I am not sure who is ageing faster.

Mr. Martin: It was not suggested, in the Hanly report or anywhere else, that accident and emergency units would close next week.

Mr. P. Breen: Tell that to the people of County Clare.

Mr. Martin: The Deputy has made his point. For a number of years, from time to time, various hospitals have come under pressure. It has nothing to do with Hanly but concerns the regulatory authorities.

Dr. Cowley: It has to do with a lack of leadership by the Minister.

Mr. Martin: In the name of God, would the Deputy allow me to reply?

An Leas-Cheann Comhairle: The Minister is now in possession.

Dr. Cowley: Some 64 beds are vacant in Mayo County Hospital.

Mr. Martin: The world is terrible. It always has been so for Deputy Cowley and always will be.

Dr. Cowley: It is not the Minister's job to empty wards and clear out casualty units.

Mr. Martin: May I comment?

An Leas-Cheann Comhairle: The Minister is in possession, so please allow him to reply.

Dr. Cowley: Some 64 beds are missing.

Mr. Martin: The money for Mayo was provided a long time ago.

Dr. Cowley: The Minister should remove the embargo on health boards.

An Leas-Cheann Comhairle: Please allow the Minister to reply.

Mr. Martin: We have employed an extra 8,200 nurses since 1998 in the health care service, which is something the Deputy will never acknowledge.

Dr. Cowley: It is a big country and we need a lot more.

Mr. Martin: In the context of the Hanly report, over the last number of years various hospitals were under pressure. We had the Monaghan situation and others where various colleges said they were not happy and withdrew accreditation from non-consultant hospital doctors. The withdrawal of that accreditation had an impact on

the provision of 24-hour, on-call emergency cover. We all know that——

Dr. Cowley: No, we do not.

Mr. Martin: ——so let us stop pretending that did not happen over the last four or five years. That was happening long before the Hanly report. It happened in Naas, for example, and at Tallaght Hospital.

Mr. Durkan: A lot more needs to happen in Naas.

An Leas-Cheann Comhairle: Deputy Pat Breen is the next to ask a question.

Mr. Martin: Tallaght Hospital had to take over the accreditation.

(Interruptions).

Mr. Martin: It is pointless for Deputies to make comments without giving me a chance to reply.

Mr. P. Breen: Is the Minister aware of the independent report commissioned by the national action committee and launched this morning in Ennis? It states that Hanly is not on. One would have to build a new hospital in Limerick if one were to transfer all accident and emergency cases there. As regards the Minister's announcement concerning Ennis General Hospital, will there be a 24-hour accident and emergency unit, as well as beds available there? When does the Minister expect to see work starting in Ennis General Hospital?

Mr. Martin: The design team has been appointed, it is up and running but will take some time to do its work. I can get the schedule from the Department's technical team and will give that to the health board. No one is saying, or ever said, that all accident and emergency cases should go to Limerick.

Dr. Cowley: Hanly is saying it.

Ms McManus: Hanly said it.

Mr. Martin: Up to 80% of all attendances will stay at Ennis.

Dr. Cowley: What about the other 20%?

Mr. Martin: Deputies should examine the statistics. I looked at the figures for Nenagh and Ennis. One is talking about an average of two patients per night attending accident and emergency between midnight and 8 a.m. Let us get this debate into perspective. The vast majority of all attendances are between 8 a.m. and 8 p.m., or from 8 a.m. to midnight. We need to be practical and sensible as regards how we provide medical cover for the 600 or 700 patients attending hospital between midnight and 8 a.m.,

[Mr. Martin.]
and we can do that. It should be within the capacity of the local implementation groups to come up with solutions to sort out that issue. What did the Hanly report say about the mid-west, for example? The mid-west should look at what is happening in the west today. We are now on the point of providing radiotherapy services for the people of the western seaboard for the first time. They will no longer have to travel to Dublin for such services.

Mr. P. Breen: Did the Minister not see the new report on that?

Mr. Martin: Likewise for cardiac surgery and a range of other services. That is what we are going for — regional self-sufficiency.

Ms O. Mitchell: That is not the question we are asking.

Mr. Martin: Fianna Fáil and the Progressive Democrats have done more for regional self-sufficiency in health than any party opposite. It is about time Opposition Deputies realised that. They did very little for it in their time.

Mr. P. Breen: The Minister should answer the question.

Mr. Durkan: Will the Minister confirm that he is now firmly skewered on the horns of the ultimate health dilemma? Having published the Hanly report, along with two other reports, he now finds himself acquiescing to the promptings of his party colleagues, and the Progressive Democrats, who have requested him to do nothing untoward until the 11 June elections are over. Will the Minister answer a straight question as to whether he has made his mind up at this stage? What aspects of Hanly is he going to ditch, or what aspects of the report has he been asked to ditch? If not, there hangs another question.

Mr. Martin: With respect to the Deputy, we are progressing with the implementation of the Hanly report.

Mr. Durkan: In its entirety?

Mr. Martin: We have appointed two local implementation groups to deal with the report's recommendations.

Mr. Durkan: In their entirety?

Mr. Martin: No. We have already moved in terms of providing an additionality of services.

Mr. Durkan: It is flexible now, is it?

Mr. Martin: No, I referred to an additionality of services.

Mr. Durkan: That is flexibility.

Mr. Martin: If there was to be a downgrading of Ennis Hospital, we would not be appointing a design team for a multimillion euro investment. Neither would we have put cardiac rehabilitation into Ennis, if we were about to downgrade it.

Mr. Durkan: Will the Minister move it before the election?

Mr. Martin: We would not have increased staffing levels in Ennis or Nenagh to the extent we did, if we were about to downgrade them.

Mr. P. Breen: At the weekend, people were waiting five and a half hours for treatment in Clare.

Mr. Martin: There has been a significant expansion in staff numbers at all of these hospitals.

An Leas-Cheann Comhairle: The time for questions has expired.

Mr. Martin: Naas Hospital, for example, has witnessed significant expansion and investment.

Mr. Durkan: It is understaffed.

Ms O. Mitchell: And underfunded.

Mr. Martin: The only agenda for the Opposition is how to turn this around for the local elections. It is politicising the issue.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Ó Snodaigh — the need for the Government to respond to the increasingly widespread belief among local communities that tackling the drugs issue is no longer a political priority; (2) Deputy Enright — the need for the Minister for Education and Science to urgently consider the proposal by Gaelscoil Phortlaoise for funding towards the provision of temporary accommodation at a new site at Kilminchy; (3) Deputy James Breen and Deputy Pat Breen — the need for the Minister for Education and Science to provide the necessary funding to allow a college (details supplied) to maintain its present staff levels; (4) Deputy Cowley — to ask the Minister for Health and Children why a person (details supplied), who has a cochlear implant, did not get a new, smaller, more convenient type; (5) Deputy M. Higgins — the circumstances in which a family (details supplied) have been deprived of rent allowance, food allowance and necessary medical benefit; (6) Deputy Ó Caoláin — the need for the Minister for the Environment, Heritage 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; (7) Deputy Wall — to ask the Minister for Education and Science if he is aware of the problems being encountered by a school (details supplied) in relation to the lack of facilities and personnel; (8) Deputy Ferris — to discuss the unresolved circumstances surrounding the closure of Tralee Beef and Lamb in October 2001 and the delay in issuing the liquidator's report; (9) Deputy Crawford — to ask the Minister for Health and Children to make a clear statement to the Dáil on the exact proposals that he provided to his Fianna Fáil colleagues in north Monaghan regarding Monaghan General Hospital; (10) Deputy McGinley — the crisis facing traditional salmon fishermen in the west and north-west due to severe quota restrictions and curtailed fishing days; (11) Deputy Gogarty — the need for the Minister to clearly outline which bodies are responsible for monitoring and implementation of legislation relating to the various operations at Weston aerodrome; (12) Deputy Connolly — to discuss a “no fault” injury at work compensation scheme for health service staff; and (13) Deputy Burton — the possible closure of suburban Dublin legal aid centres (details supplied). The matters raised by Deputies Enright, James Breen and Pat Breen, Connolly and Burton have been selected for discussion.

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

Debate resumed on amendment No. 145:

In page 17, between lines 44 and 45, to insert the following:

“(4) The Minister shall take into account the views of the Deaf community in the provision of resources and when determining policy under this Act.”.

—(Deputy Stanton).

Minister for Education and Science (Mr. N. Dempsey): I was addressing the amendment which suggested we should specifically mention deaf people and deafness as a specific disability that needs to be catered for within the Bill. I said that up to now we have avoided — and I intend to continue to avoid — singling out any individual disability. It would be invidious to do so and would be unfair to members of other affected groups. The alternative to accepting this amendment would be to mention every disability but that approach would present its own difficulties. Obviously, people with different needs and various disabilities must be accommodated and the Bill attempts to ensure that all rights are respected. For those reasons, I am not accepting this amendment.

In common with other Deputies, I have met deaf people and parents of children who are deaf

or hard of hearing at meetings around the country. They have lobbied strongly and extensively concerning the needs of their children. One Opposition Deputy said that up to now I had not taken into account the views of the deaf community, as if there was a single voice representing deaf people. The difficulty is that a variety of voices has been raised to represent the deaf community. Unfortunately, the problem has arisen that the attitudes being adopted on both sides of the argument within the deaf community appear to be almost mutually exclusive.

There are at least two very specific but opposing views as to where we should go with education for the deaf community. For the information of the House, we set up a committee some time ago to make a report to me on the question of education for the deaf and hard of hearing as well as the issue of sign language and so on, to which Deputy Stanton and others referred. Unfortunately, that committee has twice failed to meet deadlines I set for it to produce its report because both sides of the argument want to totally exclude the other's point of view. I do not want a solution like that.

This Bill gives us a great opportunity if at least two sides are willing to take it on board. The thrust of the Bill and the desire of all Members is that, since we are referring to individuals with special needs or learning and educational disabilities, the best solution to meeting these needs is the individual education plan for the child rather than any doctrinaire approach which dictates that it must be through sign language, orally or through lip reading.

I gave a deadline of last Christmas to the committee and allowed myself to be persuaded to allow it to go until Easter but I have now told the committee that I need the report now and if it is not prepared to produce an agreed report, I want its work and I will start making decisions myself. I do not particularly want to do that but I do not foresee us making much progress unless people are willing to consider other people's point of view. That is an aside by way of information to Members.

I will not accept an amendment that singles out any individual disability because it would be unfair to the rest of the groups. While I accept the concern and desire of Deputies and members of the deaf community who sought this amendment, we would not be doing a favour to people with special needs by singling out one group.

Mr. Stanton: I have listened carefully to what the Minister has said and I am inclined to agree with much of it. His point in regard to singling out one group against all the others makes sense. I also support the Minister's setting up of this committee and I look forward to the report being produced and working with him to ensure that the best possible result flows from it. However, I ask the Minister to examine Irish sign language

[Mr. Stanton.]
and its role given that others have recognised it as an official language and given it support.

Amendment, by leave, withdrawn.

Mr. Stanton: I move amendment No. 146:

In page 17, between lines 44 and 45, to insert the following:

“(4) The Minister shall take into account the needs of special schools in the provision of resources and when determining policy under this Act.”.

This amendment recognises the role of the special schools in dealing with children with special educational needs. The special schools have not been specifically mentioned in the Bill but they have an important role to play in this area. Even though the idea of inclusiveness and integration is causing difficulties in schools, it is to be welcomed and encouraged. However, there are instances in which it is not possible. Special schools have been established around the country and are doing great work. The Minister should take into account the needs of these schools and recognise the work they are doing in the provision of resources and when determining policy under this Bill. The amendment seeks to recognise this so that the schools are given a certain status which they deserve and need.

Ms O’Sullivan: I support this amendment since it presents an opportunity to debate special schools and how they fit into the legislation. Does the Minister envisage that every child in a special school will have an individual assessment of need under the legislation? We did not really tease out the position of special schools as much as the position of children in mainstream schools in our Committee Stage debate.

Under this section, which deals the Minister’s principles and policies, it is a good idea to acknowledge that special schools have a particularly important role to play, especially where children’s learning difficulties are greater than those who are appropriately placed in mainstream schools.

Mr. F. McGrath: I also support this important amendment. We must acknowledge, value and support the role of the special schools and the needs of the children within that system as well as the needs of teachers and staff to provide services to the children. We should also take on board the broader debate on the role of special schools and inclusive education, whereby some children with disabilities are going to mainstream schools.

Special schools must also be prepared to change and take a more open approach to the debate on choice in education and on children with disabilities. They must be open to the idea of working with mainstream schools for children with special needs. The special schools system has

served many children very well as has the other system, where children have attended mainstream schools, provided the resources and back up services were in place.

It is important that the debate about education, particularly education for people with disabilities, is about choice for families — children and parents — but also about accommodating difference, which is an essential part of this legislation. We must be prepared to accommodate difference and different types of services but the emphasis should always be on the needs of the child and what is in his or her best interests. If we take that on board, we will go down a constructive and positive road.

We have some excellent special schools which are involved in projects which demonstrate good educational practice. For example, St. Michael’s House in Ballymun links in with the other local national schools to work on all sorts of constructive projects. These examples of good practice need to be developed. We should also work towards breaking down the barriers and ending segregation for children with disabilities. It is still a problem that many children with disabilities, particularly those who attend special schools, do not have enough interaction with mainstream schools and children without disabilities. We must open up our minds to this, end the segregation and do something about bridging the gap. Sometimes, there is too large a gap between the mainstream and special schools sectors. All schools should be included, particularly when it comes to needs and resources, rather than pushing one set of educational guidelines over another. It is important we provide for the needs and resources of the schools, whether special or mainstream. The emphasis must be on the needs of the children and the services we can provide under this Bill.

Mr. N. Dempsey: On Committee Stage, I stated that special schools are recognised in the same way as mainstream schools within this Bill.

Section 13 seeks to ensure that, in
4 o’clock formulating policy on special needs, the constitutional rights of all children will be enjoyed equitably. All children with special needs will be able to avail of and benefit from appropriate education in the same way as their peers without special needs. For that reason the amendment is unnecessary as in the allocation of resources those principles must be taken into account. All children must be treated equitably and fairly.

I listened to the contributions of Members with an open mind but some comments have convinced me not to accept the amendment. I hope I am not being perverse in that. We want to ensure that all children are treated equitably and that the divide referred to by Deputy Finian McGrath does not exist. I accept that divide can exist but the suggested provision, which will take into account the needs of special schools, is

something I am obliged to do anyway in the provision of resources and determining policy under this Bill. Saying these schools are different and separate would copperfasten the present situation. Since beginning work on this Bill we have made the child the central focus of the Bill and it does not matter if that child is in a special class, a special school or a mainstream class with special needs. The child's needs must be met and he or she must have an individual education plan, as Deputy O'Sullivan said, whether he or she is in a special school or not. I agree with Deputy McGrath that the special schools have served people well and, on reflection, we might be doing a disservice to such schools by accepting this amendment. I do not propose to accept it.

Amendment, by leave, withdrawn.

Mr. N. Dempsey: I move amendment No. 147:

In page 18, line 26, to delete "an educational disability" and substitute "special educational needs".

Amendment agreed to.

Mr. N. Dempsey: I move amendment No. 148:

In page 18, between lines 30 and 31, to insert the following:

"(4) A request under *subsection (1)(c)* or (3) shall be complied with within such period (not being a period longer than 1 month from the date of the request) as the Council specifies in the request."

Education service providers will be obliged to provide the council with the information it requires. In the context of the review of all time limits in the Bill, as requested by Deputies, I undertook to look at this section. Again, the volume, complexity and urgency of the information sought by the council may vary from case to case and with that in mind the amendment gives the council discretion in setting a deadline. An outer time limit of one month is proposed. This goes back to what Members proposed — as soon as possible but within a month.

Amendment agreed to.

Mr. Stanton: I move amendment No. 149:

In page 18, line 36, after "training" to insert "or employment".

This section of the Bill deals with planning for future educational needs, which is laudable. We agree with that aim but the section also states there will have to be regard for provisions that will need to be made to assist the child in his or her education or training on becoming an adult.

The Bill does not recognise the possibility that children with special educational needs can move into employment. Part of the role of education is to prepare people for employment and I would

hate to give a message through the Bill that we recognise those with special educational needs as being consigned to long-term, permanent training. We should explicitly allow for the fact that we want those with special educational needs to enter gainful employment also. In reviewing and preparing an educational plan the principal of a school should have regard for the provision which will need to be made to assist the child in continuing his or her education, training or employment on becoming an adult. That should be done from when the child attains such an age as the principal or organiser considers appropriate. We are also considering work experience, possibly, and other such classes in schools. Those with special educational needs may need more help than those without such needs in preparing for employment because of the barriers that often exist in the workplace and society generally. We are all trying to remove those barriers to help those with special needs, and all children, to reach their full potential. That is an important statement to make. "Employment" should be included here, as education is about helping people to reach their full potential and to have dignity in living as independently as possible. That is true for those with or without special needs. The Minister would be doing something positive by accepting this amendment as it would add greatly to the Bill.

Ms Enright: Continuing with Deputy Stanton's point, it is important to realise that many parents look on the education system as a means of preparing their children for future employment, whether we like it or not. Using the word "training" in this section separates children with special needs from others in the school system. We must accept that part of the reason children are in schools is to be able to get gainful employment after their education. This Bill covers children up to the age of 18 but including the term "employment" would recognise the fact that these children have the potential and capabilities to be employed. The educational plans put in place for them work in part to educate them to enter the workforce in whatever capacity they can. The Minister should give serious consideration to this amendment.

Ms O'Sullivan: I support this amendment, which is very practical. There is no reason a certain number of children with special needs should not go directly into employment after school, just as happens with a certain number of children without special needs. Some go on to further training or higher education but many go straight into employment after school. There seems to be no reason employment should not be included here with education and training. It makes sense that if a young person with special needs wants to get a job he or she can do, then he or she should be prepared for that future along with those who will go on to further education or training.

Mr. N. Dempsey: We discussed this on Committee Stage when I said the Bill was concerned with the education of persons with special educational needs. As Deputy Enright mentioned, we discussed the fact that the purpose of education is to prepare people for further education, training or employment. I have no difficulty with that concept but accepting this amendment would require the principal of a school or the council to prepare a form of employment plan for some special needs students. The broader disability Bill will deal with those coming through the education system from the point of view of training, employment or whatever is most suitable for them. For that reason and given that the Bill is particularly geared towards education, it is better to leave the question of employment, employment plans and so on to the larger disability Bill. As such, I do not propose to accept this amendment.

Mr. Stanton: I am disappointed the Minister, who, like me, is a former career guidance councillor, does not recognise the importance of preparing people for the world of work in the education system. When I worked as a career guidance councillor that was one thing I did. There were modules at all levels to alert students to what happens in the world of work and in workplace. I am disappointed and surprised the Minister will not accept this amendment. While we have not yet seen the disability Bill perhaps it will impinge on what happens in schools. I thought this Bill was specifically geared to children in schools and would assist such children.

I agree with one comment the Minister made that education is about preparing people for life. What is effectively being done here is that the child is being prepared to continue his education and training but not to enter the world of work. Surely that is an important part of education. When a child is in school and reaches a certain age, the principal and the school would, as they should do with all children, assist the child to continue his or her education or training or assist him or her into the world of work. It does not mean preparing an employment plan. It does not apply to any other child so why should it apply to these special children. We are talking about general education to assist children with special needs if they wish to be better prepared to enter the world of work. These children will also have other needs. This is an important issue and it would be an omission to leave it out.

The Bill provides for education or further training. We are more or less consigning them to education or further training and are not recognising their great potential. They should enter employment and the school should make provision for that from a certain age, perhaps by work experience. This is the Bill in which to include such a provision, not the disability Bill. This is an education Bill. People are being educated for the world of work. I ask the Minister to have another look at this amendment for the

Seanad because it would send out a positive signal from the House regarding the employment of persons with special educational needs. If this is not done, it could be said they will be in training and further education and consigned to that.

Mr. N. Dempsey: I will have another look at it. I presume, knowing what happens in schools, the kind of preparation for young persons about which Deputy Stanton is talking would proceed for a person with special needs. The effect of the amendment would be to put an onus on the principal or the council to prepare an employment plan.

Mr. Stanton: No.

Mr. N. Dempsey: What the Deputy has outlined as a guidance councillor would have been done in schools, such as giving life skills in regard to job applications, mock interviews and so on. There is nothing in the Bill to prevent that being done. It could be written in as part of the individual education plan. Given the way the amendment is worded, I am concerned that there would be an obligation on the principal or the council to prepare an employment plan. I will have a look at it in the context of the Seanad to see whether a wording can be inserted here or in the guidelines for the individual education plans.

Mr. Stanton: May I make one further comment?

An Ceann Comhairle: Yes. Perhaps the Deputy would confine himself to two minutes this time. The last time he went well over the two minutes.

Mr. Stanton: I apologise.

An Ceann Comhairle: There is no problem.

Mr. Stanton: In future I ask the Chair to remind me and I will stop.

An Ceann Comhairle: It is difficult for the Chair to know whether a Member is concluding.

Mr. Stanton: For a change I will be brief. We are making provision for the continuance of education and training into the future. Given that we have not discussed the detail I am not sure what that might be. How will they do it? What onus will be put on the principal, the council or the school to do this? It is preparing them for future education and future training, so it is something that happens in the school. It prepares the child and does not impact on anything outside the school. I cannot see the principal, the school or the council getting involved in a third level institution or a further education college at this stage. It is all about preparing the child and we are talking about employment in the same vein.

I welcome the Minister's undertaking to look at it again.

Amendment put and declared lost.

An Ceann Comhairle: Amendments Nos. 150 and 152 to 154, inclusive, are related and may be discussed together.

Ms O'Sullivan: I move amendment No. 150:

In page 18, line 36, after "adult" to insert "and to the principal that a student should not be required, simply by virtue of reaching a particular age, to cease to avail of educational services".

The Minister will tell the House that those over the age of 18 will be dealt with in the disability Bill. However, that Bill is slow in coming. According to what the Taoiseach said yesterday when I raised the matter and again today when Deputy Stanton raised it, the Bill will not be published until mid-June if not later. We do not know what will be contained in the Bill. The question of young people who reach the age of 18 and who need higher or continuing education has been the subject of a number of court cases. We cannot ignore that in this Bill.

I accept this section is planning for future educational needs. That is a step forward. That there is an onus on the schools to start planning from the age of 17 for what happens to the child after school is welcome. It would do no harm, even in the context of the disability Bill, to address the position of those over 18 by including amendment No. 150 which seeks to insert the words "and to the principal that a student should not be required, simply by virtue of reaching a particular age, to cease to avail of educational services", nor would it put any onus on the school system.

That the Minister has joined with me and other colleagues in putting his name to amendment No. 152 is welcome and I assume it will be agreed. We are also discussing amendments Nos. 153 and 154. Amendment No. 153 is related to amendment No. 150 and seeks to insert the words "including measures involving the student remaining in school notwithstanding his or her having attained the age of 18, or alternatively receiving other educational services after that age". We do not know the content of the disabilities Bill and we wish to ensure there is provision for those over 18 years who need or want to stay in the education system.

In amendment No. 154, I wish to ensure that those who have turned 17 or even 18 when the Bill becomes law are not excluded from the provisions relating to planning for future education needs. I wish to ensure also that if for some reason a person has not had his or her future education needs planned before he or she reaches 18 years, that he or she will not be excluded from the provisions of this section.

Mr. Stanton: Many students with special needs start school later or will be delayed in their progression through school because of their special educational needs. We need to ensure that when they reach 18 years they are not in a limbo situation. The amendments tabled by Deputy O'Sullivan seek to ensure they will have a future role in the school. One could have students with special educational needs who will do the leaving certificate, the leaving certificate applied or the leaving certificate vocational programme at 19, 20 or 21 years. We need to make allowance for that. In the most recent programme, Sustaining Progress, it was promised that the disability Bill would be enacted before the end of the 2003. That did not happen and there is still no sign of it. Seeing that the disability Bill has not been published, we must take account of the needs of young people who stay in school and in planning for their future education needs, that we give them some form of security in that they will be allowed stay at school until they do the leaving certificate. The Minister has stated in the past that there is no need to fear this will not happen. That is all right now, but if it is not written in legislation, it may not be guaranteed in the future. If the Minister does not accept these amendments, perhaps he should give them serious consideration before the Bill goes to the Seanad.

Mr. F. McGrath: I support amendment No. 150. Many families are very concerned about the provisions for those over 18 years with special educational needs. Parents are concerned about the future provisions for children who are having their needs met at primary and second level education. Recently I have been contacted at my clinic by the parents of teenagers with autism who are concerned at what will happen and what services will be available for these young people when they reach 18 years. This is a very important aspect of amendment No. 150.

The point was made that the disability Bill will cover some of the services dealing with adults with a disability. I am extremely disappointed at the delay in the publication of the Bill. Much has been made of the consultation process, but the consultations appear to be taking years and there seems to be a number of issues that are holding up progress. One aspect is the debate about rights-based legislation. It appears that some members of Cabinet have a problem with giving people with disabilities rights. I reject that strongly.

When those with a disability reach 18 years, we should be more creative in offering them opportunities at third level. I welcome the recent move by Trinity College, Dublin, to reserve 15% of places for "non-traditional" students, including students with disabilities. I welcome the opening up of third level institutions. I would like to see a progressive approach to people with disabilities and the creation of courses that are suitable for those with an intellectual disability. One does not

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have to be a rocket scientist to create a third level course for those with intellectual disabilities. If primary and second level schools can create suitable courses, surely third level institutions can create courses encompassing art, drama, personal development, social and personal skills or other such courses. Down's Syndrome Ireland hosted an excellent conference on the needs of adults with Down's syndrome. The parents and professionals came up with many progressive ideas on the development of opportunities at third level. The third level institutions would want to waken up and become more inclusive. Most students at third level come from wealthy families, but that is no longer acceptable.

The Minister strongly supports providing resources at primary level and in disadvantaged areas. I will take that on board, when he replies. Staying at home watching television and videos for seven or eight hours a day because one is a disabled 18 year old should not be an option. Deputies know of many instances where those with intellectual disabilities have no option but to stay at home because there is no proper respite care or motivational education service. Sadly that is happening.

People with disabilities suffer sheer loneliness. This is at crisis point. Any family with a child with Down's syndrome, autism or other intellectual disability will tell one that their children experience a major problem with loneliness, particularly between 12 and 18 years. There is a significant gap that needs to be filled. The education services have a role to play. Many people who work in the disability sector are bursting with new ideas to provide services.

I strong support amendment No. 150 and I ask other Deputies to support it as well.

Ms Enright: I support the amendments tabled by Deputy O'Sullivan. I am open to correction, but my understanding is that if a student of 19 or 20 years is still at school and wants to repeat his or her leaving certificate, there is no difficulty. I know an individual who sat the leaving certificate on three occasions. I presume if a disabled person is 18 years he or she can finish out the school year. From my reading of the Bill it does not stipulate that he or she must then leave, but the legislative provisions in the Bill state there is no obligation on the State to provide for a person's educational needs after 18 years.

Let us suppose that an assessment of a student at 15 or 16 years suggests it would take him or her four years to complete the leaving certificate. My concern is that there is no concrete guarantee, without the Minister accepting the amendments tabled by Deputy O'Sullivan, that would allow him or her remain at school. Should a Minister wish to take a decision that the special educational needs will be met only until the individual is 18 years, I do not think the individual's right to education will be

safeguarded. That is the reason I wish the amendment to be included.

Mr. Crowe: I welcome the Minister's decision to take on amendment No. 152. I too agree with the concept of lifelong learning. The point raised by Deputy Enright on those who start school later than the norm also was raised during the Committee Stage debate. People would be worried if the health boards had responsibility for the provisions of the disability Bill, because of the difficulties they have experienced with them.

During the initial discussion we suggested replacing the word "child" with "student" as this ties in with the concept of lifelong learning. Lifelong learning does not stop at a particular age. If people want to continue in education, they should be able to do so. In some cases, people are late starters and, for whatever reason, they may take longer to cover a course. We should be open enough to allow individuals to do so and that is why I support these amendments.

Mr. N. Dempsey: I assure the Deputies opposite that the Bill does not, nor will it, prevent a person continuing with his or her education once he or she reaches 18 years of age. That would be contrary to the Government's policy and to that of all Governments and parties. The Government has been strongly supportive of lifelong education. It is as real an issue for people with disabilities as it is for people without.

Subsection (3) aims to ensure the planning process makes an assessment of the extent to which a child or young person has benefited as fully as he or she can from the education provided. It is also aimed at addressing any deficiencies there might be. That provision is deliberately left as broad as it is to try to ensure it is in no way restrictive. Nothing is ruled out. It is for the planning process to make the decision based, in particular, on the child's or young person's needs as they go into adulthood. That is the aim of this section. In some cases, that could include continuation in education, that is, in a particular education programme or perhaps moving on to a different programme all beyond the age of 18 years. Deputy Enright said that it occurs at present even for those without special educational needs, often up to the age of 21. Since this section is drawn up as broadly as possible, amendments Nos. 150 and 153 are not necessary.

I understand Deputies going for belt and braces in regard to amendment No. 154. However, I have seen the disability Bill, as drafted, although there are one or two other items which need to be included in it. I have that advantage. Amendment No. 154 is more appropriate to the disability Bill than to this Bill. In some respects, there is a presupposition that the council will not discharge its statutory duties in respect of future planning. That is the basis of this but it is wrong, particularly given the wide powers of appeal for parents in regard to the

education plans. Amendment No. 154 is not necessary.

Section 15(3) provides that where an education plan is being prepared or reviewed in respect of a 17 year old and where the goals of a previous plan have not been met, the new plan must include, where appropriate, measures to address any effects on a child's development as a result of that failure. On Committee Stage, Deputy O'Sullivan, in particular, sought to confirm that measures would have to be included where there had been a failure to meet those goals. For that reason, we have all come up with the one wording in amendment No. 152 in regard to the use of the words "where appropriate". The Bill meets amendments Nos. 150 and 153 and I do not want to be seen to restrict it in any way. Amendment No. 154 is more appropriate to the disability Bill and will be dealt with in it.

Ms O'Sullivan: I suppose the rest of us are uninitiated. Knowing what is in the disability Bill and when it will be published is like knowing the third secret of Fatima. Will the Minister give some information about—

Mr. Crowe: He should give us a sign.

Ms O'Sullivan: Exactly. He should give us a sign. For example, are measures in regard to people with physical disabilities who go on to higher education and who need special computers or tools in higher education included in the disability Bill? We are operating in a vacuum. As spokespersons, we deal with education, as does the Minister who also deals with third level, higher and further education, but we do not know if the disability Bill will adequately deal with the various aspects of a child's continuing needs after the age of 18. Perhaps if the Minister threw a little more light on the subject, I might know whether I want to press the amendments.

Mr. N. Dempsey: I assure the Deputy that one category of student who is well catered for at third level is the student with a disability from the point of view of laptops, scribes and translators. Mechanical and human resources are made available. From talking to many of the students at third level, the Deputy will find that they are probably better catered for than those at primary or second levels because of the extent of the funding. That is all done without any legislative base. This Bill and the disability Bill, when enacted, will underpin and copperfasten that. While it is always dangerous to say the following because somebody will come back and tell me there is a particular problem, in general, most students with disabilities who I have met in third level, while having some complaints about the initial slowness of getting the equipment or assistance they need, would say they are well served. I hope to build on that in the years ahead. I assure the Deputy they will not be forgotten, nor are they at present.

Amendment put and declared lost.

Ms Enright: I move amendment No. 151:

In page 19, lines 4 and 5, to delete "to meet those goals and the effect any such failure has had on the development of the child," and substitute the following:

"of any previous plans or programmes to meet the special educational needs of the child or student and the effect that such failure of such plans or programmes has had on these special educational needs, and

(c) the extent, if any, to which the lack of any previous plan or programme has had an effect on the special educational needs of the child or student,".

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

Amendment declared lost.

Mr. N. Dempsey: I move amendment No. 152:

In page 19, line 6, to delete " , where appropriate,".

Amendment agreed to.

Ms O'Sullivan: I move amendment No. 153:

In page 19, line 7, after "effect" to insert "including measures involving the student remaining in school notwithstanding his or her having attained the age of 18, or alternatively receiving other educational services after that age".

Amendment put and declared lost.

Ms O'Sullivan: I move amendment No. 154:

In page 19, between lines 7 and 8, to insert the following:

"(4) Where the planning for future educational needs contemplated by this section has not been carried out in relation to a person prior to his or her having attained the age of 18 years, including a case where the person attained the age of 18 years prior to the passing of this Act, the Council shall, on request being made in that behalf, carry out the planning for future education needs of the person with special educational needs concerned in accordance with this section.".

Amendment put and declared lost.

Mr. N. Dempsey: I move amendment No. 155:

In page 19, line 21, to delete "that".

This is a technical amendment whose effect would be to remove the word "that" from the

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beginning of paragraph (b), which is an unnecessary duplication.

Amendment agreed to.

An Ceann Comhairle: Amendment No. 156 in the names of Deputies Enright and Stanton arises from committee proceedings.

Mr. Stanton: I move amendment No. 156:

In page 19, between lines 33 and 34, to insert the following:

“19.—(1) It shall be the duty of the Council—

(a) to keep under review the provisions of this Act,

(b) to keep under review any other relevant statutory provisions that effect, or may effect, the carrying out of its functions under this Act, and

(c) to submit from time to time, to the Minister or any other Minister of the Government having responsibility for the other statutory provisions, such recommendations as it considers appropriate in relation to the said statutory provisions or for the making, modification or revocation of any instruments under those provisions.

(2) Before submitting recommendations to the Minister or such other Minister of the Government, as the case may be, in accordance with *subsection (1)(c)*, the Council shall consult any Minister of the Government, or other person that appears to the Council to be appropriate in the circumstances or that the Minister, or other Minister of the Government, as the case may be, so directs.”.

This is a technical amendment. Such provisions appear in many other Bills and Acts. It allows the council to keep under review the provisions of the Act and so on. To save time, I will not go into the detail, but I would like to hear what the Minister has to say about it.

Mr. N. Dempsey: One could say this is implicitly covered in section 23, but there is merit in including this type of provision in the Bill, and I have tabled amendment No. 187, which proposes that the council be able to review relevant laws and make recommendations on appeals or amendments that it considers necessary. That should fully meet what Deputies Enright and Stanton propose here.

Amendment, by leave, withdrawn.

Mr. N. Dempsey: I move amendment No. 157:

In page 20, line 2, to delete “and to parents” and substitute “, parents and such other persons as the Council considers appropriate”.

Amendment agreed to.

An Ceann Comhairle: Amendment No. 158 in the names of Deputies Enright and Stanton arises from committee proceedings. Amendments Nos. 159 to 164, inclusive, 167, 170 and 171 are related and may be discussed together. Is that agreed? Agreed.

Mr. Stanton: I move amendment No. 158:

In page 20, line 6, after “schools” to insert the following:

“, school management bodies, third level and teacher training colleges, training and rehabilitation centres and any other persons and bodies that the Council considers appropriate”.

These amendments would widen the role of the council. I note that the Minister has tabled amendments to widen it even further. If the Minister can explain what he intends by those amendments, I will be happy to listen to him and save time by moving on.

Mr. N. Dempsey: It is precisely to do with what Deputies Enright and Stanton were proposing on Committee Stage. They suggested that some of the council functions should be widened into the areas of information, advice and consultation to try to include bodies such as the training colleges, the NCCA, school management, the Teaching Council and so on. However, given the difficulty in ensuring that all relevant bodies are included, amendments Nos. 157, 159 and 163 will permit the council to exercise certain functions, not only regarding schools and parents but also anyone working in the area of special educational needs, when it considers it appropriate. It widens the remit as the Deputy intended. All the amendments relate to the dissemination of information on best practice, planning and co-ordinating the provision of educational support services and planning for inclusive education. The issue of teacher training is raised in amendments Nos. 160, 167 and 171. There is a difficulty in that area, since I cannot see how the council could ensure that adequate training and professional development for teachers in the area of special needs takes place. That appears to be a matter of policy for the Minister. However, the council will be free to advise on that. It is also an issue for the Teaching Council.

Regarding amendment No. 161, the preparation of the school plans is very much a role for the board of management of the school. The council is already obliged to provide information to the schools on the planning and provision of education. The essential intent of what Deputies Enright and Stanton had tabled, namely, to widen matters to give the council more

flexibility in the bodies with which it deals and can advise, is met by the amendments we have put forward.

Amendment, by leave, withdrawn.

Mr. N. Dempsey: I move amendment No. 159:

In page 20, line 6, to delete “and health boards” and substitute “, health boards and such others persons as the Council considers appropriate”.

Amendment agreed to.

Amendments Nos. 160 to 162, inclusive, not moved.

Mr. N. Dempsey: I move amendment No. 163:

In page 20, line 9, after “schools” to insert “and with such persons as the Council considers appropriate”.

Amendment agreed to.

Amendments Nos. 164 and 165 not moved.

An Ceann Comhairle: Amendment No. 166 in the names of the Minister and Deputies Crowe and Finian McGrath has already been discussed with amendment No. 32.

Mr. N. Dempsey: I move amendment No. 166:

In page 20, line 13, after “to” to insert “their entitlements and”.

Amendment agreed to.

Amendment No. 167 not moved.

Mr. N. Dempsey: I move amendment No. 168:

In page 20, line 26, after “education” to insert “, rehabilitation and training”.

Deputies Enright and Stanton have suggested that the council’s role to review the provision for adult education be extended to include rehabilitation and training, and this amendment will achieve that.

Amendment agreed to.

An Ceann Comhairle: Amendment No. 169 in the names of Deputies Crowe and Finian McGrath arises from committee proceedings.

Mr. Crowe: I move amendment No. 169:

In page 20, between lines 44 and 45, to insert the following:

“(m) to ensure that adequate training and professional development in special education is provided for teaching staff in consultation with recognised trade unions

and staff associations representing teachers and principals of schools, to review generally the provisions made for such training and to publish reports on the results of such reviews.”.

The report *Inclusive Education and Classroom Practices*, published by the European Agency for Development in Special Needs Education, highlighted several conditions that play a central role in special needs education. Those include the attitude of teachers towards pupils with special needs, the need for teachers to have skills, expertise and knowledge, and for support from outside as well as inside school. Throughout the 14 countries studied in the report, the most important issue regarding the attitude of teachers was felt to be teacher training. There has been support for the thrust of this amendment from all the teacher representative organisations and the Irish Primary Principals’ Network. I call on the Minister to accept this important amendment, which deals with continued up-skilling and keeping teachers in top form, given that their position and attitude in the classroom is such a critical issue.

Ms O’Sullivan: I support Deputy Crowe on that issue. The question of appropriate training for teachers is very important. It is a good idea to insert it into the Bill.

Mr. N. Dempsey: I agree with the Deputies that it is important that this kind of training and professional development for teachers be put in place. However, I do not accept that the council is the correct body to do that, since it must have a specific focus. I have no doubt that, as normally happens in education, there will be the necessary interaction between the council, the teaching bodies and so on, but this matter is one for the Minister and the Teaching Council, once established. It would not be appropriate to put this onus on the National Council for Special Education. For that reason, I cannot accept the amendment.

Mr. Stanton: It is important that the council has some input into the training. Perhaps the Minister might comment on that. It should have some role in that, since it will have the expertise in the area, which could be called upon by the Teaching Council or the Minister. That is the thinking behind the second part of the amendment. It is obviously important that adequate training and professional development in special education be provided for teaching staff. I agree that it is a policy matter for the Minister, but it is crucial that it be done. I emphasise that point.

Mr. F. McGrath: I strongly support amendment No. 169. It is important that we have adequate training and professional development in special education for teaching staff. That is essential if we are serious about providing the proper

[Mr. F. McGrath.]

services for children with disabilities and those with special educational needs. It is also important that we have negotiations and consultations with the trade unions and the groups directly involved. Amendment No. 169 is important and I urge people to support it.

Ms Enright: The Minister probably realises there is a problem currently as regards the level of special needs training that some teachers have. I conducted a survey on this in a number of schools. Some schools may have only one teacher with training in this area. I accept what the Minister said as regards the teaching council. Will he explain what level of interaction he envisages between the special education council, the teaching council and himself, since he said it is the function of the Minister? How is the current lack of training to be addressed?

Mr. N. Dempsey: We are all agreed on the necessity for adequate training and professional development for teachers in the area of special needs. Where we may have a divergence of view — or maybe we have not — is where the responsibility should lie. As I have said, it is a matter for the Minister and the teaching council, once the latter has been established.

I will just answer the questions that I have been asked. The general thrust of the questions is whether there will be interaction and, if so, at what level. I assure Members that the purpose of the amendments we have tabled allows the special education council to have contact with the teaching council, the teaching organisations, unions and anyone working in the area of special education needs, as it considers appropriate. The council will be free, because of the previous amendment that we made, to advise me as Minister for Education and Science on the whole issue of teacher training for professional development for teachers involved in special needs. The teaching council will have a responsibility for the accreditation of teacher education programmes, reviewing the standards of knowledge, skill and competence required for the practice of teaching. The special education council will have a function to liaise with the teaching council on this issue as well. All of these initiatives are designed to ensure there is the

interaction that Deputies are requesting and that is requested in this amendment.

As to how often it should or will happen, that is something I cannot answer at the moment. However, we are talking in terms of two professional bodies doing their jobs. The level of partnership that exists between most of the education bodies at present would indicate that in this particular area there is so much to be learned from each side that there will be good communication between all of the organisations involved. The amendment as it is, is not necessary. The special education council will have the right and the competency to liaise with the various bodies we are talking about and offer advice both to the teaching council and the Minister as regards special needs teacher training and professional development.

Mr. Crowe: The Minister again does not agree that this amendment should be inserted in this section as regards the council. Where does he

believe it should be put? I take on board what he is saying as regards

5 o'clock the issue, but I do not understand

where it is going to be incorporated in this Bill if not in this section. When we refer to people working in this area, another group to be considered is special needs assistants. In my own area, for instance, there is a school with a number of special needs teachers. They are currently employed on a dedicated basis, to individual children. If we are talking about keeping people in the system, such children move on to the next step of their education. The contracts for the teachers end. They have no seniority within the school and their rights as employees are under threat. They believe this situation is in breach of their rights as employees. Again, under this section, will the Minister say if that is going to be addressed in the context of upskilling and keeping people within the system? Will he indicate where he sees the area covered by the amendment being addressed?

An Leas-Cheann Comhairle: The Minister has already spoken twice. Is the Deputy pressing this amendment?

Mr. Crowe: I am.

Amendment put.

The Dáil divided: Tá, 47; Níl, 66.

Tá

Breen, Pat.
Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Connolly, Paudge.
Cowley, Jerry.
Crawford, Seymour.
Crowe, Seán.
Cuffe, Ciarán.
Deenihan, Jimmy.
Durkan, Bernard J.

English, Damien.
Enright, Olwyn.
Ferris, Martin.
Gormley, John.
Harkin, Marian.
Hayes, Tom.
Healy, Seamus.
Higgins, Michael D.
Hogan, Phil.
Howlin, Brendan.
Lynch, Kathleen.

Tá—continued

McCormack, Padraic.
 McGinley, Dinny.
 McGrath, Finian.
 McGrath, Paul.
 McHugh, Paddy.
 McManus, Liz.
 Mitchell, Olivia.
 Murphy, Gerard.
 Naughten, Denis.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.

O'Keeffe, Jim.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Pattison, Seamus.
 Quinn, Ruairí.
 Ryan, Eamon.
 Sargent, Trevor.
 Sherlock, Joe.
 Stagg, Emmet.
 Stanton, David.
 Twomey, Liam.
 Upton, Mary.

Níl

Ahern, Dermot.
 Ahern, Michael.
 Andrews, Barry.
 Ardagh, Seán.
 Brady, Johnny.
 Brady, Martin.
 Browne, John.
 Callanan, Joe.
 Callely, Ivor.
 Carey, Pat.
 Carty, John.
 Cassidy, Donie.
 Collins, Michael.
 Coughlan, Mary.
 Cregan, John.
 Cullen, Martin.
 Curran, John.
 Davern, Noel.
 de Valera, Síle.
 Dempsey, Noel.
 Dennehy, John.
 Devins, Jimmy.
 Ellis, John.
 Fitzpatrick, Dermot.
 Fleming, Seán.
 Gallagher, Pat The Cope.
 Glennon, Jim.
 Grealish, Noel.
 Hanafin, Mary.
 Haughey, Seán.
 Hoctor, Máire.
 Jacob, Joe.
 Keaveney, Cecilia.

Kelleher, Billy.
 Killeen, Tony.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 McCreevy, Charlie.
 McEllistrim, Thomas.
 Martin, Micheál.
 Moloney, John.
 Moynihan, Donal.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M. J.
 Ó Fearghail, Seán.
 O'Connor, Charlie.
 O'Donoghue, John.
 O'Keeffe, Batt.
 O'Keeffe, Ned.
 O'Malley, Fiona.
 O'Malley, Tim.
 Parlon, Tom.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Sexton, Mae.
 Smith, Brendan.
 Smith, Michael.
 Treacy, Noel.
 Wallace, Dan.
 Walsh, Joe.
 Wilkinson, Ollie.
 Woods, Michael.
 Wright, G. V.

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

Amendment declared lost.

Amendments Nos. 170 and 171 not moved.

Ms O'Sullivan: I move amendment No. 172:

In page 21, to delete lines 5 to 11.

The aim of the amendment is to delete the section that refers to providing an assessment of the implications of the council's advice for resources, including financial resources, available to the State. We want to remove the onus from the council of having to address the issue of resources. We already discussed resources when we dealt with section 13. I am strongly of the view that we need to take out the reference to resources in this section.

The council should be free to give advice to the Minister on the basis of its expertise and opinion.

The Minister can, by all means, assess the resource implications. Advice would be available to him from his Department and the Department of Finance. The Departments would be better equipped to address the question of the cost implications of certain proposals made by the council. This provision would tie the council's hands and make it conscious of resource implications when giving advice. Deputy Crowe made a proposal earlier regarding best international practice. The council would keep itself abreast of what is going on in other countries and would give advice in the best interests of children. If it has to assess costs, it would be curtailed in that regard. In addition, it would not have access to information on finance that is available to Government.

Before the last general election we were told money would be spent, but after the election it

[Ms O'Sullivan.]

was found the money was unavailable. At that time, the Opposition did not have access to information on the detail of public finances. Similarly, the council would not have the level of information that would be required in order to assess the situation. More importantly, on principle, it should be free to give advice on the basis of best practice and it should not be curtailed in this duty. It is up to the Minister to make decisions based on resource implications as to whether he can implement the recommendations of the council.

Ms Enright: As Deputy O'Sullivan stated, we want the best possible advice to be given to the Minister. If the council, in giving that advice, has to have regard to the issue of resources, it may give the Minister advice to fit a budget rather than the best possible advice. When the Minister allocates resources across the Department, he may consider the matter differently on the basis of advice from the council, for example, that for X amount more he could provide a better service in the area of disability. If the council has to take resources into account, the recommendations would be based on the funding it knows to be available or believes is available.

The issue of resource allocation is one for the Minister to make. I do not see why it is necessary for the council to have regard to it. I accept it may have to cost out choices, but it should not have to have regard to resources in the actual advice given. It should be free to make recommendations based on the best possible advice available to it.

Mr. Stanton: It is important for the council to give advice to the Minister, as it is the expert in this area. From time to time, the Minister will seek advice from it. It would be an impossible situation for it to provide an assessment of the resource implications of that advice. Council members would not be in a position to know what financial resources are available to the State. I was a member of the Oireachtas Joint Committee on Finance and the Public Service for a number of years. How will the council know what resources are available to the State when even officials from the Department of Finance find it difficult to know the answer?

The Minister made the point earlier that it is the prerogative of the Minister under the Constitution. Section 13(3)(a) states:

In formulating any such policy, the Minister of the Government concerned shall have regard to, and take due account of, the following principles—

“That the provision of resources by the State in fulfilment of its duties under Article 42 of the Constitution (being the resources available to the State and allocated by it in a manner consistent with common good) . . .”

That is the Minister's job. It is not the job of the council to worry about the resources available to the State. Its job must be to give the best advice to the Minister. It is up to the Minister to deal with the issue of resources. It will tie the hand of the council if it operates on the basis of only so much money being available, as its advice would have to be tailored to that.

Regarding the practical implementation of that advice, it is the Minister's role to have regard to that. The council must give advice to the Minister in the best interests of the child concerned. The Minister has made repeated reference to “the best interests of the individual child”. When the council gives advice to the Minister, it should not have to worry about the financial resources available to the State.

What is meant in section 20(3)(a) where it states the council must “provide an assessment of the implications of that advice for the resources, including financial resources, available to the State”? What kind of assessment is required? What implications are we talking about? Would it include written advice to the Minister that the implementation of its recommendations would require a Supplementary Estimate or would bankrupt the State? Surely that is the role of the Department, not the role of the council?

The amendment is a good one. I accept the need for advice to be given and reluctantly admit that, perhaps, the measure could be modified by referring to the provision of costing implications of the advice. The council could provide the Minister with advice in that regard, which is not the case in the Bill as it stands. It now requires that the council provides an assessment of the implications on resources available to the State. The council would not be privy to such information. We are talking about long-term planning and the council would not be in a position to know what the financial position would be from one year to the next. The point was made earlier that the issue of resources is an important one. We already have reservations regarding the role of the Minister for Finance. I accept what the Minister said about the nod of the Minister for Finance being important. The implication is that he would not refuse consent. A different point is being made here in respect of the provision of education. I assume that means education for children with special educational needs. I urge the Minister to remove this provision and make it the responsibility of the Minister.

Mr. Crowe: I made a proposal regarding international best practice in amendment No. 110. If the Minister wants an example of budgetary difficulties, an example would be the Minister for Transport and the complaints made about the level of awards regarding the taxi hardship panel. The Minister said that it was not established to deal with the problem of hardship among taxi drivers. We did not receive a response in that regard and there is a similar concern about

the Bill that the Minister will not receive the best possible advice if the council is working on the basis that there is only a certain amount of money to be spent on something. I support the amendment.

Mr. N. Dempsey: It is not intended that the advice we are seeking would be influenced by an assessment of the resources available. There is nothing in the Bill which indicates, as some Deputies appear to have inferred, that the council will be obliged to have regard to the resources available to the State. It is merely being asked, if it is making an assessment or suggestions, to include in the advice it will give implications, including those relating to resources. However, we are not saying that it shall have regard for the amount of money available from the budget or anywhere else. It will be perfectly free and independent, as a body, to provide this advice. It is not the council's job to worry about from where the money will come. As the Deputies correctly stated, that is the Minister's responsibility.

I do not believe that there is anything wrong with requiring the council to give an assessment of all the implications, including those relating to resources, in its advice. There is little point in a public body giving advice in a vacuum, as if resources were irrelevant. The reality is that resources are relevant. The council may be required to give advice in respect of the need for additional speech therapists or whatever. In that context, the implications for resources would be quantifiable. There might also be a recommendation in the advice given that we might need to provide extra speech therapy at third level.

What we are trying to do is ensure that the council can give the best possible advice. The members of the council will be the experts in this area. The Department will have a policy role but the practicalities of providing top quality education for special needs children will rest with the council. It will then be the responsibility of the Minister to try to deliver on the advice.

It is reasonable, good practice and efficient for the council to be charged with making suggestions. It will be in a position to make recommendations and outline the implications, financial and otherwise, so that the Minister will have before him the full range of advice available. Once a Minister receives a recommendation, he can, in approaching the Minister for Finance or planning for the Estimates process, state that he has received advice, that, policy-wise, he agrees with the approach outlined and that it will cost whatever amount in respect of the deployment of personnel and resources. That is better than receiving a bland recommendation with none of the implications spelt out and being obliged to have civil servants and others, perhaps even outside consultants, to investigate what will be the implications.

If one reads the section negatively, one can, as Deputies have — rightly so because it is the job of those in opposition to do so — arrive at a very malign interpretation. I reiterate that I regard it as extremely important for me, as Minister, and

for my successors that the council will provide advice of the nature outlined in the section. It will do so but it will not be influenced by the resources that might be available. It will at least be in a position, when providing advice to a Minister, to outline the implications, financial and from the point of view of personnel, for the system in general.

Ms O'Sullivan: The wording in the amendment goes somewhat further than the Minister appeared to state. The point Deputy Stanton made ties in with that. The problem with the section is that it seems to imply that the council should be aware of the resources available to the State. Perhaps the Minister will reconsider the matter in that regard. It does not merely state that the council should inform the Minister about the resource implications, it also refers to the resources available to the State. Such resources are only known to the Government and the Department of Finance. That is one of the points we are making. Ideally we would like to see the entire provision removed. However, it would be a step in the right direction if the Minister could modify it to the extent I have outlined.

Mr. Stanton: As stated earlier, I can see the benefit of possibly having the council prepare a costing. That is what the Minister just said in terms of advice the council might give him. However, the section reads differently. However, the fact that poor Opposition Deputies, who are so malign, have read this into the section means that others in a court of law could make a similar inference. The section basically states that the council must have regard to the resources available to the State. We inferred from this that it must know what money is available and take this into account when providing advice. The section could be worded differently and that might resolve the problem. However, there is an issue of interpretation at stake here.

Clarification is also required in respect of section 20(3)(b)(ii) which states that in giving advice to the Minister the council must "have regard to the practical implementation of that advice". Does this mean that before giving advice to the Minister, the council must have regard to the implications for implementation? In other words, if something is not possible or practical but should be done in any event, will the council decide not to provide advice to the Minister to the effect that it should be done? Perhaps the Minister will explain this matter, having regard to the practical implementation of the advice provided. The provision in section 20(3)(b)(ii) qualifies the advice formulated and is different from section 20(3)(b)(i) in which, I believe we agree, the Minister is seeking a costing. If anything, section 20(3)(b)(ii) is more malign. Perhaps the Minister will reconsider the position.

Mr. N. Dempsey: I will be brief because I have already dealt with this in some detail. The amendment seeks to delete section 20(3)(b)(i) in which it is stated that in giving advice to the Minister the council shall "provide an assessment

[Mr. N. Dempsey.]
of the implications of that advice for the resources, including financial resources, available to the State". It merely refers to the implications. The council may be obliged to state that if the Minister proceeds to implement its proposals in full, all his education budget may disappear. That is only a statement of fact. The section does not state that the council must indicate that 15% or 20% of the education budget will be used up and, therefore, it cannot provide the advice.

The Deputy inquired about the phrase "have regard to the practical implication of that advice". If the council decided that every school, irrespective of size, should have, for example, five resource teachers and that these should be provided immediately, it would not be a practical suggestion because we would be obliged to train the teachers etc. What is intended here, as with the Bill itself, is that if the council makes recommendations, it would indicate how it would envisage those recommendations would be implemented. There is no point in the council making a recommendation that cannot be implemented in a practical sense. The term "practical implementation" could mean that the advice or recommendation would be phased in over a period. I would never accuse the Deputies of being malign, I only referred to a malign interpretation of that particular section.

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

Amendment declared lost.

Mr. N. Dempsey: I move amendment No. 173:

In page 21, line 15, to delete "educational disabilities" and substitute "special educational needs".

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 174 and 175, amendments Nos. 177 to 185, inclusive, and amendments Nos. 195 to 199, inclusive, are related. Amendment No. 175 is an alternative to amendment No. 174 and amendment No. 189 is an alternative to amendment No. 197. These amendments will be discussed together by agreement.

Mr. N. Dempsey: I move amendment No. 174:

In page 21, line 27, to delete "disabilities" and substitute "special educational needs".

Amendments Nos. 179 to 184, inclusive, are drafting amendments which change the wording but not the meaning of an amendment I accepted on Committee Stage from Deputies Enright and Stanton. We have been accused of being somewhat inelegant in the manner in which we accepted this amendment. The amendments ensure that in appointing the members of the council and the consultative forum, the Minister must have regard to the desirability of there being among those appointed people who themselves

have special needs, their parents and their representatives. This change meets the spirit of amendments Nos. 175, 181 and 185. I understand this is one of the amendments I accepted on the hoof when we discussed it on Committee Stage.

Amendment No. 177 will reduce the number of nominations from the Minister for Health and Children from two to one. This will increase the scope for members from non-governmental bodies to be appointed to the council. As I indicated on Committee Stage, I want to ensure there is a proper gender balance in the composition of the council and the consultative forum. Amendments Nos. 178 and 180 are designed to achieve this by requiring that there be a minimum of six men and six women on the council and that at least seven men and seven women will be appointed by the council to the forum. In terms of ministerial appointees to the forum, amendment No. 183 will ensure that at least one must be a man and one must be a woman.

During Committee Stage debate a number of Deputies called for the Psychological Society of Ireland to be specifically named as a party which must be consulted by the council. Amendment No. 182 will meet this requirement.

A number of Deputies proposed that the membership of the appeals board should be drawn from people who have an interest in or knowledge of education, particularly special education. Amendment No. 197 seeks to accommodate this and I thank the Deputies who made suggestions in this regard.

Amendment No. 174 is consequential on the inclusion of the new definition of "special educational needs" to replace "educational disability". In brief, all of the amendments I have set down here are in response to amendments and suggestions made by Opposition Deputies to improve the Bill.

Mr. Stanton: I wish to raise a small technical matter which I may, perhaps, have read incorrectly. If so, I will stand corrected. I welcome the fact that the Minister has reduced the number of members the Minister for Health and Children can nominate, from two to one. However, he does not propose to delete the words "(and equal numbers of men and women shall be nominated by that Minister of the Government for that purpose)." from section 21(4)(b). If the Minister can only nominate one, how can he nominate equal numbers? Perhaps I am reading it incorrectly but if not, I suggest he remove that phrase also. It could create problems otherwise.

I welcome the inclusion of the Psychological Society of Ireland and the other amendments brought forward by the Minister, especially amendment No. 184, which states: "The Council and the Minister shall have regard to the desirability of there being amongst those appointed under this section as members of the consultative forum persons who themselves have special educational needs, their parents and representatives." That is important.

I also welcome the other amendments the Minister has taken on board, which we discussed in detail and at length on Committee Stage. I congratulate the Minister and his staff on that.

Ms O'Sullivan: I too thank the Minister for meeting our requests on a number of the amendments and for his amendments. He has gone further than I did on gender balance and I thank him for that. I look forward to seeing his ministerial colleagues follow suit.

I have one question. The issue of including people with disabilities, their carers and family members has been addressed by the Minister with regard to the appeals board and the forum, but not in the case of the council. Will the Minister respond on that? Amendment No. 175 in my name deals with the membership of the council. I know there are representatives, people nominated by the National Disability Authority, on it and that the Minister must consult with various bodies, etc. If possible, I would like to see either a person with a disability or a family member or carer on it. We should ensure this requirement is included in regard to the council also. I welcome the other changes proposed by the Minister.

Mr. N. Dempsey: On the question raised by Deputy Stanton, I thought we might have to agree another amendment on the hoof. However, it is all right to appoint one member from among persons nominated for such appointment by the Minister for Health and Children. The Minister can continue to nominate as many as he likes but there must be equal numbers of men and women. If he wants to nominate six people he can do so and the Minister for Education and Science can choose from among them. If the Minister is going to nominate more than one, he must nominate equal numbers of men and women. It is best to leave the provision there so that I do not get a list of six men from the Minister for Health and Children. He can nominate more than one but I must choose who to appoint. The provision is all right.

I thank the Deputies for acknowledging the amendments I am making here. Deputy O'Sullivan raised a point concerning the council. The National Disability Federation of Ireland, NDFI, has nominees on the council and it can nominate others, as the Deputy said. I assure the Deputy that the wording of the Bill is tight enough to ensure there must be people with disabilities or special interest in disabilities on it. With the current council we have selected, almost everybody on it has an expertise or direct involvement through family members with disabilities. A number of the members also have disabilities. The Bill is tight enough as it is.

Amendment agreed to.

Amendment No. 175 not moved.

An Leas-Cheann Comhairle: Amendments Nos. 176, 192 and 203 are related and will be discussed together by agreement.

Ms Enright: I move amendment No. 176:

In page 21, between lines 33 and 34, to insert the following:

“(d) a committee (or a sub-committee of such a committee) appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas (other than the Committee on Members’ Interests of Dáil Éireann or the Committee on Members’ Interests of Seanad Éireann) to examine matters relating to the Department of Education and Science.”.

We consider that the Minister should consult with certain people or groups before he makes his appointments, one of which would be the Joint Committee on Education and Science, which is representative of all parties in the House. It would be good if the Minister allowed room for that committee to be included. He has not given anybody the power of veto by using the word “consult”, however, it would be no harm if the committee had the opportunity to consult with him on this. There is a strong perception that sometimes the Minister merely rubber-stamps the documents presented to him. It would be beneficial if the committee had the opportunity not to interview the people concerned but to discuss the issue with the Minister.

Amendment No. 192 provides for the facility of tabling parliamentary questions. I recall discussing this issue in detail with the Minister on Committee Stage and I will strongly press this amendment. The Minister spoke about the role of the council and said that it should not be necessary to table parliamentary questions regarding it. However, I am not convinced that will ever be the case. As public representatives elected to this House, we need to be able to represent the people concerned. I accept that they may be able to appear before the Joint Committee on Education and Science. However, if Deputies have question to which they are not able to get answers from the council, or otherwise, they must have the opportunity to table parliamentary questions. The Minister is obliged, even though sometimes this does not work, to give an answer to a parliamentary question within three days. Sometimes they are extremely urgent. Members do not table questions merely for the sake of doing so. They table them for important reasons. The Minister is making me smile but it is important we are able to get a responses to our questions. Therefore, I will strongly press this amendment. There are many colleagues who would normally be seated behind the Minister who make use of this facility and would not like to be denied the opportunity to do so on behalf of their constituents.

Mr. Stanton: In regard to amendment No. 176, it is curious that before making appointments to the council the Minister will consult the National Association of Parents, recognised trade unions, staff associations and recognised school management organisations. He should also come before the appropriate Oireachtas committee and consult its members. Such consultation would be of assistance to him. If he intends to consult the other organisations on the making of such appointments, why would he not consult his colleagues on the Oireachtas committee and engage in the same level of consultation? In what type of consultation will he engage with the other groups that he would not be able to engage with the Oireachtas committee? I would like more Ministers to engage in such consultation before making appointments. I applaud the Minister on consulting the National Association of Parents, trade unions, staff associations and recognised school management organisations. I encourage him to also include the appropriate Oireachtas committee, which could play a helpful role. All members of the committee would only try to assist him. The Minister has set a precedent by engaging in consultation with other groups and I do not understand why the Oireachtas committee could not be included.

With regard to amendment No. 192 providing for the furnishing of information by way of parliamentary reply, the Minister will give responses to questions in the Dáil, but if the council is established and the Minister delegates certain responsibilities he currently has to the council, there is a fear that a future Minister may state that he or she is no longer responsible to the Dáil for a certain matter, that it is the council's responsibility, whose representatives come before the committee once a year, and therefore the information sought cannot be given. In such circumstances the role of Parliament would be reduced even further. The idea behind this amendment is that if a parliamentary question is tabled, the council would make the information sought available to the Minister who would then furnish it by way of a parliamentary reply in the Dáil, if that is appropriate. Certain confidential matters will not be put on record, but Members can table parliamentary questions on any almost any issue of concern to constituents and obtain a reply.

Amendment No. 203 proposes that the chairperson of the council shall come before the Oireachtas committee or a subcommittee of it. It is a standard type of amendment similar to that made to other Bills. It would be useful to include this amendment, otherwise I question if the chairperson could be asked to come before the Joint Committee on Education and Science when the chairperson is not mentioned specifically elsewhere in the Bill.

Ms O'Sullivan: I support these Fine Gael amendments, particularly the amendment providing for a parliamentary reply. Many

organisations, councils and bodies are given certain responsibilities and accountability for them is distanced from the political process. When members of the public approach us with concerns, we wish to raise those and the tabling of a parliamentary question is a useful way to do so. We may get a reply to the effect that the Minister does not have responsibility for the area concerned and that it is the responsibility of the National Council for Special Education, the EPA or the NRA. The intention of this amendment is to guard against that and I strongly support it.

Mr. N. Dempsey: We had a long discussion on these matters on Committee Stage and I do not propose to repeat my reasons for not accepting these amendments.

Mr. Stanton: Surprise, surprise.

Mr. N. Dempsey: The thinking behind amendment No. 176 reflects a slight confusion concerning the roles of the executive and legislative arms of the Government. The setting up of the public boards under legislation passed by the Legislature is an executive function. The proper role of the Houses and its committees, including the Oireachtas Joint Committee on Education and Science, is to hold the Executive accountable for its decisions. It is not yet provided in our system that it is the proper role of the Houses or the committees to be involved directly in determining the composition of boards. Having said that, I would not include such provision in this legislation. The Deputies will recall that I said on Committee Stage that acceptance of this proposal would have wider implications right across Government. Therefore, I do not intend to accept the amendment.

However, there is nothing to stop a committee of this House at some stage, when it is aware a board is due for appointment, having a discussion about that and making recommendations. There is nothing a Minister can do about that other than listen to what is being said. We do not have the American system and I do not believe we will move towards it for some time yet.

Amendment No. 192 is not necessary. The provisions clearly provide for this type of information. Parliamentary questions will still be able to be asked of me on the general operation of the board and so on. The council will also be subject to data protection under freedom of information law. That means a person will be able to obtain all the information affecting him or her directly from the council. The council will be focused on providing information and advice to parents and children, including information on their entitlements. The necessity for parliamentary questions in that respect should not arise. However, it would still be possible for parliamentary questions to be tabled on a range of topics concerning the special education council and my responsibilities in that regard.

Regarding amendment No. 203, I have reconsidered this proposal since Committee Stage. Sections 28 and 29 provide for accountability to the Oireachtas by the chief executive officer of the council who will be the accounting officer. That is the appropriate approach rather than placing a statutory responsibility on the chairperson, as proposed in this amendment. I do not intend to accept it. If Members wanted to invite the council to discuss its policies and their implementation, I do not envisage that there would be a major problem regarding the chairperson being present. I have no doubt that the chairperson would be present, but I do not want to include such a provision in legislation. We should not place such statutory responsibility on a person who holds this position in a largely voluntary capacity and gives of his time on a voluntary basis.

Ms Enright: Regarding amendment No. 192, I tabled six questions last week to the Minister's colleague, the Ceann Comhairle, and they were all returned to me because I was advised the matter was the responsibility of the NRA. The questions I tabled related to the agreement between what I thought was the Government and the IFA in regard to national roads. In fact, the agreement was between the NRA and the IFA. The Minister will recall this from his time in another Department. If an agreement can be made, yet we cannot question later difficulties that may arise, it is time to question the point of our being here.

I appreciate what the Minister is saying but he is assuming that everything will work fabulously. We do not know if that will be the case. I am aware that the Data Protection Acts and the Freedom of Information Acts are in place. If one does not get answers through the freedom of information provisions within a suitable timeframe, one has the option of making an appeal. However, one is losing valuable time. If one appeals, one may not be successful.

If we adopt this amendment, we will know that we can ask parliamentary questions on specific cases. I am not just concerned with the broader issues which can be discussed with the Minister at a meeting of the Joint Committee on Education and Science. We can raise issues in the House on the Adjournment and propose an amending Bill, if necessary. I am worried that we cannot ask questions about individual cases. I would be loath to ignore this problem as to do so would mean that Deputies would be unable to ask parliamentary questions on behalf of individuals. The reality is that, whether we like it, the system being introduced in this Bill will fail a family at some stage. When people who have experienced such problems come to meet me and my colleagues, I do not want to have to say we thought it would work fine when we were considering the legislation. I do not want to have to tell such people that we chose to be unable to

question the Minister on issues that related to them or their children.

Mr. Stanton: I am somewhat concerned by the Minister's comments on amendment No. 192. His comment that one will be able to use the freedom of information provisions suggests that the role of parliamentary questions will be diminished, perhaps quite severely. Time is often of the essence in these matters, as Deputy Enright said. Parents expect politicians to be able to ask questions in the House. I support the Minister's policy of delegating responsibility to different groups such as the State Examinations Commission to an increasing extent. However, I am concerned about the difficulties faced by parents and others who wish to get information quickly. One of the advantages of parliamentary replies is that information has been made available speedily to Deputies on all sides of the House. I pay tribute to the departmental officials who provide information on behalf of the Minister so quickly.

Amendment No. 192 suggests that the council should be required to provide the Minister with "such information necessary to furnish a parliamentary reply", particularly in respect of cases concerning students with special educational needs. Parliamentary questions can sometimes help to highlight issues, delays or problems and help to resolve such difficulties. The inclusion of this provision could be of assistance to the Minister. It might enable him to provide information when asked questions in the Dáil. Having acquired the information, he could decide whether to make it available across the floor of the House. I am surprised that he is taking the view that in establishing the various groups, we should diminish the role of the House and its parliamentary questions. In fairness to him, he has tried to enhance the role of elected representatives until now. This omission will diminish the role of politicians and add to the criticism of politics. I urge the Minister to reconsider the matter. If he does not accept amendment No. 192, he may decide to propose a similar amendment in the Seanad.

Amendment, by leave, withdrawn.

Mr. N. Dempsey: I move amendment No. 177:

In page 21, line 45, to delete "2 members" and substitute "1 member".

Amendment agreed to.

Mr. N. Dempsey: I move amendment No. 178:

In page 22, to delete lines 4 and 5 and substitute the following:

"(5) The Minister shall ensure that at least 6 of the members of the Council are women and at least 6 of them are men."

Amendment agreed to.

Mr. N. Dempsey: I move amendment No. 179:

In page 22, lines 6 and 7, to delete “in the membership” and substitute “of there being amongst those appointed under this section as members”.

Amendment agreed to.

Mr. N. Dempsey: I move amendment No. 180:

In page 22, line 26, after “forum” to insert “and the Council shall ensure, as far as practicable, that at least 7 of the members so appointed are women and at least 7 of them are men”.

Amendment agreed to.

Amendment No. 181 not moved.

Mr. N. Dempsey: I move amendment No. 182:

In page 22, between lines 37 and 38, to insert the following:

“(g) the Psychological Society of Ireland, and”.

Amendment agreed to.

Mr. N. Dempsey: I move amendment No. 183:

In page 22, line 43, after “forum” to insert “and, as far as practicable, at least one of the members so appointed shall be a woman and at least one of them shall be a man”.

Amendment agreed to.

Mr. N. Dempsey: I move amendment No. 184:

In page 22, between lines 43 and 44, to insert the following:

“(6) The Council and the Minister shall have regard to the desirability of there being amongst those appointed under this section as members of the consultative forum persons who themselves have special educational needs, their parents and representatives.”.

Amendment agreed to.

Amendments Nos. 185 and 186 not moved.

Mr. N. Dempsey: I move amendment No. 187:

In page 23, to delete line 16 and substitute the following:

“Act, and

(c) contain a review of any other relevant enactments or instruments under enactments that affect, or may affect, the

performance of the Council’s functions under this Act and make such recommendations to the Minister as the Council considers appropriate in relation to the amendment, repeal or revocation, as appropriate of those enactments or instruments.”.

I have proposed this amendment on foot of Deputy Stanton’s comments on Committee Stage. It provides that the council will be able to review relevant laws and make recommendations on appeals and amendments, if it considers it necessary to do so. I hope it removes the concerns expressed by Deputies Enright and Stanton during the discussion on a previous amendment.

Amendment agreed to.

Ms O’Sullivan: I move amendment No. 188:

In page 26, to delete lines 38 to 41.

This amendment relates to the ability of a chief executive officer to express an opinion on Government policy.

Mr. N. Dempsey: As I said on Committee Stage, there is a need for clear lines to be drawn between the policy and executive functions of statutory agencies. The determination of policy is a matter for the Government, particularly the relevant Minister. It is not a matter for the chief executive officer of a board. I cannot accept the amendment because I do not agree that the chief executive officer of the council should have a role in criticising ministerial policy.

Ms O’Sullivan: Such people sometimes have interesting opinions.

Mr. N. Dempsey: That is right.

Ms O’Sullivan: It might be a good idea if we could hear such opinions. The chief executive officer of the National Educational Welfare Board has given us some good opinions on various issues from time to time. Having dealt with the board on some issues in Limerick, my experience is that it is working very well. Chief executive officers often have something to say, based on their experience of running organisations. It would be helpful if the Minister was in a position to hear such views on occasion, as they might inform him in respect of policy.

Ms Enright: I support Deputy O’Sullivan’s amendment. The example she gave has probably occurred to everybody. This Bill was drafted before the chief executive officer of the National Educational Welfare Board made his comments. In a democracy we should have regard for the views of everyone. If we had to wait until the National Educational Welfare Board was fully operational throughout the country before we could see the difficulties, many problems would have developed without us being aware of them.

It is important that everybody should be allowed to express his or her opinions. We are asking the council to do everything. In respect of the resources issue, for example, we mentioned during the discussion on an earlier amendment that the council had to have regard to the implications of its actions for the Minister. It is appropriate that the chief executive officer of the council should be able to express his opinion on the policies that will affect the operation of its functions.

Mr. Stanton: Section 30(2) of the Bill which states that “the Chief Executive Officer shall not question or express an opinion” reminds me of the politburo. Why should the chief executive officer not make a comment if he feels moved to question or express an opinion on Government policy? We will all lose if he cannot express an opinion on or question a policy that is wrong. I am sure any Minister worth his or her salt will be able to defend his or her policies if it transpires that a chief executive officer who has expressed an opinion or questioned something is wrong. Perhaps a debate on the matter might ensue in this Chamber. If there is an issue worth raising, perhaps we should state in legislation that “the Chief Executive Officer shall question or express an opinion” on the merits of any Government policy. We should enjoy the benefit of the chief executive officer’s experience, knowledge and wisdom.

What is the Minister so afraid of that he wishes to muzzle the chief executive officer? In a free and open democracy he should not be saying, “You shall not question or express an opinion.” I am amazed that he is seeking to insert this in the Bill. He is attempting to say, “Shut up and say nothing. Do not criticise me. Do not criticise the Government. It is not allowed. I am going to make it against the law to criticise me and, if you do, I might throw you into jail.” That is absurd. If the chief executive officer has a valid point to raise, let it be made and if it is right, the Government should make a change.

Why is the Government so afraid of criticism and questions being asked? It seems to be on the back foot, defending itself all the time. If the chief executive officer makes a mistake, the Government should point out the error. The Minister should be able to have an adult discussion on the matter instead of saying, “You shall not.” It is Old Testament stuff, “Thou shalt not speak, have an opinion or dare to raise a question against me.” It is dangerous to say this to anybody in a democracy. Chief executive officers should be obliged to raise questions and freely air their opinions. The Minister should thank them for so doing if there is an issue that needs to be brought to his attention.

Mr. N. Dempsey: That was a wonderful piece of rhetoric from the Deputy, talking in terms of biblical commands. The chief executive officer is

perfectly entitled to make his views known and question matters with the Minister or his officials. It would be a poor day for democracy if the chief executive officers of various boards decided they were not going to execute policy initiated by the duly elected Government and passed by the Oireachtas. We would have a wonderful democracy if they became the arbiters of policy, and if unelected persons throughout the State were in a position to challenge Government policy, knock it and express their personal views when they were supposed to be executing the policy decided by an elected Government. Democracy cannot work in that manner.

The way this works is that if a chief executive officer has an opinion or questions to raise, there is a forum in which to do so. If the chief executive officer does not like the policy and believes he or she cannot execute it, there is a simple way of making this known by way of resigning and, thus, expressing strong views on the policy.

Mr. Stanton: Does the Minister think it is that bad?

Mr. N. Dempsey: We would have absolute chaos if chief executive officers were to decide policy.

Ms O’Sullivan: They are not.

Ms Enright: They are just expressing an opinion.

Mr. N. Dempsey: We would have a wonderful time but would get nothing done if everybody decided what the policy should be. If I decide policy and a chief executive officer has responsibility for carrying it out, at least I am accountable to the House. The chief executive officer is not accountable for policy, although he or she is accountable for financial matters. This is the standard procedure which has been inserted in legislation and will be *ad infinitum*. I do not care what the Deputy says at this stage because if he was in government, he would be inserting the same provision in the Bill.

Ms O’Sullivan: I am still not convinced by the Minister because I can think of people who express opinions in various bodies. The Higher Education Authority is great for expressing opinions on all sorts of issues. Let us suppose the OECD undertakes a study of special education. Would the special education council not be able to express an opinion on how policy was developing in the context of a public debate on such an issue? It is quite legitimate for a chief executive officer to express an opinion. I will press the amendment because it is pertinent to the issue of public discussion. People should not be gagged. Deputy Stanton used lovely biblical language. I would much prefer to hear “Thou shalt” or “Thou canst”, than “Thou shalt not.”

Ms Enright: The manner in which the Minister has put this is slightly disingenuous. While we are asking chief executive officers to appear before the committee and allowing them to do certain things, we are not allowing them to question policy. A committee may be discussing the report of the Comptroller and Auditor General, in which he may make criticisms of Government policy or the council's operations, but the chief executive officer may not make any comment on it. The Minister is wrong to propose such a policy.

Mr. N. Dempsey: We are not saying chief executive officers cannot offer advice to the Government or produce a document containing suggested policies for the Government. They can do so but we are saying that once settled policy is in place, a chief executive officer cannot question it. That is the standard provision.

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

Amendment declared lost.

Acting Chairman (Mr. Sherlock): Amendments No. 189 to 191, inclusive, are related and may be discussed together.

Mr. N. Dempsey: I move amendment No. 189:

In page 27, between lines 9 and 10, to insert the following:

"(3) The Council shall include in each report published by it under *section 34* details of all gifts accepted by it during the period to which the report relates."

This amendment arises from a suggestion made on Committee Stage. It seeks to increase the transparency of the council by requiring it to include in its annual report details of any gifts accepted in that year. It meets the intent of amendment No. 190. I do not propose to accept amendment No. 191 as it would unduly restrict the ability of the council to invest moneys other than in trust arrangements. I do not think that was the intention.

Amendment agreed to.

Amendments Nos. 190 and 191 not moved.

Mr. Stanton: I move amendment No. 192:

In page 28, line 27, after "require" to insert "including such information necessary to furnish a parliamentary reply".

Amendment put.

The Dáil divided: Tá, 40; Níl, 58.

Tá

Breen, Pat.
Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Connolly, Paudge.
Costello, Joe.
Crawford, Seymour.
Crowe, Seán.
Cuffe, Ciarán.
Durkan, Bernard J.
English, Damien.
Enright, Olwyn.
Harkin, Marian.
Hayes, Tom.
Healy, Seamus.
Higgins, Michael D.
Hogan, Phil.
Howlin, Brendan.
Lynch, Kathleen.
McCormack, Padraic.

McGinley, Dinny.
McGrath, Finian.
McGrath, Paul.
McHugh, Paddy.
McManus, Liz.
Mitchell, Olivia.
Murphy, Gerard.
Naughten, Denis.
Neville, Dan.
Noonan, Michael.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Keeffe, Jim.
O'Shea, Brian.
O'Sullivan, Jan.
Sherlock, Joe.
Stagg, Emmet.
Stanton, David.
Twomey, Liam.
Upton, Mary.

Níl

Ahern, Dermot.
Andrews, Barry.
Ardagh, Seán.
Brady, Johnny.
Brady, Martin.
Callanan, Joe.
Callely, Ivor.
Carey, Pat.
Carty, John.
Cassidy, Donie.
Collins, Michael.
Cooper-Flynn, Beverley.
Coughlan, Mary.
Cregan, John.
Curran, John.

Davern, Noel.
de Valera, Síle.
Dempsey, Noel.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Fitzpatrick, Dermot.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Hanafin, Mary.
Haughey, Seán.
Hector, Máire.
Jacob, Joe.
Keaveney, Cecilia.

Níl—continued

Kelleher, Billy.
 Killeen, Tony.
 Kitt, Tom.
 Lenihan, Conor.
 Martin, Micheál.
 McCreevy, Charlie.
 McDowell, Michael.
 McEllistrim, Thomas.
 Moloney, John.
 Moynihan, Donal.
 Moynihan, Michael.
 Nolan, M. J.
 Ó Fearghaíl, Seán.
 O'Connor, Charlie.

O'Keeffe, Batt.
 O'Malley, Fiona.
 O'Malley, Tim.
 Parlon, Tom.
 Power, Peter.
 Sexton, Mae.
 Smith, Brendan.
 Smith, Michael.
 Treacy, Noel.
 Wallace, Dan.
 Walsh, Joe.
 Wilkinson, Ollie.
 Woods, Michael.
 Wright, G.V.

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

Amendment declared lost.

Amendment No. 193 not moved.

Mr. N. Dempsey: I move amendment No. 194:

In page 29, lines 4 to 6, to delete all words from and including “, and” in line 4 down to and including “Board” in line 6.

The purpose of this amendment is to remove the requirement to hear an appeal within 30 days. Following on from the review of time limits which I have conducted, individual sections of the Bill contain deadlines for the determination of appeals. The provision is therefore no longer necessary and could create inconsistencies across the Bill, given the different time limits for determining appeals. The time limits for determining appeals are dealt with in the relevant sections so this could cause confusion if left in the Bill.

Mr. Stanton: I appreciate what the Minister has done with timescales but does this amendment mean the appeals board does not have to take account of any timescales? If we are removing the requirement to hold an appeal within 30 days of the date of receipt of the appeal is there another part of the Bill which compels the appeals board to bring forward its findings within a certain time? Is the Minister leaving this open-ended?

Mr. N. Dempsey: I hope I am not doing that. We went through the individual sections of the Bill, which contain their own deadlines for the determination of appeals. It is not necessary to leave in the 30-day requirement in the Bill. In some cases the timeframe is shorter and in others it is longer. There is a particular timescale for each case.

Amendment agreed to.

Mr. Crowe: I move amendment No. 195:

In page 29, between lines 10 and 11, to insert the following:

“(6) The chairperson and ordinary members of the Council shall be appointed

by the Minister from among persons who have a special interest in or knowledge of education and in particular the education of persons with disabilities, or the law.”.

Amendment put and declared lost.

Amendment No. 196 not moved.

Mr. N. Dempsey: I move amendment No. 197:

In page 29, to delete lines 11 and 12 and substitute the following:

“(6) The chairperson and ordinary members of the Appeals Board shall be appointed by the Minister from among persons who have a special interest in or knowledge of education and in particular the education of persons with special educational needs.”.

Amendment agreed to.

Amendments Nos. 198 and 199 not moved.

Acting Chairman (Mr. Sherlock): Amendment No. 201 is an alternative to amendment No. 200 and amendment No. 202 is related, therefore, amendments Nos. 200 to 202, inclusive, may be discussed together by agreement.

Ms O'Sullivan: I move amendment No. 200:

In page 29, lines 31 and 32, to delete “at such intervals as the Minister directs” and substitute “not later than the 31st day of March in each year in respect of its activities in the preceding year”.

The purpose of this amendment is to get an annual report from the council but the Minister's amendment, amendment No. 201, addresses that issue.

Amendment, by leave, withdrawn.

Mr. N. Dempsey: I move amendment No. 201:

In page 29, line 31, after “intervals” to insert “(not being less than once a year) and in such manner and format.”

Amendment agreed to.

Amendments Nos. 202 and 203 not moved.

Mr. N. Dempsey: I move amendment No. 204:

In page 29, between lines 34 and 35, to insert the following:

38.—(1) This section applies to cases in which a person with special educational needs or, if the person with such needs is a minor, a parent of the person—

(a) makes a complaint to the Minister that the special educational needs of the person are not being met, or

(b) proposes to bring, or has brought, proceedings in any court seeking redress in respect of an alleged failure by the Minister or the State to meet those needs of the person (whether the failure to be alleged or alleged in the proceedings is expressed as amounting to a breach of Article 42 of the Constitution, a failure to comply with this Act or howsoever otherwise).

(2) The Minister may make regulations (“the regulations”) as respects cases to which this section applies enabling—

(a) a complaint mentioned in subsection (1)(a), or

(b) an alleged failure by the Minister or the State mentioned in *subsection (1)(b)*,

to be the subject of mediation.

(3) The reference in *subsection (2)* to a matter being the subject of mediation is a reference to the matter being referred, in accordance with procedures specified in the regulations, to an individual or body appointed in accordance with the regulations (“the mediator”) for the purpose of mediation being conducted by the mediator in relation to it, that is to say, mediation conducted with a view to resolving the issue or issues the subject of the complaint or the proceedings or the proposed proceedings concerned.

(4) The regulations shall provide that, for the purpose of resolving that issue or those issues, the mediator shall—

(a) inquire fully into each relevant aspect of the issue or issues,

(b) provide to, and receive from, the parties to the mediation such information and generally make such suggestions to each of them as the mediator considers appropriate, and

(c) on completion of any hearing (or the last of them where there is more than one hearing) conducted for that purpose, prepare and furnish to each of the parties a report in relation to the mediation,

and the regulations shall also contain the provisions referred to in *subsection (5)*.

(5) Those provisions are—

(a) a provision prohibiting, subject to such exceptions as may be specified in the regulations, the disclosure of any statements made or information given by the parties to the mediation for the purpose of the mediation,

(b) a provision prohibiting, subject to such exceptions as may be specified in the regulations, the disclosure of the report referred to in *subsection (4)(c)* to persons other than the parties to the mediation,

(c) provisions specifying procedures with respect to the appointment of the mediator, and those provisions shall enable only—

(i) a body which is independent of the persons who will be parties to the mediation to make such an appointment (and such provision shall be in addition to any provision made by the regulations under *subsection (6)*),

(ii) an individual or body who or which is independent of those persons to be the subject of such an appointment,

(d) a provision specifying that mediation shall not be conducted pending the hearing and determination of an appeal under this Act that lies in respect of the matter concerned, and

(e) such provisions consequential on, or incidental to, the foregoing provisions or the provisions of *subsection (3)* or *(4)* as the Minister may consider necessary or expedient.

(6) The regulations may also provide that only a body falling within a class of bodies standing recognised for the time being by the Minister for the purposes of the provision referred to in *subsection (5)(c)(i)*, may, subject to that provision, make an appointment of the kind referred to in that provision.

(7) A court hearing proceedings such as are referred to in *subsection (1)(b)*, may, in making any decision as to the costs of those proceedings, have regard to, if such be the case—

(a) that the person bringing those proceedings refused to participate in a mediation provided for by the regulations in relation to the issue or issues the subject of those proceedings, or

(b) that that person did not participate in good faith in such a mediation, and, for the purpose of determining whether that person did not so participate in good faith, the court may have regard to the report referred to in subsection (4)(c) prepared in relation to the mediation.

(8) In this section ‘body’ means a body corporate or an unincorporated body of persons.”.

This is an enabling provision permitting the Minister to draw up regulations for a process of mediation. Where parents comes to the end of the road of the appellate process under this Bill they may remain dissatisfied with the services their child is receiving. At that stage parents may feel they have no option but to go to court to have this remedied. Mediation will present an alternative avenue for parents. It will provide a friendly forum in which parents, the council or health board can seek to resolve a dispute affecting a child’s education. It is likely to prove to be a much more appropriate and flexible environment to air these issues than in a court where formal procedural rules and high costs can make the resolution of the dispute considerably more difficult.

The mediator, who will be an independent person, will have the power to inquire into the issues, to make suggestions to the parties and to report at the conclusion on the mediation. The process will be confidential to those involved. If a person chooses not to go down the mediation route but instead to pursue litigation, a court hearing the case can have regard to this in deciding on the award of legal costs. This does not in any way prevent a person going to court should he or she choose to do so. However, I hope it will provide the necessary encouragement for a person to exhaust all the mechanisms provided for in the legislation before going to court. In this way we can encourage the respect for rights and the proper provision for children with special needs rather than relying on litigation, the results of which are inherently uncertain, to impose a minimum standard on the State or service providers.

I am concerned that at present parents feel they have to go to litigation. That can take much longer. We have tried, through some of the measures put forward in the Bill, to ensure children will be looked after as these channels are being exhausted. This method is another means of assisting parents in their quest to ensure they get the education they seek for their children.

Mr. Stanton: I welcome the thrust of this large amendment. It is another fail-safe mechanism before recourse to the courts is taken. I welcome the Minister’s reference to a friendly environment where people can go. We have stressed that is what is needed. Given that there are parents who are intimidated by officialdom I encourage the Minister to ensure the service is

friendly, non-threatening, non-adversarial and not in a court room setting which can put people off, especially those who are not used to it. I ask the Minister to ensure the availability of this service is widely known and advertised as it is possible people may not be aware of its existence. That is a challenge for the Minister and his Department.

So far as I can see there are no timescales on how long the process will take. Can the Minister tell the House how binding the findings of the mediator will be? In other words, if the mediator finds in favour of parents, is that finding binding on the Minister or others about whom the parents may be worried?

I am concerned also about the relationship with the Ombudsman and whether he or she would have a role in this matter. The Ombudsman can be involved if people make complaints to him or her regarding a service that may not be up to standard in their eyes. In that case the Ombudsman can make a determination. That usually happens when all other avenues of appeal are exhausted. Can the Ombudsman get involved after the mediator? Does the existence of the mediator preclude the Ombudsman’s involvement? Will the Minister tell us more about the appointment of the mediator? Who appoints the mediator and who will be the mediator?

In subsection (7) of his amendment the Minister implies that the courts may be constrained. I am not sure how they can be constrained. If a person refused to go the mediation route or if a person did not participate in good faith in such a mediation that is a serious matter. I am glad the Minister has not precluded people from going to court.

I would prefer to have seen this amendment on Committee Stage where we could have teased it out. The implications of this subsection are such that a person would probably be forced to go to mediation initially. Where would the process take place? What are the qualifications for mediators? Will there be a standing service or will mediators be appointed on a case by case basis?

On Committee Stage we discussed the provision of an advocacy service as many parents find it challenging to engage with officialdom. They would even find the word “mediator” difficult. There will be associated costs in putting a case and some parents will find it difficult to put one. If they have to bring somebody with them to advise them who will pay those costs? This question could apply to other appeals also. There could be huge costs associated with travelling if parents have to travel to the nearest education office or wherever the process will be held. Would the mediation service be held in the local school? Even that could be intimidating for parents. There are many questions that need to be teased out.

I welcome the provision for such a mediation service and perhaps the Minister will prepare a paper on it to allow us go through some of these questions. I am sure there will be other questions

[Mr. Stanton.] relating to this process. I take the Minister at his word that this will be a friendly service and in the long-term it will probably be less expensive for everybody if it prevents court action from taking place. Those are the questions that come to mind. There may be others.

Mr. F. McGrath: Amendment No. 204 is important because it has the potential to take much pressure off parents and families of people with disabilities. We know from parents who have taken legal cases in recent years that the experience is traumatic and stressful on the families, involves long delays and costs taxpayers money. This is an issue we must face up to. The vast majority of parents I know of who deal with disabilities do not want to get involved with the legal process. That we have a mediation service to deal with the issue is important. The bottom line for the parents is they want the services and do not want to get dragged down in legal costs.

It is very important that the mediator is totally independent and has a track record on disability issues. His or her interests, experience and ability are paramount. He or she will adopt a common-sense approach. From our experience of conflicts, whether in industrial relations or education, we know that a good mediator can prevent conflict, for example, in disadvantaged areas, the home-school liaison teacher plays a valuable role in mediating between the school, the classroom teacher, the children at risk, those opting out of the system and the parents. He or she works closely with the family and gradually draws the child back into education. Section 204 has the potential to create positives. A good mediator will save a great deal of money because he or she knows how to handle the pressure and defuse a situation.

Ms O'Sullivan: In some respects it is good to have a mediation process because it should deal with some problems that might otherwise go to court. However, I have a difficulty with section 204(7), to which Deputy Stanton referred. This provision is being introduced at a very late stage on Report Stage. What is the reason for this? Is it because it will be included in the disabilities Bill also? I suspect the mediator will be provided for in both Bills. I put that question for the purposes of information.

I would be wary of legislation that tells a court what it should or should not take into account. The Bill states the court may take into account that a person did not go to mediation. I have serious problems with this. Under the Constitution, people have a right to go to court. There is an implication in the section that when they go to court, it will be a negative point against them that they did not go to mediation. I would have very serious concerns about this constitutionally.

Mr. N. Dempsey: I thank the Deputies for their general welcome for this provision and apologise to them for inserting it at this stage. We had a discussion on Committee Stage about trying to take cases from the courts. Deputy Finian McGrath may have spoken on Second and Committee Stages about the trauma of court cases and it was on foot of this and a conversation I had with the Attorney General that this section is being inserted in the Bill. I thought it was a good idea to try to have an intermediate step first: there is the procedure, the counsellor, the principal and then the appeals body to give parents an opportunity if they are not satisfied. We are now adding a mediator to try to assist them. It is perfectly in keeping, as Deputies have acknowledged, to make it as easy and user friendly as we possibly can. The provision is designed to be friendly, non-threatening and non-adversarial. It will be a case of a mediator speaking to both sides, moving the matter forward a little on both sides and then trying to come to an agreement rather than adopt an adversarial approach.

We have not set down a timescale because the mediator will have to make a decision on whether he or she is making progress and it is better that this be done and done quickly. It will not be binding on anybody. If the parent does not want to accept it and is still not satisfied, he or she will still have the right to go to the courts. The mediator will be striving to reach an agreement but if an agreement cannot be reached, generally it will be the parent who will be taking the matter further if he or she believes the official side is being unreasonable.

A mediation service does not preclude an ombudsman applying to the council or the appeals board once they are scheduled under the legislation. It does not remove him or her from the scene. I would like to think that the mediator will be seen as an ombudsman during this part of the process. My intention is to provide for a recognised arbitration service that will be independent of the Department. I am not thinking of appointment of a mediator from the ranks of the inspectors. I am thinking more in terms of professional mediation. The Deputy asked if it would be a standing service but I honestly do not know. We could advertise the job of mediator on the basis of individual cases. We could send it to tender and so on.

The disabilities Bill will provide for advocacy. We have allowed for people to be accompanied by others to the mediation service. It will be an informal process. I would not envisage that there would be significant costs, for example, if a parent decided he or she wanted to bring somebody, I would presume that reasonable costs would be met.

Deputy O'Sullivan raised the issue of the Bill directing the court. Subsection (7) provides that the court may take it into account, equally it may not, if it does not want to. It is not stated the

court shall do so. We are not trying to interfere in the business of the court.

Ms O'Sullivan: It is a little like bullying to me. I think the Minister should have it looked at.

Mr. N. Dempsey: All right. If this service is available and people decide that they do not wish to use it for one reason or another, the court may take this into account. To be honest, I do not see a major problem with this.

Many of the points raised by Deputy Stanton will be dealt with directly in regulations rather than in the body of the Bill. It will provide for the appointment of an independent individual. We will ensure the mediator is totally independent of the Department.

Mr. Stanton: I wonder if the service can come in earlier, for example, pre-appeal. Do we need a mechanism for paying the costs associated with the mediation company? Will the service be local? Does the Minister envisage a mediator going to the house of the children in question or meeting locally in order that parents will not have to travel long distances to avail of the service?

Mr. N. Dempsey: If a person makes a complaint to the Minister that the special education needs of the child are not being met, the Minister makes the appointment with the mediator. Therefore, the costs will fall on the Minister who will be the employer. What was the Deputy's second question?

Mr. Stanton: Can the service come in earlier?

Mr. N. Dempsey: I would not envisage it would come in before then because we need to ensure all the processes are exhausted. This must be considered in the context where all procedures have been exhausted and there is a gap between what is being provided and what the parent believes needs to be provided. The mediator would come in to close the gap.

Amendment agreed to.

Acting Chairman: Amendment No. 205 in the names of Deputies Enright and Stanton arises out of Committee proceedings. Amendment No. 206 is an alternative to amendment No. 205 and amendments Nos. 207 and 208 are alternatives to amendment No. 206. Therefore, amendments Nos. 205 to 208, inclusive, may be discussed together by agreement.

Ms Enright: I move amendment No. 205:

In page 30, to delete lines 1 to 3.

Mr. N. Dempsey: Concern was expressed on Committee Stage regarding the scope of the health board's power to refuse to assist the council where a formal request for assistance is made. While a balance needs to be struck here,

it is advisable to tighten the wording in section 38(3)(c) which provides that the health board can have regard to the resources available to it in deciding that it is not reasonable to comply with the request. If we were to change the word "reasonable" to "possible", this would significantly restrict the discretion of the board while not imposing an unfair fetter on its power in this area. That is the purpose of my amendment No. 208. The remaining provisions grounding a refusal by the board are fair and reasonable and, therefore, I do not propose to accept the other amendments. We have gone as far as we can.

Amendment, by leave, withdrawn.

Amendments Nos. 206 and 207 not moved.

Mr. Dempsey: I move amendment No. 208:

In page 30, line 5, to delete "reasonable" and substitute "possible".

Amendment agreed to.

Mr. Dempsey: I move amendment No. 209:

In page 33, lines 18 to 20, to delete all words from and including "intel-" in line 18 down to and including "time)" in line 20 and substitute the following:

"learning disability, or any other condition which results in a person learning differently from a person without that condition and cognate words shall be construed accordingly".

Amendment agreed to.

Mr. Dempsey: I move amendment No. 210:

In page 33, line 22, to delete "Disabilities" and substitute "Special Educational Needs".

Amendment agreed to.

Acting Chairman: Amendment No. 211 in the names of Deputies Enright and Stanton arises out of Committee proceedings. Amendments Nos. 212 and 213 are related to amendment No. 211, therefore, amendments Nos. 211 to 213, inclusive, may be discussed together by agreement.

Ms Enright: I move amendment No. 211:

In page 33, line 23, to delete "shall come" and substitute "comes".

The purpose of this amendment is to ensure that the entire Act will come into force on a set date rather than when the Minister decides. This amendment is related to amendment No. 213 and I ask the Minister to accept them.

Ms O'Sullivan: My amendment No. 212 also relates to when Act comes fully into operation. It

[Ms O'Sullivan.]

proposes that it should be no later than three years from the passing of the Act, which is reasonable.

Mr. F. McGrath: I support amendment No. 213, which states, "this Act shall be deemed to have commenced in its entirety three months after its passing." We want to ensure the legislation is implemented as quickly as possible. The Bill has much potential to radically change services for children with disabilities. There are many positive aspects to it. When discussing it, people should constantly focus on the issue, namely, the rights of, and the services for, the child, the identification of the child's needs and the provision of the service which suits the child and not the old fashioned way of having the child try to fit into the service. We have moved on from that. This legislation is a step in the right direction in regard to services. For too long, we have taken a conservative approach and the child has had to fit into the service. Now we have the opportunity to plan the service to suit the child's needs. The legislation offers that potential.

It is important we recognise that children with disabilities must be respected as human beings. It is also important that, where possible, children with disabilities should go to the school nearest to their homes like other children. I do not agree with sending children away from their communities and their homes to receive services which, sadly, happens to a minority of children with disabilities. I would like to see children with disabilities living and being educated in their communities. From the family point of view, disabled people should not have to fight a battle every day against the Government, bureaucracy and negative attitudes. These are the main points in, and the vision of, the legislation. It is important we take these views on board.

Acting Chairman: I point out to the Minister and Deputies that we are approaching 7 p.m. and these are the last amendments.

Mr. N. Dempsey: I will be brief. As we already discussed, commencing the provisions within a time frame which is unrealistic without the capacity to implement it would be counterproductive and, for that reason, I do not intend to accept amendments Nos. 212 and 213. I reconsidered amendment No. 211 and I have been assured that the current text is in order and does not require any amendment.

Deputy Finian McGrath spoke about the importance, spirit and vision of the Bill and so on. I do not want the Bill to become the butt of criticisms by including an unrealistic time frame. I would rather get it right than get it fast. As long as I am in this position, which I hope will be for at least another three years, I will aim to have the Bill fully implemented.

Mr. Stanton: Did the Minister say three weeks?

Mr. N. Dempsey: No, three years.

Amendment, by leave, withdrawn.

Amendments Nos. 212 and 213 not moved.

Bill reported with amendments and received for final consideration.

Question proposed: "That the Bill do now pass."

Ms Enright: I thank the Minister for accepting so many of the amendments which arose from Committee proceedings — it is a better Bill as a result. I also thank all the officials and the staff of the committee who were involved. We were able to discuss matters in much detail and I compliment the Minister on that.

Ms O'Sullivan: I too thank the Minister and his officials. It has been a productive operation both on Committee and Report Stages and much of that was due to the openness of the Minister in regard to accepting amendments.

Mr. F. McGrath: I would like to be associated with those comments. I thank the Minister for accepting many of the amendments. I get worried when I say things like that.

Ms O'Sullivan: The Deputy can be nasty tomorrow.

Mr. F. McGrath: As I said earlier, the issue is about providing services for children, giving them proper equality and getting away from rows and legal debates to enable them get on with developing to their maximum potential. I thank the Minister and his officials for their work.

Minister for Education and Science (Mr. N. Dempsey): I thank the Members opposite for their contribution to the Bill. They approached it from the outset as I asked them to — with an open mind and a very positive approach — and that made it easier for me to be open. I thank them for the amendments they tabled and the suggestions they made. They have improved the Bill, and I thank everyone in the House and my officials for the work they put into it.

Question put and agreed to.

Private Members' Business.

Housing Provisions: Motion (Resumed).

The following motion was moved by Deputy McManus on Tuesday, 25 May 2004:

That Dáil Éireann, considering that the Fianna Fáil-Progressive Democrats Govern-

ment 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.

Debate resumed on 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;
- 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 through the affordable housing initiative and Part V of the Planning and Development Acts 2000-02 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.”

—(Minister of State at the Department of the Environment, Heritage and Local Government, Mr. N. Ahern)

Mr. Durkan: With the Chair’s consent, I wish to share time with Deputy McCormack.

Acting Chairman: Is that agreed? Agreed.

Mr. Durkan: When time unfortunately overtook me last night, I wanted to say to the Minister present then, who has not yet arrived, that of all the areas on which this Government can be condemned, none is greater than that of the Department of the Environment, Heritage and Local Government. The Government has failed the young generations. It has failed to arrest the spiralling house prices and build adequate local authority houses. It has created a stigma attaching to many local authority schemes throughout the country by virtue of the sheer scarcity of houses and number of people who must now vie with each other to be rehoused. It has failed to recognise what was happening all around it, pretending that it was seriously attending to the issue but doing nothing.

At present, the average price of a house in the greater Dublin area is €300,000. We hear a great deal in this House about 1996 and 1997, which are compared with today. In 1996, which was the time of the rainbow coalition, the price of a house was €88,000. It was about €75,000 nationally. I have heard many comparisons made, but I have not heard that one, or any recognition on the part of the Government that it had erred, and that is just one example.

The same Government also let down those who applied for disabled persons’ grants for housing. It increased the grant amount and then froze activity so that none might be paid. There are currently countless people up and down this country who have applied for disabled persons’ grants and been waiting for an OT assessment. That has been deliberately slowed down to ensure that nothing was approved and nothing would have to be paid. In every local authority area there are countless people with special needs awaiting an urgent allocation from the Department of the Environment, Heritage and Local Government through the local authorities, and nothing ever comes. There are still 50,000 to 60,000 people on the housing list. Nothing has been done to address that issue. Nothing will ever be done to do so.

Last night the Minister apparently did not understand how the new regulations are working.

[Mr. Durkan.]

It was pointed out to him that a person must be virtually homeless before he or she can get a subvention from the health board towards accommodation. He denied that, but in the intervening period I received a reply from the Minister for Social and Family Affairs, Deputy Coughlan, which clearly states that the person who applied for a subvention from the health board is not deemed homeless and as such does not qualify for anything. That person must pay for the first six months of renting accommodation alone.

There are approximately 6,000 homeless people here at present. The Minister rubbished that figure several times. First, he said they were being counted too carefully and that, as a result of the extra special counting taking place, more people were turning up. He has now come to the conclusion, of which the Government evidently approves, that there is no homelessness problem here. Yet in all our constituencies, we daily find people deemed to be homeless. We daily find people being referred to hostels. We find people who have nowhere else to go other than the side of the road, and they are daily being referred to hostels, if they are lucky.

I thank the Minister of State opposite for arriving in the House. I know it is not his area of responsibility, but he is very welcome. It is a sign of the times that both the Minister for the Environment, Heritage and Local Government and the Minister of State at the Department of the Environment, Heritage and Local Government are missing. They are the missing link in all this, since they have the responsibility for providing for housing needs.

I cannot understand why no one has copped on to the reason house prices are high — why houses have become unattainable from the point of view of first-time buyers. The Government clearly set out with a plan in mind. It decided to remove the first-time house buyer from the market altogether. First it decided to remove the new house grant. Second, in case they escaped that one, it decided to introduce levies, which were a double penalty. However, the real reason house prices are high is that the Government gets a significant amount in VAT, which is increasing daily. Every time house prices go up, the Government gets more in revenue. Even before the recent levies had been introduced, the Government was taking more than 40% of the price of a house from every young person who attempted to buy one for the first time.

Those are only a few of the issues. It is not possible in the time available to go through the entire debate properly. I am not saying the Government should find extra money through taxation. However, there are various ways to do so. It should sell those electronic ballot boxes the Minister for the Environment, Heritage and

Local Government is paying rent to store somewhere. The Government might get €52 million for them or even more than €60 million; it might not get anything at all. However, it would be a good idea to sell them to someone, perhaps to a scrap merchant who could melt them down or sell them by weight.

The Government could use the €62 million to address the seriousness of the housing issue as it now stands. If that is not done soon and this issue is not dealt with in the near future our young people will emigrate for the sake of a house. Once they emigrated for a job, but now they will have to emigrate to get a house.

I know we have a tiger economy, that we feel good about ourselves and enjoy the feel-good factor, and that we all go down to Galway races every year, into the tent in Ballybrit to celebrate the occasion. However, I find it very difficult to understand how a second-hand three-bedroom house with a swimming pool facing the sea on the Gulf of Texas can be bought for \$130,000 while here we cannot get a simple three-bedroom semi-detached house in a local authority housing estate for much less than €300,000. There is something wrong. The Government lost control long ago and has neglected and ignored the plight of young people, whose needs have not been served.

Mr. McCormack: I am glad of the opportunity to speak on this motion tonight to condemn the Government's inaction on every aspect of housing. That is what the motion covers. I compliment the Labour Party Members for tabling this timely motion. The Government's record on housing is so bad that one hardly knows where to start. However, perhaps I should start with an announcement made by a Minister in my constituency yesterday or the day before. He had great tidings for the people of Galway city and county when he announced €2.6 million for disabled persons' and essential repairs grants for Galway County Council, and €880,000 for essential repairs grants for Galway City Council.

This was a cynical exercise two weeks before the general election. Usually the allocations to local authorities are made in June or July. However, this year because Fianna Fáil and the Government parties are feeling the heat at the doors, the Minister comes up with this announcement just before the election. It is a cynical exercise because, as Deputy Durkan said, for the past two years applications for disabled person's grants and essential repair grants have not been dealt with by local authorities. They have not been dealt with because the money was not there. The applicant applies first, then a health inspector goes out and does a report and then the local authority tells the applicant whether the grant is sanctioned. Over the past year or so health inspectors have not gone out to examine those cases simply because the money

was not there. Towards the end of last year local authorities informed applicants that the money was not there. That was a new departure. Up to that they were just stalling the applications. The money being made available to local authorities in the run-up to the local and European elections will not cover the backlog of applications awaiting sanction and health inspectors' reports.

After the many deceptions in the general election I do not believe the people, when it comes to voting in the local and European elections, will fall for this gimmick — I hope they do not. People are getting somewhat tired of that sort of thing coming up to elections. What has the Government done about the housing situation? The average price of a house in Ireland now is over €250,000. Local authority housing waiting lists are at 50,000. Some 1,500 people are on the waiting list in my local authority of Galway city, and the figures for Galway county are just as bad. I have sympathy with the Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Noel Ahern, who in the House last night had to read out the script written for him. He stated he was proud of the number of houses built. He mentioned so many houses being built I thought we would see cement coming out of his boots. He was steaming over the number of houses built. He was proud that 15 houses were built for every 1,000 of the population.

The average family size in Ireland is 2.1 so the Minister of State is only building a house for every six people. That means that two thirds of the people will not get houses, and that is something the Minister of State said he was proud of. That record is nothing to be proud of. Most remarkable of all, the Minister of State said housing remains the top priority of the Government's agenda. He said the Government had taken a wide range of measures over the course of its two terms in office to reduce house prices, but it has done exactly the opposite. In the last budget it removed the €3,800 grant for first-time buyers. It increased VAT on housing, which was already at 12.5%—

Mr. Cassidy: We gave it on taxes.

Mr. McCormack: It was announced before the budget. It was all the same to the house buyer anyway. It added 1% VAT in the budget on building materials for housing. On top of that the Minister for the Environment, Heritage and Local Government, Deputy Cullen, forced local authorities to introduce development charges. In my city development charges are €10,000 per house. That is an average of about €15,000 imposed on the first-time buyer. Some 40% of the cost of a house is accounted for by Government charges, between VAT on materials and everything else. Some people argue that the cost

of land is driving up the cost of houses. That argument is not fully sustainable because I have done figures for Galway city and only between 5% and 10% of the cost of a house is attributable to the cost of the land for the site, depending on available densities — high density building is common.

The Government has done the exact opposite to what the Minister of State is saying. He is saying the Government is doing everything in its power, that housing is its highest priority etc. I fear to think what is happening to its lowest priority if the result of the highest priority is to add €15,000, directly by Government intervention in the past eight or nine months, to the cost of a house. The Minister of State has much to answer in that regard.

Mr. Cassidy: Some 68,000 houses is a great achievement.

Mr. Broughan: Half of them were for investors.

Mr. Cassidy: They were Irish people.

An Leas-Cheann Comhairle: Deputy McCormack, without further interruption from any side.

Mr. McCormack: If Deputy Cassidy could restrain himself, I would put it on the record. The record shows that house prices have trebled since the Fianna Fáil-Progressive Democrats Government came to power. In 1996 the average cost of a house was £97,000. It is three times that today. That is the record, and that is a fact. That is what has priced housing out of the reach of the ordinary working young person. Under the partnership agreement, Sustaining Progress, the Government agreed to provide 10,000 affordable houses. Where are they? Where is that number? If either of the Ministers was here I would ask them. Why has the Government shied away from implementing any of the proposals in the Kenny report? That is a question the Government has not answered.

Another stunt announced by the Minister for the Environment, Heritage and Local Government, Deputy Cullen, in March was that he would free up planning in local authority areas for once-off housing. This was another gimmick for the local elections. He did nothing of the sort. He made it more difficult in some local authorities. He issued draft guidelines which are not yet fully operable so nothing will be done before the elections. If any local authority has to change its policy as regards planning, there has to be an alteration to the development plan. It is not enough for the Minister to simply say there should be less restrictions on once-off rural houses. The development plan, of course, cannot be changed before the elections, and the Minister hopes to get away with the gimmick of pretending

[Mr. McCormack.]

to the people in rural Ireland that he will make it easier for them to get houses in local authority areas. Most of what the Minister has sent out to local authorities is already featured in most county development plans and if not, it cannot be done. Therefore that was another gimmick that the Government could not get away with.

Deputy Durkan suggests that the Minister should sell the electronic voting machines which cost €52 million, but they are valueless now except as souvenirs. The ballot boxes which were purchased for many local authorities in anticipation of the Minister's mad rush to introduce electronic voting are already sold and will have to be replaced at a further cost. By the time the Minister, Deputy Cullen, who is responsible for this Department, and for the motion we are dealing with tonight, is finished with electronic voting, he will have cost the taxpayers of this country up to €100 million, between storage, compensation to the company and everything else concerned with that. Yet we have a housing crisis on our hands.

There are 6,000 people homeless in this country. If the Government ploughed back the amount of revenue it is taking off the housing sector in taxes on the building of houses — 40% on the cost of a house — there would be enough money to provide local authority houses for the people in need. How can one explain to a person in Galway city who comes into a political clinic why he or she is six years on a housing list and still has not been offered a house? People are living in deplorable conditions and cannot be offered a house until they are six years on the housing waiting list. At the same time the Minister for Social and Family Affairs, Deputy Coughlan, has restricted the rent supplement scheme. If a person, now in overcrowded conditions in the family home, probably with a young child, has to move out, he or she must be six months in rented accommodation before qualifying for rent supplement.

That is the condition in which the Government has left people in need of housing in my constituency and every other constituency throughout the country. I hope that the people on 11 June will have an opportunity to get the first claw-back at the Government for the broken promises of the general election, particularly the housing crisis.

Mr. Nolan: I wish to share my time with Deputies Power and Gallagher. I welcome the opportunity to speak on this motion tonight. It is one of a number of motions that have been tabled by the Opposition over the lifetime of this Dáil.

No punches have landed on the Government on the housing issue. This is due to the excellent stewardship of the economy by the Government since it returned to power in 1997. The public has

confidence in the economy and is prepared to invest substantially in buying homes. The Government, especially the Minister for Environment, Heritage and Local Government and his Minister of State with responsibility for housing, should be commended. The Minister and his predecessors must take a great deal of credit for the fact that last year almost 69,000 house units were completed. This year that figure will possibly exceed 70,000 units.

Several factors have contributed to this confidence: unemployment rates are low, employment is at an all time high with almost 500,000 more people at work than there were 14 or 15 years ago, interest rates are low and the mortgage market has never been so competitive. All the financial institutions are vying for business because they know it is good business. The risks that existed in the 1970s and 1980s are no more. There is a well-educated population employed in good permanent jobs where they are paid well and do not have too much difficulty repaying mortgages.

One area the Government had to tackle and which remains a problem is the supply of housing. Over the past two years however, there has been an increase in the number of units, houses and apartments being built which has begun to affect the annual increase in the cost of housing. This has tapered off to the point that we no longer see the increases of 15% and 20% which were evident in the mid to late 1990s. With the increase in supply of units, the increases should only be of the order of 3% and 4%.

I was interested to read in the past two days some economic commentators writing about continued confidence in the housing sector and that people are still prepared to buy. Last night, the Minister of State set out the reasons for the high cost of housing. We are only now starting to match the cost of living among our continental European neighbours. The high cost is due to a relatively low supply. It took us some time to gear up to the point where the construction industry could provide the quantity and quality of housing units required but the large demand exceeded the supply.

Housing supply continues to be a priority for the Government, but with more than 70,000 units to be completed this year, that difficulty has been addressed and it will be sorted when the Government's term is complete. There is criticism of local authorities, particularly in regard to the provision of land. Nobody can condone what happened in the past which is now under investigation at the tribunals sitting in Dublin Castle. If local authorities adopted a policy of making much more land available for building, that would reduce the cost of sites which contributes to the high cost of housing. Developers are slow to concede that more land should be zoned for housing but it is one solution

to the problem. The more land that is zoned for housing, the more competition there is for the construction industry. Healthy competition between landowners whose land is designated for residential development will bring market forces into play and reduce the cost of sites.

The increase in construction output also has a major part to play. The industry was never in such a healthy state. In the 1980s, the best of our tradesmen travelled to the United Kingdom, France and Germany for work and, in the early 1990s, many talented individuals who had trained and completed their apprenticeship here were forced to move overseas to work. They were pleased to return later and find good well-paid jobs here. Thankfully they remain here and we have a healthy, strong and stable construction industry. Long may it last.

There is healthy competition in the mortgage market which is good for those who decide to buy a home. Last week many of the financial institutions advertised rates that two or three years ago would have been regarded as uncompetitive. Had one suggested five years ago that rates today would be 2.5% or 3%, one would have been laughed out of court. The mortgage market is strong and a wide range of mortgage products are available. Competition between estate agents and the legal profession is also beneficial to those trying to enter the housing market. Estate agents now enter into negotiations with potential vendors to negotiate their fees and solicitors for the first time ever are prepared to negotiate their fees with clients. This is welcome and should be encouraged.

The Government must continue to introduce measures to boost supply because only by doing that can it maintain some hope of keeping the price increases for new houses at an acceptable level. Local authority output is also increasing and the Minister of State last night spoke of the number of new houses completed last year for local authorities. His allocation of capital funding this year also marks an increase. Local authorities have been the cornerstone of the provision of housing for those who are not in a position to buy their own homes. The quality and standard of local authority housing over the past ten to 15 years has improved greatly. A total of 13,000 housing units was provided last year and in the greater Dublin area. The housing output of Dublin City Council and the various local authorities has also increased at great cost to the authorities. This year the local authorities will build more houses than ever before.

The Government maintains a strong social housing programme, and affordable housing is one area in which more progress could be made. More than 9,500 householders have benefited from this and the shared ownership scheme since January 1999. The supply of affordable housing is being boosted by the implementation of the

provisions of part 4 of the Planning and Development Act 2000. While this part of the Act was slow to be implemented because developers did not want to encourage it, for obvious reasons, it is now falling into place because the land which was available to developers has been exhausted and they must now apply to local authorities which can avail of this Part IV provision.

The private rental sector has been the subject of much criticism in the House, especially during Private Member's debates in recent years, but it did play a crucial role until now in the provision of houses for people who for different reasons could not afford to buy a home. The legislation that was introduced over the years underpinned the regulation of that sector. We have all heard of various wrongdoings by individual landlords. I hope tenants will have more protection because of the legislation now in place.

The Government has spent a great deal of money on the provision of funding for the homeless. This is a difficult and sensitive area because of the social and financial difficulties in which those people find themselves. Departments are sensitive to their needs. I pay tribute to the Society of St. Vincent de Paul for its work in this regard. With the assistance of the Department of Health and Children, the Department of Social and Family Affairs and the voluntary efforts of many people, it has provided accommodation for many homeless people.

Traveller accommodation is another area of which the Government is conscious. A great deal of funding has been provided to local authorities to upgrade the standard of Traveller accommodation, especially in the past five years. Figures from the end of 2003 indicate that the number of families on unauthorised roadside sites, which we have all seen, was less than 800 compared to 1,207 at the end of 1999.

I commend the Government on its work. It is not an easy area but the record of the Government is there for all to see. I am confident that under the stewardship of the Taoiseach, the Minister for the Environment, Heritage and Local Government and the Minister of State at that Department with special responsibility for housing, Deputy Noel Ahern, we will continue to see progress in this regard.

Mr. S. Power: I wish to share time with the Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Gallagher.

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

Mr. S. Power: Since I first came to the House I have paid particular attention to Private Members' business. The Opposition always tries to paint the scenario of the barrel being half empty and the Government alleges it is half full.

[Mr. S. Power.]

It is no different as we discuss the important issue of housing.

The Labour Party motion calls for the implementation of the report of the All-Party Committee on the Constitution in regard to building land, the doubling of the production of social housing, the reversal of the cuts in rent allowance and the introduction of legislation to protect the consumer rights of home buyers, in addition to other areas.

Reading the motion, one could be forgiven for believing that nothing has been done. The reality is that much has been achieved. Few issues have received a similar level of attention from the Government as housing. The Minister of State outlined many of the Government's achievements in this regard in recent years. This is the ninth successive year of record housing completions. Last year over 68,000 units were completed and the indications are this figure will be surpassed this year.

Tremendous growth has been evident in the housing sector since the early 1990s and indications suggest this will continue. Most people find the rate of house price increase worrying. While it is still a concern, the matter is not as serious as it was in the previous decade. However, I accept that people in well-paid jobs are finding it increasingly difficult to get on the housing ladder.

Mr. F. McGrath: They cannot buy houses.

Mr. S. Power: That is not an acceptable situation and the Government is keen to address it. A problem exists in that regard despite the efforts of the Government. It is our policy to increase housing supply to the level where it meets demand and to address the problem of affordability. There appears to be a greater emphasis in Ireland than elsewhere on owning one's own home rather than renting. Some people have found it almost impossible to buy a home and it still remains a dream for them.

We must examine the factors that have brought about this situation. We have witnessed a major boom in the economy in recent years. More people have been working and in better-paid jobs. Inflation has also been low for many years which provides an opportunity for people to get involved in the housing market for the first time. The rate of house price increase has been more evident in Dublin than elsewhere in the country. Many people in Dublin have sold their houses and moved to neighbouring counties. In many cases, they moved to larger properties and still have money in their back pockets. They probably also have a better quality of life. Decentralisation has already begun and we look forward to it continuing in the coming years.

The Minister of State indicated he had asked local authorities to draw up a five year action plan to deal with the housing problem. Some authorities have been pro-active in dealing with the matter while others have not done so to the same extent. It is important the Minister would deal with those local authorities that have a duty and responsibility to deal with the matter in a responsible fashion.

Part V of the Planning and Development Act 2000 was introduced with great fanfare. We were promised it would solve many of our problems. Developers were reluctant to get involved in the early stages but the Minister dealt with the issue. I would expect to see a significant increase in the number of houses being made available under Part V in the coming years.

We cannot be happy with the waiting lists for local authority housing. Many local authorities are failing to make significant inroads into it and this must be addressed. It is difficult to understand the reason for this at a time when we have a boom in the economy and significant revenue at our disposal. I look forward to a significant change taking place in that regard.

The Oireachtas Joint Committee on the Environment, Heritage and Local Government decided to examine the issue of homelessness. On Tuesday, 25 May 2004 we invited people working at the coalface of this problem to come before the committee. They gave us the benefit of their experience and explained how they would like to see the matter dealt with. Everyone who came before us was extremely complimentary about the success in recent years. Since the launch of the homeless strategy in 2000, considerable progress has been made in providing accommodation throughout the country. That is a welcome development.

There is one matter which requires examination, namely, the length of time it takes local authorities to reallocate houses when the keys are returned. One can drive anywhere in the country and one will see local authority houses lying vacant. In many instances, they require little or no renovation. That is a shame, particularly at a time where there are long queues of people waiting to take up local authority houses. It is unnecessary that these houses are left vacant for so long. I ask the Minister of State to ensure that this matter is examined.

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): The priority afforded by the Government to housing is clear. Last evening, my colleague, the Minister of State with responsibility for housing and urban renewal, Deputy Noel Ahern, outlined what is by any standards a remarkable record of achievement on the part of the Government in respect of housing and the effectiveness of our approach. It must

have made dismal listening for the Labour Party and exposed the shallowness of its housing policies and its motivation for bringing forward the motion at this time.

The Government has a clear and comprehensive housing strategy which is designed to increase housing supply, improve access to housing for lower income groups and improve the housing conditions of local authority tenants and other key groups such as the elderly, homeless persons and the disabled. Nothing that has emanated from the other side of the House has discredited this fact. We must take it, therefore, that Labour, in bringing forward this motion, wants us to reverse our policies, which have yielded record levels of housing output.

The Government is delivering record levels of housing output. We have set a record for each year in Government. In 1993, 21,391 houses were delivered. A little over a decade later, we have trebled that output, with 68,819 units completed last year.

Mr. McCormack: It trebled the price of houses.

Mr. Gallagher: We need to continue to increase supply to ensure that our young population can aspire to home ownership or seek rented accommodation, whether in the private or social housing sector. Increasing supply is and must remain the main objective of the Government's housing strategy.

Mr. McCormack: Who wrote the Minister of State's script?

Mr. Gallagher: Mar a dúirt mé go minic anseo, tá an fhírinne searbh.

I acknowledge that for some people home ownership has become more difficult. That is why the Government places great emphasis on increasing output under affordable housing measures. The affordability of the housing provided is the key. Factors such as increases in disposable incomes, low mortgage interest rates, favourable taxation rates and, above all, increased housing supply, including affordable housing, have provided the opportunity for many young families to obtain homes of their own.

We have continued to develop the range of responses to housing need. The significant progress made on the delivery of affordable housing is an important part of this response. It recognises that, with a small amount of assistance, many people can purchase a home of their own. Since January 1999, 9,600 households have benefited under the affordable housing and shared ownership schemes.

We have also expanded the range of delivery mechanisms for the provision of affordable and social housing. Most significant in this context is the successful implementation of Part V of the Planning and Development Act 2000, as

amended. In 2003, over 160 units were acquired under Part V with momentum building up all the time. There are nearly 1,900 units under construction or proposed on foot of Part V agreements. This level of activity should result in a further significant increase in output in 2004.

The Sustaining Progress affordable housing initiative is a critical element of the Government's elaboration of approaches to deal with the full spectrum of housing need. The Government's decisions in July and December 2003 to release State lands to the initiative will ensure, together with affordable housing coming on-stream through Part V arrangements, that progress will be made quickly on the delivery of affordable housing on the ground. This initiative is a priority for the Government and we will continue to work to accelerate projects to boost the supply of affordable housing in the market in the coming years.

It is worth repeating that the total provision for housing in 2004 is €1.884 billion, representing an increase of 5.4% on the 2003 provision. The increase in the housing provision will allow for 5,000 starts under the main local authority programme, an increase of 500 above 2003 levels, and a further 500 commencements under area regeneration programmes in 2004.

The Government has recognised the unique contribution that the voluntary and co-operative housing sector can make to providing housing for low and middle-income households and special needs groups. It is expected that the sector will provide 1,800 units of accommodation in 2004. Many of the housing units being provided by local authorities and voluntary and co-operative bodies in 2004 will be let to persons with special needs and persons on low incomes. The combination of social housing measures, including the shared ownership scheme, affordable housing schemes, voluntary housing and the traditional construction programme will meet the needs of 13,000 households in 2004.

The Minister of State with responsibility for housing and urban renewal, Deputy Noel Ahern, outlined the major advances the Government has made in tackling the issue of homelessness. Record levels of funding and the necessary organisational arrangements to ensure that homelessness is tackled in an integrated manner match our commitment in this respect.

I reiterate that the Government's response to overall housing needs is credible, comprehensive, well funded and, above all, working. These are the simple facts and there is nothing the Opposition has said during this debate that has taken any of the gloss off the Government's achievements in delivering on its commitments in this key area of national policy.

I will bring to the attention of the Minister of State, Deputy Noel Ahern, the point raised by Deputy Seán Power in respect of ensuring that

[Mr. Gallagher.]

houses that become vacant are allocated as quickly as possible. I accept that this is a matter for local authorities but I will raise it with the Minister of State.

Mr. F. McGrath: I wish to share time with Deputies Connolly, Cowley, Cuffe and Crowe.

I welcome the opportunity to speak on this important motion which deals with the housing crisis. The first thing members of the Government must do is take their heads out of the sand and accept that there is a major housing crisis and that not enough is being done to assist young people. That is the position in the real world. I do not know what planet the Minister of State is living on but we have a major housing crisis and there are in excess of 50,000 people on local authority waiting lists.

Politicians from the major parties mainly represent the wider interests of those parties and various other vested interests rather than the well-being of the people who elect them. All too often the opinions and needs of local communities are ignored and pushed aside, particularly in respect of planning developments, with the consultation process provided only as window dressing.

Dublin has been increasingly neglected by successive Governments in recent years, with local authorities being underfunded. Young families are being forced out of their own city due to spiralling property prices, the abolition of the first-time buyer's grant and the shortage of housing stock. That is what is happening in reality and these are the issues the Minister of State must confront. Something must be done about housing. At a minimum, 10,000 additional affordable houses and more local authority houses must be provided and legislation to protect the consumer rights of house buyers must be introduced.

As regards the cost of building land and the activities of the rip-off merchants, what is required is the full implementation of the report of the All-Party Oireachtas Committee on the Constitution with a view to making housing affordable. We also need to introduce a housing benefit. In addition, we must have the total implementation of the integrated strategy on homelessness. We need to double our local authority construction programmes. In poorer times in the 1930s, 1940s and 1950s we built more local authority houses for our people. The Government's record on housing is simply not up to scratch.

The fact that Ireland has a housing crisis is well established. However, the fact that people with disabilities are caught up in this crisis is scantily appreciated. I put forward four simple ideas to assist people with disabilities in respect of housing. First, the Departments of the

Environment, Heritage and Local Government and Health and Children must develop a national accommodation and support strategy for people with disabilities. Second, local authorities must increase the disabled person's grant to cover 100% of the actual cost of approved building work in line with the recommendation of the Commission on the Status of People with Disabilities. Third, individual local authority review measures must be scrapped and a national standardised process developed. Fourth, local authorities must work with voluntary and State agencies and with representatives from local communities to help integrate housing for people with disabilities.

These constructive proposals are the issues in this debate. I urge all Members to support the motion and do something practical for the over 50,000 people waiting for a home. I urge them to do something constructive for our young people who cannot afford a home in their area. Then and only then can we truly say we are sharing the wealth of this healthy, vibrant country. I urge all Deputies to support the motion.

Mr. Connolly: I am delighted to have this opportunity to speak on this motion. From the day it assumed office, this Government has shown itself to be more than lax in the provision of social and affordable housing. In 2002, it embarked on a con job *par excellence* in committing the Government to the provision of 10,000 additional affordable houses.

Earlier tonight I heard a Deputy on the Government side of the House talk about the number of houses that were built. He has missed the point. Tonight's debate is about social and affordable housing. The Minister of State spoke earlier about putting a gloss on issues and that is what the Government has been doing for some time. It is more concerned about the gloss it can put on every issue than anything else. Tonight the issue is housing and the Government is concerned about the picture it can paint or the type of gloss it can put on the issue. The Minister of State's words were so apt because that is how the Government has behaved.

Two years since the promises were made, the slogan "A lot done" rings hollow in the ear for many people. There is a lot more to do in regard to housing as many houses have not yet been started. There are over 50,000 families on the combined local authority housing lists throughout the country. It does not appear to have registered with the Government that we have, effectively, a housing emergency. I do not know how else anybody could describe it, taking into consideration the volume of people on the waiting lists.

The building of 6,000 units per annum barely keeps pace with the number of people going onto lists. We can only describe the lists as a catalogue

of human misery. Those families currently on the bottom of the list may never get to the top of the list. Even after 20 years waiting on the list, it is possible they may never be housed.

The gap between those who can and those who cannot afford housing is growing constantly. One only has to drive around the country to see the big houses being built, yet the list of people waiting for houses is also growing. In the Government cutbacks, which the Government refused to acknowledge as cuts, the local authority housing budget was cut by 16%. When we take inflation into consideration, this amounts to almost 20%. Will a full-scale assault ever be made on the apparently endless housing lists?

Some Deputies have spoken about the report of the All-Party Committee on the Constitution with regard to building land. The report concluded that constitutional considerations were not an obstacle to the question of providing affordable land to local authorities for the purpose of providing affordable housing. Its recommendations have been met with typical inaction on the part of the Government. It is adding to the woes of the people. The first-time buyer's grant of €4,500 has been abolished and in addition there is an €8,000 levy. The typical first-time buyer is now charged an extra €12,500. This puts extra strain on the resources of young people and forces them onto waiting lists. We now have a situation where parents must remortgage in order to plug that gap and get their children on the housing ladder.

Dr. Cowley: Everybody would agree that people should have a right to housing. This Government strives to ensure that internationally. However, charity begins at home. Housing is not a question of charity but of justice and equality. Anyone involved in politics sees an endless succession of people in constituency offices, particularly single people with absolutely no hope, looking for accommodation. As soon as there is rumour of allocation of a development, an avalanche of people seek the same few houses. This is demoralising for people. When we look at the volume of output in the building sector and the acres of housing and realise how large the waiting lists are, we must ask what kind of society we have that it tolerates a situation where private enterprise rules the day and people's real needs are not adequately addressed.

The Minister of State said he realises the value of voluntary housing. The provision of social housing is housing with a heart, particularly housing provided by voluntary community groups which become involved in setting up housing associations. Housing with a heart is housing in the community for the community. I have personal experience of this. It allows people to stay in their community. Infrastructure is what people need in their community. If there are no

services in an area people will leave the area. However, if the infrastructure is provided to allow people to stay in their community, they will stay.

For example, our St. Brendan's Village in Mulranny is the biggest local employer and employs 65 people. These people would otherwise have to leave the area. Some people come from surrounding areas to work in St. Brendan's Village. This shows how infrastructure can be a powerful economic regenerator in an area. People in such an area will stay in the area, visit the doctor in the area, use the local shop, etc. Regeneration is all about retaining services and infrastructure and can be a result of voluntary housing, which demonstrates its value.

There are problems with the availability of land which should be addressed. Provision has been made for some State land for affordable housing under Sustaining Progress. Social housing must be part of the equation also. If there is not enough building land houses cannot be built. The budget for the targeted number of units is inadequate. How can we reach the target if we do not have an adequate budget?

Mr. Crowe: I will probably repeat the points made by other speakers. However, it is important that we make these points. There is a housing crisis and people need to wake up to that. For every decade since the foundation of the State there has been a housing crisis.

One speaker said the crisis was due to the slowness in the handing over of houses at council level. That affects only a handful of houses. The crisis we are talking about affects between 48,000 and 50,000 families, yet he spoke about the turnover of five or six houses in each local authority area as if a faster turnover would resolve the problem.

The difficulty is that the housing problem is not a Government priority and nobody at Cabinet level is concerned about it. It is an indictment of the Minister with responsibility for housing that he is not here tonight. He always passes the issue to his junior Minister as if it is not a problem. People must ask why housing is not a priority for the Government. We were given figures stating 6,000 housing units were built. How will that affect the 48,000 people on the housing list?

All the figures suggest the lists get longer each year and that they are not getting any shorter. That is the problem that needs to be addressed. If we do not wake up to the fact there is a crisis, the crisis will continue. Other Ministers have said there is no gap between rich and poor. The reality is, as anybody dealing with poverty can tell us, the crisis exists. Why has this Government failed to make housing a priority when every elected representative in the House knows there is a problem? Any Member who holds a clinic knows

[Mr. Crowe.]

people turn up each week to ask about their chances of getting a house or a home.

I attended a Simon Community press conference early this week at which the society spoke about the homeless in this city. It said that of the 400 single people it had on its housing list, many of whom are in transitional accommodation, not one was accommodated by the local authority in the past year. Not one person has moved on. Giving people a chance to move on with their lives is supposed to be part of the policy of dealing with the problem of homelessness. The Government has not addressed this. Many local authorities will not house single people because they do not consider they have a duty of care in that respect. The Minister does not even know the number of people who are homeless in his city.

The Government has introduced measures to tackle housing. It implemented a cap on rent allowance. It introduced a measure where people could apply to community welfare officers for finance for the payment of rent for rented accommodation. These are two major measures but, rather than impacting on developers, speculators and others at the top of the scale, they impact on the poor in society.

The way to address the need for social housing is to provide more social housing. The numbers of such houses built suggest that this issue is not on the Government's priority list. We must ask why. The approach is to let the market decide and it will sort out the housing problem, but everyone knows it has not done so. The Government must address it.

I attended a disability conference at which some people said it was great that the Government has a policy on the provision of affordable housing. However, one
8 o'clock speaker said that access to an affordable house was a million miles from where that speaker was sitting in a wheelchair and dependent on disability and other social welfare benefits.

The Government must wake up to the realisation that there is a housing crisis and that it must be dealt with. The way to do that is to increase supply.

Mr. Cuffe: Anyone would think from the contribution of Members on the Government benches earlier that the Government cared deeply about providing social, local authority and affordable housing. However, that is not the case. The people calling the tune in Fianna Fáil are those developers and builders who profit from the rapid increase in house prices. On the inside of the front cover of the volume prepared to commemorate the 75th anniversary of Fianna Fáil one sees advertisements from Dunloe Ewart, a house builder, and on the side of the back cover, there are advertisements from Treasury Holdings, another house builder. That almost

umbilical link between Fianna Fáil and the development lobby must end. Until that happens we will not see a strong or real commitment from Fianna Fáil to providing affordable, social and local authority housing.

At the end of that volume to commemorate 75 years of Fianna Fáil, a rhetorical question is asked. As the unfettered power of 21st century consumerism, devoid of any social conscience or value beyond credit references, seeks global dominance, Ireland faces a truly uncertain future. Can even the practice of politics compete with the allure of branding and the power of the market? I would like to answer that question. If it is left to the politics of Fianna Fáil, the answer is "no", the market will decide.

The wisdom of Fianna Fáil was displayed earlier when speakers said that we need to rezone more land. For God's sake, they need to get real and realise that we must build more houses for people who cannot afford them rather than cave in to the stupid rhetoric of developers who think that zoning more land is the answer. We need to build more local authority and social housing and give more funding to the voluntary housing agencies to enable them to provide more housing. Fianna Fáil has clawed back on the many of the real advances made in recent years. It left Part V of the Planning and Development Act 2000 in shreds. It pulled it apart and left it on the floor. That facilitated developers but not people seeking housing. That appalling retrograde step was a dark day in Fianna Fáil's commitment to social housing.

The retrograde measures in regard to rent supplement have done the same. We were given a real example at a meeting of the Joint Committee on the Environment and Local Government yesterday of a person with a crisis pregnancy who might move to Dublin. Were she to do so, she would not be able to claim rent supplement until she would be resident here for six months. That is one of the hard cases that must be addressed. The Minister, Deputy Coughlan, has not addressed those cases in the regulations. There are exceptional cases, but the case I outlined is a common one that should be catered for in legislation. Despite this the Government has failed to do that. It has been moving in the wrong direction regarding housing. The output of local authority housing units has fallen behind what was achieved in much less prosperous times.

The Green Party believes that a few other measures are necessary. We need to restore the original provisions of Part V of the Planning and Development Act 2000 which were filleted by the Government, but there are also other measures. The All-Party Oireachtas Committee on the Constitution made excellent recommendations regarding the taxation of development land. The Minister responsible should implement them rather than wait until another generation is barred from the housing market as a result of the increase in house prices. The tax burden should

be changed from labour to smarter taxes on the site value of land. That measure in itself would increase affordability of measures.

The Central Bank should be instructed to draw up new guidelines for the lending institutions limiting the amount of money they can lend for house purchases. Things are fine and rosy when times are good, but if interest rates increase, many young people and couples will be left in a dangerous financial position. The Minister has the power and can use it to instruct the Central Bank in this regard.

The Minister could promote environmentally sensitive techniques for building through the building regulations and the planning Acts, yet we do not see much sign of that coming on stream. We want the Minister to ensure that 10,000 social housing units are built every year until the waiting lists are clear. Unless he can deliver on the kinds of promises his party made and that he inserted in the national development plan, we cannot take for real the commitment he pretends to be making towards delivering on housing.

We must get delivery in this regard from the Government. We must restore the decent measures that were taken out of the Planning and Development Act and we must ensure that more housing units are delivered in the right places to ensure that future generations benefit.

Mr. Sherlock: I wish to share my time with Deputy Burton.

An Ceann Comhairle: That is agreed.

Mr. Sherlock: There is a housing crisis. If the contents of this motion were implemented, it would solve that problem. There is nothing in the amendment to the motion to give us any confidence in that regard. Housing is a necessity and houses must be provided by the local authorities to give people the security of having their own home.

In my town of Mallow, some 300 people are on the housing waiting list. In the north Cork electoral area, there are 1,200 applicants for local authority housing. The delay in allocating houses is due to the lack of finance by the local authority to repair houses. The cost of providing affordable housing was increased as a result of development charges, known as levies, adopted by the councils. These charges have added to the cost of houses and put affordable houses, beyond the reach of people who should have been able to purchase them. That happened in the north Cork area and I speak about what I know to be factual in that area.

The serviced sites initiative introduced some years ago was a great incentive. Local authorities purchased lands developed the services on sites and then leased them, but that is not happening any more.

It is not right that families should have to live in over-crowded conditions in their parents'

homes. Such arrangements, which are creating social problems, are necessary mainly because of the decrease in rent allowance. The cutbacks were outrageous, especially at a time when there is such a shortage of housing. Is it right that parents should have to remortgage their homes to help their children?

The disabled person's and essential repairs grants were suspended for 12 months in the north Cork area and the new house grant was abolished. I assume such major issues will be dealt with if the motion before the House is adopted. I hope it will be accepted.

Ms Burton: While the tribunals continue to proceed at a snail's pace, unfortunately fortunes continue to be made at the stroke of a pen. I refer to the pens of those on local authorities who are charged with authorising rezoning. Recent meetings of Fingal County Council have seen an orgy of attempted rezoning of areas of Dublin 15 by the usual rezoning alliance of Fianna Fáil, some Fine Gael councillors and some independent councillors. They are not exerting themselves on behalf of young couples who want to buy a house at an affordable price, but on behalf of the cartel of multi-millionaire builders who control the bulk of the building land in the Fingal area, particularly Dublin 15. I believe that such people have similar holdings elsewhere in the greater Dublin area and in other parts of Leinster.

A respected building economist wrote last year that certain builders are in line to make windfall gains of €300 million in respect of land holdings in north and west Dublin. Recent indications show that he may have significantly underestimated the profits to be made by speculative developers. A young person buying a modest house in the greater Dublin area will pay between €80,000 and €130,000 for the site alone. I refer to a modest property in a housing estate and not to a house on a significant amount of land. The large profit will go to the landowner or the builder-developer. Very little of it is taxed, in effect, as much of the land dealing is based on the principle of option selling. When I raised this phenomenon with the Taoiseach more than a year ago, he acknowledged that it is a major problem in dealing with land speculation. He has done nothing so far, however, to address the scandalous cost of building land and its implications for ordinary house prices.

Communities are being deprived of proper infrastructure, such as schools, community centres, playing fields and public transport because of grotesque speculation on building land, particularly in the greater Dublin area. Communities are regularly held to ransom by builder-developers who offer them a small patch of land for a football pitch if they agree to the construction of another couple of thousand houses in a greenbelt area.

I contrast the role of those who invest in new housing estates with that of owner-occupiers.

[Ms Burton.]

Builders, developers and investors purchase large numbers of properties in many estates in Dublin 15. Such properties are being let in some cases to highly transient tenants who have little involvement in the development of the local community. Friction and misunderstanding can arise between owner-occupiers and those who are renting because there is little or no regulation of private tenants or landlords. I do not blame those who are renting for such friction. There is “good neighbour” legislation in many countries, including the UK. Landlords are obliged to be properly registered and to look after their properties to a decent standard.

As the Labour Party leader on Fingal County Council, I fought successfully after the 1999 local elections to put in place a significant programme of affordable housing in the area. The 20% affordable housing requirement helped to produce large numbers of fine homes for families on lower incomes in the Fingal area. The abandonment by Fianna Fáil and the Progressive Democrats of the 20% quota must be one of the most reactionary steps undertaken by any Government. Many families that are languishing on council housing lists with little hope of being housed in the next two or four years are paying the price. The reintroduction of a proper affordable housing scheme would take about 50% of such families off the housing list. Who would suffer in such circumstances, other than developers and landowners whose margins on land speculation would be reduced? We are familiar with those to whom Fianna Fáil owes its primary allegiance nowadays.

Mr. M. Higgins: I would like to share my time with Deputy Rabbitte.

An Ceann Comhairle: Is that agreed? Agreed.

Mr. M. Higgins: I welcome the opportunity to discuss this important issue. Several speakers have asserted that it is important that we recognise that there is a housing crisis. How could it be denied? The Minister and the Minister of State have stressed that approximately 70,000 houses were finished last year. That just 4,500 of the houses, approximately, were provided as public housing, however, tells its own story.

I stress a few important basic principles in the short time available to me. Soon the public will have to decide who they want to support and the Government will have to decide which horse it wants to ride. Ní féidir an dá thrá a fhreastal. If we continue as we are, we will make it impossible for the average couple ever to own a house. Over 30% of people in this country are unlikely to be able to provide a home from their own resources. The relevant figure for Dublin is over 50%. Paragraph 1.22 of the Galway city development plan suggests that the relevant figure for that city is 54%. To what kind of country do we want to belong? Do we want to belong to a republic in

which people have basic rights, including the right to shelter, the right to housing and the right to education? Alternatively, do we want to belong to some kind of speculative cesspool, with many social poisons?

The housing crisis, which is being denied by the Government, has torn the heart from our economy and, more importantly, our society. Its consequences will be extremely dangerous. People must ask themselves certain questions. How much of one's income should one spend on providing one's housing? How much of both incomes should a couple spend on housing? How much of one's life should one spend paying a mortgage on a totally inflated and speculatively priced house? If one does the basic calculations, one will realise that we are not living in a republic with any of the rights I have mentioned, we are living as mortgage slaves.

People in my city who owned two or three houses five or six years ago are now proud to own more than a dozen houses — some people may own up to 20 houses. As this problem developed, the Government's taxation attitude was to leave untouched the issue of speculative land prices. When one thinks about the cost of a house, one should consider the building costs and the cost of a site. A house that was bought for £97,000 a few years ago may now be worth €300,000. One third of the cost of a house relates to the site costs, which are purely, openly and speculatively established.

The political issue which should be decided on by the Legislature is whether this is an issue for the market or for policy. Sadly, the Government has been captured by the thinking of the Progressive Democrats. It considers that the right to property should take precedence over the right to housing. If we continue to abandon housing to an unchecked and unregulated market, we will drive more people into a limited existence. I do not refer only to the inability of such people to buy a house. Their problems affect the lives of their children and the strength of communities. Many parents who are rearing children do not have a choice about their domestic arrangements. Both of them have to work, not to satisfy the cost of a house, but to satisfy the income of speculators who have been assisted through capital gains tax and who can recycle rental income that is practically tax free to purchase more and more speculative properties. It is outrageous.

Is it a matter of pride that, at a time when the economy was at its most successful, we were building half the number of public sector houses built during the 1980s? In the mid-1980s we were building approximately 8,000 local authority houses per annum. According to the Minister of State's figures, which I accept, it is expected that next year the figure will rise by 500 to reach 5,000 houses, which is half what was being constructed in the 1980s. Let us get real and examine the housing waiting list which, according to the Government, stands at 48,150. The figure could

more accurately be put at 60,000. Of that figure, how many are below the income level for affordable housing? How many are on social welfare and how many have any prospect of ever having a house? On the west side of Galway city, where I live, the waiting time for a council house is between six and a half and eight years, according to the local authority. On the north and east sides of the city the delay is from three and a half to four years.

Will the Government address the cost of building land and the unbridled right of speculators to milk the public for every penny in a blood-letting fashion? It is so like the 19th century when we got rid of the landlords, and a new kind of grazer crept in who in turn provoked a confrontation at the end of that century. We are creating a new landlordism in a country that has the name of being a republic.

Our practical proposals set an agenda for action, namely, to implement the recommendations of the all-party report on the price of building land. The Government should make a commitment to double the supply of local authority houses. The concept of affordable housing only has meaning when one examines the proportion of real income one must spend on providing shelter. Those of us in trade unions should bear in mind the Government's broken commitment to the trade union movement to provide 10,000 houses for which not a single brick has been laid.

Local authority candidates are currently swarming around the country like ants saying, "It has nothing to do with us", but it has everything to do with them. Voters should ask Fianna Fáil and Progressive Democrats candidates and canvassers why they voted down the Labour Party's Bill on building land? Why did they vote down our constitutional amendment Bill on the right to shelter? Why did they look after the landlords when we had the private rental commission and failed for four years to produce legislation to protect tenants?

When one mentions prices the Government candidates will say, "But hasn't everything gone up?" 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 construction. We know where the problem is so we must now choose social, affordable and well-planned housing, as well as the right to live in secure estates. These are matters of public policy. As the Government now acknowledges, there is no constitutional impediment standing in the way of implementing the report on building land, so it should do so. The Government should not, however, describe as a matter of pride the fact that the total amount of housing completions has increased to nearly 70,000, when about half of what we were providing in the 1980s is going to those who cannot afford a house.

What are the consequences of living in a society where, taking rural and urban figures

together, one new family in three will never be able to afford a house from their own resources? Half of those in Dublin city will never be able to buy a home. In Galway, according to the local authority's five-year housing strategy figures, 54% cannot expect to purchase a house. The public must now choose between those who would abandon the solution to the marketplace, which in effect is making it worse, and those who seek constitutional, legislative and financial measures to end the housing crisis.

Mr. Rabbitte: The most depressing aspect of this debate is the complacency on the Government benches. The Government seems to have a genuine difficulty in grasping the fact that we have a housing crisis and that spiralling house prices could lead to a serious economic collapse. The latter point could ultimately prove to be the more important one. If one lives by the conventional laws of economics, as those on the Government benches do, one must accept that there is no example in the world where such constant house price rises have not caused grief. Every time there has been the vaguest suggestion by the Taoiseach that he might consider doing something about it, a new economist appears to tell us that prices are levelling off.

For the past three or four years we have been hearing that the house price spiral has ended, but it is not true. The morning newspapers provide a good idea of why that is so. One must examine the vested interests in maintaining the impetus behind the never-ending spiral of price increases. The big five auctioneers have a vested interest in keeping it going. The newspaper proprietors also have a vested interest because they get wadges of advertising from it, and so the spiral goes on. Pieces of flummery in the newspapers offer great value at indicative prices that we know are nonsensical when it comes to purchasing a home.

Ever since the winter of 1992-93 we have had extraordinary growth in the economy. Initially it was jobless growth and then there was serious growth in employment. Since this problem began to manifest itself towards the end of the 1990s, however, absolutely nothing has been done to intervene and we could yet pay a heavy price for it. Even those who were so complacent on the Government benches have admitted that owning one's own home is now beyond the reach of most young people. With a joint income of less than €100,000 a young couple has no prospect of owning a modest home in this city. It is not too different elsewhere either. As my colleague, Deputy Michael D. Higgins, said, 50% of new families will not be able to own their own home in this city, while the national figure is 33%. That is the kind of crisis we are facing.

Why does it cost €100,000 to build a house, but €300,000 to buy one? What is the answer to that question?

Mr. McCormack: Government tax.

Mr. Rabbitte: Where is the difference going? I am greatly amused by the fact that the Minister of State, Deputy Noel Ahern, who is present in the House, and the Taoiseach, have promised to carry out yet another study — anything but take action — to discover who owns the land in Fingal. I do not want to be too facetious, but if the Taoiseach asked Deputy Fleming to examine the accounts in Mount Street, he would be able to say who owns the land in Fingal. If the Minister of State asked any of his councillors in Fingal they would tell him who owns the land, right down to the last field. Mr. Jerome Casey did a study on it and has shown who owns the land in Fingal, so how many more studies do we need?

For a couple of years the Taoiseach muttered into his tie, saying he felt there was a constitutional impediment to addressing the price of building land. Since the Government did not

want to deal with the problem, it referred the matter to an all-party committee. When the Government wants to get a short-term advantage from an election it runs a referendum immediately without debate or reference to an all-party committee. However the all-party committee bore out the Labour Party submission that there is no constitutional impediment in regard to property rights. If the Minister of State wants to intervene to stabilise the situation in terms of the cost of building land, he can do so.

We do not seek for the bottom to fall out of the market or for negative equity to take effect. Rather, we seek to stabilise the price of housing so that ordinary people can again aspire to owning their own homes and the speculators, who have been running riot for nearly ten years, can be arrested in terms of the enormous profits they have been making.

Amendment put.

The Dáil divided: Tá, 56; Níl, 43.

Tá

Ahern, Dermot.
Ahern, Michael.
Ahern, Noel.
Ardagh, Seán.
Brady, Johnny.
Brady, Martin.
Callanan, Joe.
Carey, Pat.
Carty, John.
Collins, Michael.
Cooper-Flynn, Beverley.
Coughlan, Mary.
Cregan, John.
Curran, John.
Davern, Noel.
de Valera, Síle.
Dempsey, Noel.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Fleming, Seán.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Hanafin, Mary.
Haughey, Seán.
Hoctor, Máire.
Jacob, Joe.

Keaveney, Cecilia.
Kelleher, Billy.
Killeen, Tony.
Kitt, Tom.
Lenihan, Brian.
McDowell, Michael.
McEllistrim, Thomas.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M. J.
Ó Fearghaíl, Seán.
O'Connor, Charlie.
O'Keeffe, Batt.
O'Keeffe, Ned.
O'Malley, Fiona.
O'Malley, Tim.
Power, Peter.
Power, Seán.
Sexton, Mae.
Smith, Brendan.
Smith, Michael.
Treacy, Noel.
Wallace, Dan.
Wilkinson, Ollie.
Woods, Michael.
Wright, G. V.

Níl

Breen, Pat.
Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Connolly, Paudge.
Costello, Joe.
Crawford, Seymour.
Crowe, Seán.
Cuffe, Ciarán.
Durkan, Bernard J.
Enright, Olwyn.
Harkin, Marian.
Hayes, Tom.
Higgins, Michael D.
Hogan, Phil.
Howlin, Brendan.
Lynch, Kathleen.

McCormack, Padraic.
McGinley, Dinny.
McGrath, Finian.
McGrath, Paul.
McManus, Liz.
Mitchell, Olivia.
Murphy, Gerard.
Naughten, Denis.
Neville, Dan.
Noonan, Michael.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Keeffe, Jim.
O'Shea, Brian.
O'Sullivan, Jan.
Pattison, Seamus.
Penrose, Willie.

Níl—*continued*

Rabbitte, Pat.
Ryan, Seán.
Sargent, Trevor.
Sherlock, Joe.
Shortall, Róisín.

Stagg, Emmet.
Stanton, David.
Upton, Mary.
Wall, Jack.

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

Amendment declared carried.

Motion, as amended, put and declared carried.

Messages from Select Committees.

An Ceann Comhairle: The Select Committee on Justice, Equality, Defence and Women's Rights has completed its consideration of the Commissions of Investigation Bill 2003 and has made amendments thereto.

The Select Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs has completed its consideration of the following Estimate for the public service for the service of the year ending 31 December 2004: Vote 35.

Adjournment Debate.

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School Accommodation.

Ms Enright: I welcome the Minister of State, Deputy de Valera. I know she does not have direct responsibility for the school building programme and I regret the other Minister has left. Like me, he has had a long day here.

This is a very urgent issue. Gaelscoil Portlaoise was established in 1998 and was granted official recognition shortly afterwards. Since then it has been in a number of different locations, with ensuing problems. There are 30 junior infants enrolled for next September so it will have a total enrolment of 175 pupils. At one stage it was located in the prison officers' club but it is now located in the Portlaoise GAA Centre.

There is a problem with the provision of education at both primary and post-primary levels in Portlaoise town in general, with schools at both levels being overcrowded, unsuitable or in poor condition. I have put down parliamentary questions on this matter but I am constantly told that the schools will be considered in light of the McCarthy report, with which the Minister of State is probably familiar. It is famous in County Laois. The Minister told me yesterday that his officials are concentrating on the needs of national schools in the town and while I welcome that development, those involved in the post-primary sector do not feel those problems have been resolved. The Minister stated that there are adequate primary school places, but unfortunately I cannot judge that. I put down a

parliamentary question on this issue and the reply I received yesterday was that due to the resources required the Minister could not give me that information unless I specified exactly what I wanted.

It is clear that the provision for Gaelscoil Portlaoise is inadequate, and the situation is the same for Emo national school, which is down the road. The school sought development costs for a site at Midland Dairies 18 months ago and parents agreed to raise funds to defray some of the Department's costs. This site fell through because there was no decision from the Department even after planning permission was granted. Since August 2003 another application has been with the Department.

The school is currently housed in the GAA centre and while the GAA has been very obliging, the school is effectively operating in a licensed premises. The planning permission for this arrangement is temporary and ends in June, as does the lease. This is a very urgent issue. There is a proposal before Laois County Council next Monday which seeks to rezone land for housing and educational purposes, and naturally councillors are reluctant to rezone more houses unless there is sufficient educational provision to go along with them, which is a common-sense approach on their part. However, there have been no guarantees from the Department that temporary accommodation will be provided at this location at this time. They want to move to temporary accommodation on this site because they can be guaranteed it is for educational purposes and they will not be in a prison officers' club or a GAA centre.

A letter was given to the Minister. The developer has agreed to charge only what the GAA charges. Therefore, the cost to the Department will not impose any extra burden. Given that this is an extremely urgent matter I look forward to the Minister of State's reply. I cannot stress enough that this gaelscoil needs to have a guarantee in regard to temporary accommodation from September next. In the long term, like other schools in Portlaoise, it needs to know, aside from the McCarthy plans, what the Department's plans are for the provision of education in the town.

Minister of State at the Department of Education and Science (Miss de Valera): I thank the Deputy for raising this matter as it provides

[Miss de Valera.]

me with an opportunity to outline to this House the current position regarding plans for the long-term accommodation of Gaelscoil Portlaoise.

Gaelscoil Portlaoise was established with provisional recognition from the Department in September 1998 to cater for the demand in the Portlaoise area for primary education through the medium of Irish. The school was granted permanent recognition in September 2000. It has a current enrolment of 135 pupils and it has a staffing level of a principal and four classroom assistants.

The school is currently located in temporary accommodation on the grounds of Portlaoise GAA club and the Department grant-aids the rental costs of these premises to the tune of 95%. The lease on the GAA premises is due to expire at the end of the current school year. The Department's planning and building unit is currently examining a recent proposal submitted by Deputy Fleming on behalf of the school authorities to move the school to a site in the Kilminchy Road area on a temporary basis. By way of explaining the background to the development of a long-term plan for the provision of primary and post-primary school accommodation in the Portlaoise area, recently Dr. Tom McCarthy was appointed to assist in this process.

Following receipt of Dr. McCarthy's recommendations, it was decided that educational provision at post-primary level required to be addressed as a matter of urgency. As this has now been finalised, officials in the school planning section of the Department are examining educational provision at primary level with a view to establishing the best way forward. This will include an examination of the options for the long-term accommodation needs of Gaelscoil Portlaoise.

Dr. McCarthy's recommendations suggest that the long-term accommodation requirement for the school is likely to be eight classrooms. He also recommends a measure of reconfiguration of existing primary accommodation in Portlaoise. The outcome of such a reconfiguration could result in surplus accommodation becoming available which could be used to house the gaelscoil on a long-term basis. Discussions have been initiated with primary providers in Portlaoise on foot of Dr. McCarthy's recommendations to bring this matter forward.

I assure the House that the approach being taken by the Department in planning the provision of long-term primary infrastructure for Portlaoise is consistent with best planning practice. The Department is confident it will deliver state-of-the-art facilities based on a thorough assessment of the future educational needs of the area.

School Staffing.

Mr. P. Breen: I welcome the opportunity to speak on the Adjournment. I apologise for my colleague, Deputy James Breen, who was to speak on the matter with me. He had a medical appointment and, unfortunately, cannot be here.

I am delighted to have an opportunity to raise the issue that faces the principal and teachers and, more importantly, the students of Ennis community college. It concerns staffing levels at the college for the 2004-05 academic year in light of the fact that the Department of Education and Science insists on a reduction of six teachers.

Ennis community college provides comprehensive education in academic and vocational subjects for boys and girls from a catchment area of approximately ten miles. The college is non-denominational but provides the majority religious requirements. All Oireachtas Members were invited by the principal to a meeting on Monday last. I appreciate the Minister of State, Deputy de Valera, had an important previously arranged engagement in Cork and could not attend the meeting that evening. Concern was expressed regarding the proposed teacher losses, particularly resource teachers who are on contract and most likely to lose their jobs in the event of the reductions taking place this year.

Ennis community college has over 380 students and currently approximately 60 students attend the resource service. This figure does not include the 18 non-nationals who also attend resource services. During the past 30 years there has been a strong movement towards the integration of pupils with special needs in mainstream schools. The needs of Ennis students include specific, mild and general disability, emotional and behavioural difficulties, attention deficit hyperactivity disorder, speech and language disorders and various other syndromes. There is also a deaf unit in the school and many of the students need one-to-one attention. I can assure the Minister of State the three resource teachers do an excellent job, their reputation is second to none and they have achieved enormous success with the students. Therefore, the special needs department is needed in Ennis community college.

To be fair to all, the college authorities acknowledge there should be a staff reduction given that numbers have fallen in the college in recent years. The present staffing level is approximately 40. I understand three teaching staff are due to retire in the near future. What the college seeks is some breathing space over the next 12 months so the staff numbers can be reduced in an organised fashion rather than by the loss of six teachers at once. I understand from the college authorities that if this is to happen in September the special needs unit in the school

will be affected and we all know the effect this will have on students with special needs.

I ask the Minister for Education and Science, Deputy Noel Dempsey, and my constituency colleague, the Minister of State, Deputy de Valera, who has a special interest in the college, to make some arrangement to facilitate Ennis community college. If that means the provision of extra funding for the next 12 months to maintain the present staff numbers, and particularly the three resource teachers who do an excellent job for students with special needs, so be it.

Miss de Valera: The Minister for Education and Science, Deputy Noel Dempsey, regrets he cannot be present but has asked me to make a number of points on his behalf.

Ennis community college operates under County Clare Vocational Educational Committee. The Department approves an annual teacher allocation for each VEC based on the number of schools and the enrolment in the schools on 30 September of the previous year. The chief executive officer of the VEC allocates the teaching resources to the VEC schools from within the overall VEC allocation. The staffing schedule, outlining the allocation to County Clare VEC issued in February of this year. Requests for adjustments to the teacher allocation are considered by the Department of Education and Science in the areas of curricular, increased enrolment, special needs students, Traveller and non-national enrolment.

For the current school year County Clare VEC has allocated Ennis community college a principal teacher, deputy principal, 27.30 whole-time teacher equivalents, 2.5 lan Gaeilge posts, one disadvantaged area post, one guidance counsellor, one remedial teacher, 2.61 whole-time teachers in respect of special needs students, 2.33 whole-time teachers for a hearing impaired unit, one teacher for non-nationals and 1.43 whole-time teachers for Travellers. This allocation was based on the enrolment of 466 pupils on 30 September 2002.

For the upcoming school year County Clare VEC has allocated Ennis community college a principal teacher, 23.60 whole-time teacher equivalents, 4.64 whole-time teachers for lan Gaeilge and hearing impaired unit, one disadvantaged area post, one guidance counsellor and one remedial teacher. This allocation was based on an enrolment of 403 pupils on 30 September 2003. The request for adjustments to the teacher allocation based on special needs, Travellers and non-nationals in Ennis community college is currently under consideration in the Department and County Clare VEC will be notified of a decision in the near future.

An independent appeals board is in place to deal with appeals of a curricular nature made by schools or VECs. The criteria for such appeals

are set out in appendix 2 of the second level teacher allocations document 2004-05 issued to all VECs and which is also available on the Department's website. County Clare VEC has appealed to the independent committee and the decision on this appeal will be notified to the VEC in early June.

I thank the Deputy for raising the matter in this House.

Work Related Injuries.

Mr. Connolly: I welcome the opportunity to raise a no fault compensation scheme for people injured at work. Many people would be surprised to learn that one would have to go to court to establish the right to compensation for injuries sustained in the course of caring for an individual at work.

One may remember that two psychiatric nurses were almost killed in Portrane almost ten years ago. People would be surprised to learn that these nurses are still fighting for compensation through the courts for having almost lost their lives. Will it take a death at work before the Minister reacts? There is no sense of urgency in the Minister's response to the situation.

Assaults on health care staff are a common occurrence, from reception, to the accident and emergency department, the psychiatric unit, learning disability centres and in the community. The Health and Safety Authority recognises that psychiatric and accident and emergency nurses are in the high risk category for assault.

Different measures have been taken to reduce the level of assault, for example, security doors, alarms, camera system and lighting, but assaults still occur. As well as physical assaults, one may experience a verbal and or a minor assault, which is not reported. Only when somebody must take three days annual leave following an incident is it a notifiable assault and approximately 80 such incidents occur each year. We must take note and take appropriate action.

Health care staff must not accept that level of abuse, however it goes with the territory that there will be some form of physical and verbal abuse, not to mention aggressive behaviour. In an accident and emergency unit, people are in traumatic situations and they do not always act rationally when frustrated. This is a reason there will always be some incidents no matter what action one takes.

The Minister for Health and Children established a working group to introduce a no-fault compensation scheme. On 16 April 2003, he gave a commitment that the findings of the working group would be implemented. Its main objective was to draw up a no-fault compensation scheme for the nurses. The process has been completed and they agreed the compensation

[Mr. Connolly.]
 scheme would be introduced early in 2003. I am aware that the Minister for Health and Children had given a commitment to SIPTU and the Psychiatric Nurses Association, PNA, that it would be implemented, after he had sent it to other Departments. We are still waiting. That is grossly unacceptable. Negotiations have taken place with the Department of Finance, the Department of Health and Children and the Health Service Employers' Agency, HSEA, and the unions, but the scheme has not been delivered.

The Minister asked for a review of the no-fault element, which I think is just playing games. There is a system and every Department has been consulted and no action has resulted. It appears to be lost in the political system. The Minister has requested further consultation with Departments and that stand-off is not fair. The Minister gave a further commitment in March 2004 and we are still awaiting his response. Yesterday the National Joint Council of the Health Services met and agreed to defer the issue for a month. The Minister has been given a month from yesterday, to solve this issue. If it is not solved, we are facing a dispute to try to establish such a scheme. People are fighting their cases through the court, in one instance, where a life was almost lost, the battle is still ongoing after ten years. The only winners are the legal eagles. The taxpayers are footing the Bill. There are more taxpayers than legal eagles. I am on the safer side, numbers wise there. The injured party is losing as well.

Will the Minister treat this with the degree of urgency it deserves? The Minister has been given a month and I hope he will bring forward a no-faults compensation scheme in that time

Minister of State at the Department of Health and Children (Mr. B. Lenihan): I thank Deputy Connolly for raising this important issue and I am delighted to have the opportunity to respond to it.

The incidence of assaults on health service staff has been of concern to all involved for some time. Funding of approximately €2.35 million was provided to the Eastern Regional Health Authority and health boards towards the cost associated with the enhancement of security arrangements in emergency departments in 2002.

There is an existing scheme in place to support nurses who are assaulted by patients. The serious physical assault scheme provides for sick leave of six months on full pay. An extension of three months on full pay and a further extension of three months on basic pay may be granted. If the nurse is certified permanently incapacitated he or she is paid five sixths of basic salary. Certain medical expenses are refunded to a nurse who has been assaulted, including expenditure in respect of treatment provided by the public health

service, consultant- GP-casualty visits and prescription charges.

With regard to mental health services, the Task Force on Assaults on Psychiatric Nurses was established in April 2002. The task force was chaired by Mr. Tom McGrath, former deputy chairman of the Labour Court. Membership of the task force included representatives of the relevant nursing unions, PNA and SIPTU, the Health Service Employers' Agency, HSEA, the Department of Health and Children and the Department of Finance.

The task force was given the following terms of reference: To investigate the reasons for such assaults with a view to the putting in place of effective preventive measures; to examine the incidence of assaults on nurses and the level of injury therefrom; to put forward proposals for an appropriate compensation scheme for nurses injured through assault at work, such proposals to have regard to the special position of psychiatric nurses and to prepare and present a report of its findings and recommendations to the Minister for health and children. The task force reported in April 2003 and its findings were presented to the Minister, Deputy Martin. The report deals with the causes and effects of violent acts in mental health services and makes many practical recommendations on preventing and minimising the incidence of assaults. The report sets out the framework for a scheme of compensation for psychiatric nurses who have been seriously injured as a result of an assault in the workplace. Government approval will be required for the introduction of any new State compensation scheme, which would be in addition to the existing serious physical assaults scheme. In late 2003, a draft memorandum for Government was circulated to other Department and during the consultation process, complex legal and financial issues emerged on aspects of the scheme proposed by the task force with implications for the health service and the wider public service. At a meeting on 3 March 2004, Deputy Martin updated the Psychiatric Nurses' Association and SIPTU on particular concerns that had been raised on the proposed scheme.

Since that meeting, officials from my Department have been in consultation with the office of the Attorney General and the Department of Finance to see how the serious issues arising might be resolved. Such a scheme has serious legal and financial implications and will require careful consideration prior to implementation. The current position is that interdepartmental discussions are ongoing, and more time is needed to address the complex issues involved.

I am aware that the health service unions representing workers other than psychiatric nurses have put down a marker that any new State compensation scheme would have to have

general application to all health service staff assaulted by patients or clients in the course of their work. We must be mindful of this position in considering how best to progress matters in relation to psychiatric nurses.

I assure the Deputy that the issue is receiving urgent attention, and the Minister expects to be in a position to update the relevant unions in the near future.

Legal Aid Centres.

Ms Burton: I thank the Ceann Comhairle for allowing me to raise this issue. Will the Minister for Justice, Equality and Law Reform clarify, as a matter of urgency, the future of the suburban legal aid centres at Blanchardstown, Finglas and Tallaght following his disclosure that the closure of these centres is being actively considered.

In reply to a parliamentary question I tabled last week seeking assurances on the Minister's commitment to the future of the Blanchardstown legal aid centre at Clonsilla Road, the Minister confessed that the Legal Aid Board "is examining the possible benefits of relocating some or all of its suburban law centres in Dublin to locations in the city centre, to bring them closer to the courts".

It is well known that the Legal Aid Board has had financial problems arising from its decentralisation some time ago from Dublin to the then Minister for Justice, Equality and Law Reform's home town and constituency base of Cahirciveen in County Kerry. As a consequence of this move, the Legal Aid Board, in effect, has two headquarters, one in Dublin, which its says is needs for access to the courts, and one in Cahirciveen. It now appears that people in areas such as Dublin 15, Finglas and Tallaght may suffer the withdrawal of vital legal aid services to facilitate a Fianna Fáil-Progressive Democrats decentralisation stroke which has ended up costing far more than when it was first envisaged.

The legal aid centres in the suburbs are a vital resource for people, particularly for those experiencing marriage breakdown who need legal advice but who have relatively modest means and are on a pension or on social welfare. I call on the Minister for Justice, Equality and Law Reform, who makes so many pronouncements on so many issues, to make a clear commitment to continue to provide legal aid services in the Dublin suburbs where people can access them. At a time when the Government appears to have money to waste on all sorts of projects from Punchestown to e-voting, this threat to the only legal aid centre in Dublin 15 is outrageous. I would like the Minister to clarify its future and that of the other centres.

Miss de Valera: On behalf of my colleague, the Minister for Justice, Equality and Law Reform,

Deputy McDowell, I thank Deputy Burton for raising this matter and for giving me an opportunity to update the House.

As the Minister informed the Deputy in Parliamentary Question No. 193 of 19 May 2004, the board is examining the possible benefits of relocating some or all of its suburban law centres in Dublin to locations in the city centre to bring them closer to the courts. However, he has not yet received concrete proposals in this regard and would consider it important that any such proposal would take into account proposals by the Courts Service in regard to the location of family law court sittings.

The Deputy will be aware that in accordance with the provisions of the Civil Legal Aid Act 1995, the Legal Aid Board is independent in the exercise of its functions. In particular, section 30 of the Act provides that responsibility for determining how legal services should be provided is solely a matter for the Legal Aid Board. Its responsibility in this regard includes decisions on the location of law centres.

In regard to the board's role in setting up law centres, section 22(1) of the Civil Legal Aid Regulations 1996 provides as follows:

In deciding on the location of law centres, the Board shall have regard to:

- (a) the need to provide reasonable access to their services on a nationwide basis
- (b) the desirability of providing, so far as possible, ready access to their services in the areas where the need for those services is greatest, and
- (c) the need to use available resources in a way likely to result in maximum benefit for persons in need of legal aid or advice

and in considering these matters the Board shall take account of any views expressed by local and other interests but the decision finally in each case shall be a matter entirely for the Board.

The Minister is sure the Deputy will appreciate that in accordance with good public service management practice, the Legal Aid Board keeps the operation of its law centre network under constant review. The aim of the board is to ensure that legal services are available to the greatest possible number of people who are eligible for such services under the Civil Legal Aid Act. In this context, it is a matter for the board to ensure that cases are processed as quickly as possible to ensure that people receive a legal remedy to their problem without undue delay and to make legal services available to applicants within a reasonable time. The efficiency of the total package that the Legal Aid Board can provide to a client must, therefore, be the overall determining factor in this regard.

[Miss de Valera.]

The Deputy will be aware that approximately 90% of the board's caseload falls in the area of family law. The legal remedy available in such cases is provided through the courts. Taking into account the time spent at court consulting barristers, adjournments, interim applications etc., a significant portion of the time taken to resolve a case, by both client and solicitor, is spent at court and not in the law centre. The Deputy will appreciate that the client must travel to court in any event.

Ms Burton: Particularly from Cahirciveen.

Miss de Valera: The Deputy will appreciate that where a law centre is remote from the court, a solicitor can spend a large portion of his or her time travelling to and from the court — the amount of time involved can be considerable. If the law centre is close to the court, the solicitor will spend less time travelling and will have more time to deal with a greater number of clients. This

will be the case particularly when the court adjourns a case to a later time. The time saved will enable the solicitor to deal with other work in the law centre and this should contribute to an improved throughput of cases and reduce the amount of time applicants to the law centre must wait for legal services.

In this regard, the board reviews its operations on an ongoing basis, including the location of law centres, to ensure that a professional service is provided and that it maximises the value for money achieved in the use of its resources.

The Minister asked me to point out that under the terms of the Civil Legal Aid Act 1995, an applicant for legal services may apply to any law centre in the State, regardless of his or her home address. In this regard, law centres serve no particular catchment area and applicants from the greater Dublin area may apply for legal services at any of the Dublin law centres most convenient to them.

The Dáil adjourned at 9.20 p.m. until 10.30 a.m. on Thursday, 27 May 2004.

Written Answers

The following are questions tabled by Members for written response and the ministerial replies received from the Departments [unrevised].

Questions Nos. 1 to 11, inclusive, answered orally.

Questions Nos. 12 to 30, inclusive, resubmitted.

Questions Nos. 31 to 37, inclusive, answered orally.

Hospitals Building Programme.

38. **Ms Burton** asked the Minister for Health and Children when it is expected that the new five storey facility at James Connolly Memorial Hospital, Blanchardstown, which cost more than €96 million to construct and equip, will be brought into service; the steps that are being taken to ensure that the facility is commissioned without further delay; the estimated costs arising from cleaning, light, heating, security and maintenance of equipment that would be required to bring it into operation; and if he will make a statement on the matter. [15601/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of services at James Connolly Memorial Hospital rests with the Eastern Regional Health Authority. This major development is being funded jointly by the Northern Area Health Board, through the sale of surplus lands, and my Department. The projected full project cost is €101.4 million. This includes an amount of €5 million approved last year to facilitate refurbishment works at the hospital which are necessary as part of the transition process to the new hospital and to facilitate a land transfer in line with the project development arrangements.

My Department is advised that the first phase of the transition to the new development at James Connolly Memorial Hospital, Blanchardstown, has been completed. The coronary care and cardiac unit, the therapeutic psychiatry of old age unit, day hospital and the rheumatology service transferred to the new building in September 2003. The further commissioning of this development is currently being examined by the ERHA and my Department.

Hospital Staff.

39. **Mr. Durkan** asked the Minister for Health and Children the position in regard to the provision of adequate nursing, medical, surgical or other staff throughout the hospital services; when he intends to be in a position to fund the filling of vacant posts or posts pending with a view to opening up hospital wards or other understaffed or under utilised hospital facilities

or accident and emergency departments; and if he will make a statement on the matter. [15676/04]

183. **Mr. Durkan** asked the Minister for Health and Children when he expects to have adequate accident and emergency staff available in all hospitals throughout the country; and if he will make a statement on the matter. [15955/04]

188. **Mr. Durkan** asked the Minister for Health and Children the extent to which the employment of extra hospital doctors is required at present; his plans to make extra provision; and if he will make a statement on the matter. [15960/04]

191. **Mr. Durkan** asked the Minister for Health and Children the reason he has not allocated the necessary funds to facilitate the appointment of adequate medical, surgical and nursing staff at the various hospitals throughout the country; and if he will make a statement on the matter. [15963/04]

Minister for Health and Children (Mr. Martin): The Deputy's questions should be considered in the context of a total gross Estimate of almost €10.08 billion for the health services in 2004. This is a significant milestone in funding and demonstrates the considerable investment made by this Government over the past number of years in this country's health services. The figure of €10.08 billion consists of €9,570 million current funding and €510 million capital funding. With regard to day to day spending, this represents a €926 million or 10.7% increase over last year's Revised Estimate and a €782 million or 9% increase over the outturn for 2003, the largest increase in funding received by any Government Department this year.

Responsibility for human resource planning rests with the chief executive officer, CEO, of each board. Each CEO in managing the workforce in his/her region is responsible for determining the appropriate staffing mix and the precise grades of staff to be employed in line with service plan priorities, subject to overall employment levels remaining within the approved regional employment ceiling. Staffing requirements in the areas highlighted by the Deputy should be viewed in light of the substantial increases in employment levels achieved in the health service overall in recent years. Developments such as pay increases, improvements in career structure and enhanced opportunities for professional and career development have all supported increased staffing levels for key health and social care professions. Total staffing figures for the public health service increased from about 68,000 in 1997 to approximately 96,000 by the end of 2003, which represents a 40% increase.

I am confident that the extensive range of measures, including the substantial increase in training places, the recruitment of overseas nurses, the more effective utilisation of the professional skills of nurses and midwives, in addition to close monitoring and assessment of

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the situation on an ongoing basis will continue to prove effective in addressing the nursing workforce needs of the health services.

I am well aware that in addition to effective planning to ensure the continued availability of a qualified, competent workforce, it is also necessary for the health service to become an employer of choice to further improve potential for recruitment and retention. While the record number of staff recruited into the health service in the past number of years shows the progress that has been made in this regard, even more can be achieved. Having recruited and developed such a large number of staff over recent years, it is a priority to retain them by offering a challenging and rewarding career path.

As far as medical personnel are concerned, the recently published report of the national task force on medical staffing or Hanly report details the number of consultants and non-consultant hospital doctors that will be required in the coming years to provide a high quality, consultant provided service. The report recommends an increase of approximately 1,800 consultants employed in the public hospital service over the next ten years. As of January 2004, there were 1,831 consultants employed, which represents an increase of 41% in the last six years. Hanly recommends that there be 3,063 consultants in place by 2009 and 3,625 consultants by 2013.

The acute hospital system is providing more and better services than ever before. Activity in our acute hospitals continues to rise. The number of patients discharged from hospital having been treated as either an in-patient or as a day case in 2003 was over 1 million. This is the first time that the number has exceeded 1 million and represents a 4.7% increase over 2002. This also represents a 27% increase on the number of patients treated compared to the 785,700 treated in 1997. The increase in acute hospital activity is as a direct result of this Government's investment in capacity and staffing.

The current delivery system is now providing a high quality service, backed by a dedicated and skilled workforce and supported by a significant funding base. This Government, through its consistent approach to prioritising health and health issues, has provided this significantly enhanced resource base.

Hospital Services.

40. **Mr. M. Higgins** asked the Minister for Health and Children if his attention has been drawn to the serious concern expressed by medical and nursing staff at the decision to transfer after hours consultant surgical cover from the Louth County Hospital at Dundalk to our Lady of Lourdes Hospital, Drogheda; if his approval was sought for the move; and if he will make a statement on the matter. [15581/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of services at Our

Lady of Lourdes Hospital, Drogheda, and Louth County Hospital, Dundalk, rests with the North Eastern Health Board. My Department has been advised by the board that the proposed surgical services within the Louth/Meath hospital group are being re-organised with effect from 1 July 2004. A six person consultant surgical department will be created to provide services across both the Drogheda and Dundalk hospital sites.

I have been informed by North Eastern Health Board that the following arrangements will obtain under the new proposals: hospital to remain on call 24 hours a day, seven days a week; theatre and anaesthetic staff remain on call for each site 24 hours a day, seven days a week; no difference between Dundalk and Drogheda patient care; three new consultants have been offered appointments to bring total to six; all six surgeons with sub-specialities will attend Louth County Hospital; two new theatres being designed for Louth County Hospital; 1:6 rota by consultants from home covering both sites; increased elective activity in Louth County Hospital will reduce waiting lists on both sites; majority of Louth County Hospital surgical admission out of hours will be dealt with at Louth County Hospital; 12 NCHDs offered appointments to cross sites; full accreditation in surgery for both sites.

The board has advised that there are at present two consultant surgeons at Dundalk and four at Drogheda. Under the new arrangements, all six consultant surgeons will provide services across both sites. Emergency on-call cover for the joint department will be provided by a consultant surgeon with 24 hour on-call NCHD support. My Department has been further advised by the board that the new arrangements will lead to an increase in the number of patients undergoing surgery at Louth County Hospital. To facilitate this increased surgical activity, my Department recently approved the appointment of a design team to advance proposals to provide two modular theatres, with supporting accommodation, at Louth County Hospital at an estimated capital cost in excess of €3 million.

The re-organisation of surgical services as announced by the board is designed, *inter alia*, to facilitate a more appropriate training system in that junior doctors will rotate between the two hospitals during their employment, thus ensuring exposure to many different clinical experiences. I understand that the new proposed service arrangements for the joint surgical department at Drogheda and Dundalk are supported by the Royal College of Surgeons in Ireland and Comhairle na nOspidéal.

My Department has been advised by the North Eastern Health Board that there are no plans to downgrade Louth County Hospital and that the hospital is guaranteed an active role in the delivery of acute hospital services within the Louth/Meath hospital group. The health board is confident that the proposed change in service delivery will facilitate the provision of high

quality patient care. There are some outstanding issues which are the subject of discussion between the North Eastern Health Board and the stakeholders at each hospital.

I also wish to advise of the following developments at Louth County Hospital in recent years. In 2002, Louth County Hospital received funding for the provision of an additional 14 beds under the national bed capacity initiative. The full year revenue cost of these beds is €1.436 million and they were commissioned in December 2002. A new post of consultant physician with a special interest in endocrinology commenced on 1 April 2004 to support these beds. In addition, three new posts in emergency medicine were approved for the NEHB by the Department in December 2002. One of these posts has sessional commitments to Dundalk. It will be filled on a permanent basis in June 2004.

The permanent filling of two consultant posts in surgery is progressing and is now with the Local Appointments Commission for processing. The Department sanctioned the purchase of 6.85 acres of land at Louth County Hospital in December 2003 at a cost of €2.6 million. On 21 April 2004, the Department approved the appointment of a design team to prepare an outline development control plan for the hospital. On 13 May 2004, the Department approved the appointment of a design team to advance the provision of two modular theatres with supporting accommodation at Louth County Hospital. The estimated capital cost will be in excess of €3 million.

National Cancer Strategy.

41. **Mr. O'Shea** asked the Minister for Health and Children when he expects that the national cancer strategy will be published; and if he will make a statement on the matter. [15588/04]

Minister for Health and Children (Mr. Martin): The national cancer forum is currently developing a new national cancer strategy. This strategy will build on the progress that has been made during the implementation of the 1996 national cancer strategy and set out the key priority areas to be targeted for the development of cancer services over the coming years. The strategy will have regard to developments and best practice in other jurisdictions and will make recommendations on the organisation and structure of cancer services nationally.

A significant body of work has been undertaken in the development of the strategy to date. Representatives of the national cancer forum have met with representatives of the ERHA and all health boards. The forum wrote to over 90 professional bodies, voluntary bodies and other stakeholders to obtain their views on cancer treatment services. Members of the public have been consulted through advertisements placed in the media. As part of the preparation of the new strategy, an evaluation of the extent to which the objectives of the 1996 strategy have

been met was carried out by Deloitte Consultants and published last December. The key goal of the 1996 national cancer strategy was to achieve a 15% decrease in mortality from cancer in the under 65 year age group in the ten year period from 1994. The Deloitte evaluation demonstrated that this reduction was achieved in 2001, which was three years ahead of target.

Sub-groups of the national cancer forum were established on generic screening, organisation of cancer services, evaluation and outcomes, evidence based medicine, genetics, nursing and patient issues. The work of these sub-groups is informing the development of the new strategy. It is expected that the strategy will be completed later this year.

With regard to the implementation of the 1996 national cancer strategy since 1997, there has been a cumulative additional investment of approximately €550 million in the development of cancer services. This includes an additional sum of €15 million which was allocated in 2004 for cancer services. This substantial investment has enabled the funding of 92 additional consultant posts in key areas such as medical oncology, radiology, palliative care, histopathology, haematology and radiation oncology. An additional 245 clinical nurse specialists have also been appointed in the cancer services area.

Health Service Reform.

42. **Mr. Connaughton** asked the Minister for Health and Children the progress on the mapping exercise to plan primary care teams; if he has allocated funding for them; and if he will make a statement on the matter. [15446/04]

Minister for Health and Children (Mr. Martin): In October 2003, my Department requested the health boards to undertake an exercise to map out the locations for future primary care teams and networks within their respective regions, according to the service model described in the strategy "Primary Care: A New Direction". The exercise was to involve an examination of service needs, demographic and other relevant data. The need for consultation with the relevant stakeholders who will work in the primary care teams and the communities to be served by the teams and networks was emphasised. The mapping exercise was intended to enable a plan outlining the priority areas for the implementation of the new primary care model to be drawn up.

In 2003, I provided funding totalling €0.975 million to the health boards to facilitate the undertaking of the mapping exercise described and to support the development of initiatives to give effect to the multi-disciplinary team working concept on a more widespread basis in primary care. I am informed by the health boards that work on the mapping exercise is underway at present and the current position on the mapping exercise in each health board is as follows. The

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Western Health Board has engaged an external researcher to conduct the necessary research for the exercise. The board has consulted internally and consultation with the general practitioners is planned over the coming weeks. The Southern Health Board is taking a phased approach to the mapping exercise, involving information gathering, consultation with relevant stakeholders and the development of a baseline map of services. The board is currently collating the information with a view to identifying the number and location of primary care teams and networks, which will then be developed into an implementation plan for the Southern Health Board.

The South Eastern Health Board is currently examining ways in which the mapping exercise can be completed by the end of the year and is considering engaging an external agency to progress the project. The North Eastern Health Board is currently compiling the information that will be used in determining the locations of the primary care teams and networks. The exercise includes examination of demography, morbidity and mortality and the distribution of various services and staff in the region. Once this element is complete the board intends to proceed with the consultation process. The Mid-Western Health Board expects to be in a position to make a submission to my Department shortly which will set out the rationale for the development of future primary care teams and networks in the region.

The North Western Health Board has established the needs of the population to be served by the primary care teams and networks based on a population health approach. Initial consideration has been given to the configuration of teams and networks in the region and the board envisages that 32 primary care teams, comprising 12 primary care networks, will be required to serve the population. A representative group from the Eastern Regional Health Authority and the three area health boards are working together to address the development of a plan that will facilitate the identification of locations for the roll out of primary care teams and networks within the region. The work is being undertaken in three phases: mapping and profiling; local consultation; final report with proposed new boundaries for primary care networks. Phase one is now complete and the area health boards have commenced the local consultation process.

The Midland Health Board has conducted a broad based needs assessment examining areas such as epidemiology of the population, services provided at present, number of general practitioners, the level of computerisation in general practice and disability services. A more detailed assessment to identify locations for new primary care teams is currently underway. Specific work has also been initiated in the East Coast Area Health Board and the Mid-Western

Health Board, as the two phase 1 regions for the implementation of Hanly report, to determine the primary care developments that will be required to support the reconfiguration of the hospital services in these regions.

Hospital Staff.

43. **Mr. P. McGrath** asked the Minister for Health and Children if, further to Parliamentary Question No. 135 of 27 January 2004, he has sanctioned the appointment of additional consultant neurologists; and if he will make a statement on the matter. [15438/04]

Minister for Health and Children (Mr. Martin): The Deputy will be aware that the Comhairle na nOspidéal report on neurology and neurophysiology services recommended significant enhancement of neurology and neurophysiology services, including increases in consultant manpower. The report also recognises that there are aspects of a number of other specialities and services, such as rehabilitation medicine, geriatric medicine and old age psychiatry, which are related to and overlap with neurology services. Comhairle na nOspidéal has recommended that a national multi-disciplinary review of rehabilitation services be undertaken to inform further the policy framework on the development of neurology services.

Consistent with this recommendation, and in line with commitments in the national health strategy, a national action plan for rehabilitation services is currently being prepared by my Department. The action plan will set out a programme to meet existing shortfalls in services and to integrate specialised facilities with locally based follow up services. The rehabilitation action plan, together with the Comhairle na nOspidéal report and the work undertaken by the Neurological Alliance of Ireland through its own publications will, in my view, offer a comprehensive policy framework for the future development of neurology and neurophysiology services in this country.

My Department will continue to work closely with the alliance and with the Irish Consultant Neurologists' Association on the future development of services. The implementation of the Comhairle na nOspidéal recommendations will be progressed having regard to the evolving policy framework in this area, competing funding priorities and the report of the national task force on medical staffing.

Health Service Reform.

44. **Mr. Deasy** asked the Minister for Health and Children when information regarding the geographic areas to be covered by the four continuing care offices will be announced. [15448/04]

Minister for Health and Children (Mr. Martin): I have asked the interim Health Service Executive, under the establishment order, to

prepare and submit to me a plan for the unified delivery of health services and the integration of management, administrative and service delivery of existing health boards. The plan will include *inter alia* the establishment of regional boundaries for the delivery of such services.

This matter is currently under deliberation and I anticipate that the board of the interim HSE will have proposals for my consideration in July of this year. Once decisions have been made, both I and the board recognise the importance of informing the public and staff as soon as possible of the plans in this regard.

National Drugs Strategy.

45. **Mr. O'Dowd** asked the Minister for Health and Children the measures his Department intends to take to deal with the sharp increase in the number of children seeking treatment for drug addiction, according to research (details supplied) undertaken by the Health Research Board; if his Department will set up and fund specialist adolescent addiction services; and if he will make a statement on the matter. [11919/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of drug treatment services rests with the health boards/authority in the first instance. I have been advised by the Eastern Regional Health Authority, ERHA, that the three area health boards within the eastern region provide detoxification and rehabilitation services on both an in-patient and out-patient basis. Under 18 year olds are prioritised for these services.

I am also advised that the three area health boards utilise in-patient rehabilitation services outside the eastern region. The Aislinn Centre, Ballyragget, County Kilkenny, provides drug free residential treatment for male and female adolescents, 15-21 year olds, who are dependent on alcohol and drugs. The Matt Talbot Adolescent Services, a drug free residential facility for the treatment of alcohol and drug misuse in young males between 14 and 18 years old in the Southern Health Board, is also in operation.

The development of a protocol for the treatment of under 18 year olds presenting with serious drug problems is one of the actions set out in the national drugs strategy 2001-2008. The ERHA established a working group, chaired by an official from my Department and comprising a broad range of statutory and non-statutory service providers and community representatives, in October 2001. Its report is now being finalised and is due for discussion at the June meeting of the interdepartmental group on drugs, chaired by my colleague, the Minister of State, Deputy Noel Ahern.

To fulfil its remit, the group undertook a number of initiatives, including an examination of the legal issues surrounding treatment, a review of relevant literature, an analysis of trends in drug misuse by children and adolescents, a review of

services and service gaps nationally, the establishment of focus of service users within and outside the ERHA region and a review of the treatment issues raised by its deliberations. I understand that the group agreed that treatment services for child and adolescent problem drug misusers should be based on a four tiered approach.

The four tiers may be interpreted as follows. Tier 1 will comprise services which have contact with young people but which do not have specialist expertise in either adolescents or addiction, such as teachers, social services, police, GPs, community and family groups. Tier 2 will comprise services which have specialist expertise in either adolescents or addiction but not both, such as juvenile liaison officers, local drug task forces, home school liaison, Youthreach and drug treatment centres. Tier 3 will comprise services which have specialist expertise in both adolescents and addiction, that is, multi-disciplinary teams comprising people with a speciality in adolescent addiction. Tier 4 will comprise services which have specialist expertise in both adolescents and addiction and the capacity to deliver brief but intensive treatment, for example, in-patient or day hospital.

The services which exist fall mainly into tiers 1, 2 or 4, so the greatest need in terms of developing this model of service delivery is in tier 3. Furthermore, it is clear that addressing the needs of under 18 year olds will require additional resources to be directed at this client group. In anticipation of the group's findings, my Department has this year allocated funding of €500,000 to the ERHA to fund the development of tier 3 teams covering the ERHA region on a pilot basis. I am confident that the development of the tiered approach being recommended by the group will allow for improved services for children and adolescents with serious drug problems.

Independent Inquiries.

46. **Mr. Quinn** asked the Minister for Health and Children if the terms of reference of the inquiry, to be chaired by a person (details supplied) have yet been finalised; when the inquiry will begin; the form it will take; the steps that are being taken to address the serious concerns about the adequacy of the proposed inquiry raised by Patient Focus and others; and if he will make a statement on the matter. [15597/04]

65. **Mr. McGinley** asked the Minister for Health and Children if he proposes to revise the terms of reference of the inquiry into practices carried out in Our Lady of Lourdes Hospital, Drogheda, to allow the co-operation of the women represented by Patient Focus; and if he will make a statement on the matter. [15427/04]

170. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children if he has brought recommendations to Cabinet regarding the terms

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of reference of the inquiry to be conducted by Judge Maureen Harding Clark; the outcome of the discussion; if terms of reference have been agreed; and if he will make a statement on the matter. [15855/04]

171. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children if he will report on his meeting with representatives of Patient Focus on 20 May 2004. [15856/04]

Minister for Health and Children (Mr. Martin): Following the Medical Council's investigation into the conduct of Dr. Michael Neary, which found him guilty of professional misconduct with regard to ten patients, the Government has decided to establish a non-statutory inquiry chaired by Judge Maureen Harding Clark. A formal announcement of the terms of reference will be made shortly. In broad terms, it will inquire into whether Dr. Neary's practice was commented or acted upon by others at the hospital. It will examine whether internal or external reviews were conducted. It will also inquire into the measures put in place to prevent a repeat of those events at the hospital and offer advice on any additional systems that should be put in place.

A number of meetings have been held with Patient Focus, the patient support group, with the most recent being on 20 May 2004. As part of this process, the group has been briefed by counsel to the inquiry on how it proposes to conduct its investigations. In particular, the group has been assured that any woman who wishes to give evidence will be facilitated to do so. I am aware that the group has some concerns about the scope of the report to be furnished by the inquiry and about the compellability of witnesses. As regards the report, I have asked my Department to raise the group's concerns with the inquiry and I will revert to the group in due course.

With regard to compellability, if the inquiry finds itself unable fully to discharge its remit due to non-cooperation by relevant persons or bodies, then the judge will report that fact to me and I will ask the Government to consider what further action may be necessary, which may include recourse to an investigation under the Commissions of Investigation Bill 2003, when enacted. The inquiry team has already examined a substantial amount of documents and records which relate to the inquiry and it has been asked to report within a nine month timescale.

Medical Cards.

47. **Mr. Rabbitte** asked the Minister for Health and Children the number of persons who held medical cards in June 2002 and at the latest date for which figures are available and the proportion of the population this represents in respect of each such date; when it is intended to implement the commitment to extend eligibility for medical cards so as to bring in over 200,000 extra persons;

and if he will make a statement on the matter. [15598/04]

Minister for Health and Children (Mr. Martin): The following is the information requested by the Deputy.

	No. of persons covered by medical cards	% of population
June 2002	1,207,096	30.81%
May 2004	1,154,861	29.48%

The health strategy includes a commitment that significant improvements will be made in the medical card income guidelines to increase the number of persons on low income who are eligible for a medical card and to give priority to families with children, particularly children with a disability. This should be viewed in the broader context of the strategy's emphasis on fairness and its stated objective of reducing health inequalities in our society. I regret that it is not possible to meet this commitment this year but the Government remains committed to the introduction of the necessary changes within its term of office.

It should be remembered that health board chief executive officers have discretion on the issuing of medical cards and also that a range of income sources are excluded by the health boards when assessing medical card eligibility. Many allowances, such as carer's allowance, child benefit, domiciliary care allowance, family income supplement and foster care allowance, are all disregarded when determining a person's eligibility. Given these factors and the discretionary powers of the CEOs, having an income that exceeds the guidelines does not mean that a person will not be eligible for a medical card and a medical card may still be awarded if the chief executive officer considers that a person's medical needs or other circumstances would justify this. It is open to all persons to apply to the CEO of the appropriate health board for health services if they are unable to provide these services for themselves or their dependants without hardship.

Non-medical card holders and people with conditions not covered under the long-term illness scheme can avail of the drugs payment scheme. Under this scheme, no individual or family unit pays more than €78 per calendar month towards the cost of approved prescribed medicines.

The strategy includes a series of initiatives to clarify and expand the existing arrangements for eligibility for health services, including recommendations arising from the review of the medical card scheme carried out by the health board CEOs under the PPF. These include: streamlining applications and improving the standardisation of the medical card applications process to ensure better fairness and transparency; providing clearer information to

people about how and where to apply for medical cards; proactively seeking out those who should have medical cards to ensure they have access to the services that are available.

Clinical Indemnity Scheme.

48. **Mr. Stagg** asked the Minister for Health and Children the position regarding his discussions with the Irish Hospital Consultants Association regarding the proposed new system of medical insurance; and if he will make a statement on the matter. [15606/04]

Minister for Health and Children (Mr. Martin):

I continue to have regular meetings with the Irish Hospital Consultants Association and the Irish Medical Organisation to keep them informed of progress in my Department's discussions with the Medical Defence Union on efforts to resolve the issue of historic liabilities not covered by the clinical indemnity scheme.

The Irish Hospital Consultants Association has been supportive of the Government's position that these liabilities are, in the first instance, the responsibility of the Medical Defence Union. Irish hospital consultants have paid millions of euro to the MDU over many decades. The Exchequer ultimately funded much of this through reimbursement arrangements for consultants employed in public hospitals. Individual doctors and the Government have a legitimate expectation that the MDU will meet its liabilities arising from those years.

I have made it clear to the MDU on several occasions that the Government is prepared to take whatever measures are necessary to ensure that Irish doctors and patients are not treated in a discriminatory fashion by the MDU.

Fluoridation of Water.

49. **Mr. Gormley** asked the Minister for Health and Children the reason a person (details supplied) has not yet received a response to their 50 reasons against fluoridation despite repeated assurances that this will be done; and if he will make a statement on the matter. [15713/04]

Minister for Health and Children (Mr. Martin):

Please refer to priority question, reference number 15889/04.

Mental Health Services.

50. **Ms Lynch** asked the Minister for Health and Children if his attention has been drawn to the claim made in a study produced by a person (details supplied) that lack of adequate security in psychiatric hospitals was placing staff in a vulnerable position; the steps he intends to take to deal with this situation; and if he will make a statement on the matter. [15585/04]

Minister for Health and Children (Mr. Martin):

I am aware of the research referred to by the Deputy. While specific security threats and risks in psychiatric hospitals are an issue for local

managers and health professionals to deal with, as Minister for Health and Children I am concerned about the reported rise in violence and aggression towards all health care workers. My Department has supported research into the development of a multi-disciplinary approach to the management of actual and potential aggression across all health care settings in the North Eastern Health Board. This pilot programme on work related violence has examined issues of prevalence, training and staff support. A critical component is the provision of training to all staff in the clinical skills and safe management of potentially violent individuals. This can be used as a template for best practice in the future.

In the mental health services, the Mental Health Commission, established in April 2002, will be the main vehicle for the implementation of the provisions of the Mental Health Act 2001. The principal functions of the Mental Health Commission shall be to promote, encourage and foster the establishment and maintenance of high standards and good practices in the delivery of mental health services. The commission may introduce or review specified policies, protocols and procedures relating to the welfare of patients and residents.

Under the provisions of the Mental Health Act 2001, the Commission has appointed Dr. Teresa Carey to the position of inspector of mental health services. A team of assistant inspectors has also been appointed. The inspector has indicated that she expects to commence a programme of inspections of mental health facilities from June 2004. The inspector is required to visit and inspect all approved centres at least once a year and report to the Minister for Health and Children on the quality of care and treatment given to persons in receipt of mental health services.

National Treatment Purchase Fund.

51. **Mr. Deenihan** asked the Minister for Health and Children the steps he intends to take to include medical treatments on the national treatment purchase fund; and if he will make a statement on the matter. [15420/04]

Minister for Health and Children (Mr. Martin):

The majority of people waiting longest on hospital waiting lists for admission to hospital are waiting for a surgical procedure. The national treatment purchase fund was set up to identify those patients so they can be offered treatment in line with overall health strategy targets. The issue of including other categories of patients under the remit of the NTPF will be kept under review.

Health Insurance.

52. **Mr. Broughan** asked the Minister for Health and Children if his attention has been drawn to the serious crisis now facing VHI as a result of the failure to implement the principle of

[Mr. Broughan.] risk equalisation in the health insurance market; if he intends to meet with the board of the company to consider ways out of the current difficulties; if he has plans to review the legislation establishing the Health Insurance Authority, particularly with regard to the criteria required to trigger the risk equalisation provisions; and if he will make a statement on the matter. [15577/04]

Minister for Health and Children (Mr. Martin): The VHI board has not sought a meeting with me on the matter raised. However, the chief executive of the VHI wrote to my Department on 6 May 2004 concerning the recommendation of the Health Insurance Authority about the commencement of transfers between insurers under the provisions of the risk equalisation scheme 2003. The recommendation was included in the authority's first report, submitted to me pursuant to Article 10 of the risk equalisation scheme 2003. Having carried out its evaluation and analysis of returns received from insurers in respect of the period 1 July 2003 to 31 December 2003 and having consulted with insurers in that regard, the authority decided to recommend that transfers ought not be commenced. The authority's next report is due to be made before the end of October and this will be based on its evaluation of data received from insurers for the period 1 January 2004 to 30 June 2004.

Provision for risk equalisation is now a feature of the health insurance market and it may be introduced if the circumstances are considered to warrant it. The authority has a central and independent role to play in any such determination. In that regard, the Deputy may be aware that the risk equalisation scheme 2003 was the subject of extensive consultations with the EU Commission's competition directorate general as regards compatibility with EU state aid rules. The scheme has been formulated having regard to the fundamental principles of proportionality and necessity laid down in EU law. Its implementation followed receipt of a positive decision by the EU Commission that it was compatible with state aid rules. That decision is currently the subject of a legal challenge by BUPA before the European Court of First Instance.

The risk equalisation scheme provides that: risk equalisation transfers cannot be commenced where the difference in the risk profiles of the insurers is less than 2% of the market equalisation percentage; risk equalisation transfers can only be commenced with a positive recommendation from the authority where the percentage is between 2% and 10%; the Minister is obliged to consult with the authority on a decision to commence risk equalisation where the percentage is greater than 10%. Furthermore, the scheme provides that, in formulating its recommendation, the authority is to have regard to the best overall interests of health insurance

consumers, which concerns both the need to maintain the application of community rating across the market for health insurance and to facilitate competition between insurance undertakings.

The Health Insurance Authority was established on 1 February 2001 in accordance with the provisions of the Health Insurance Act 1994. Having regard to its statutory functions, the authority engaged in public consultations to inform the exercise by it of its key functions with regard to any commencement and implementation of risk equalisation transfers between insurers prior to the risk equalisation scheme 2003 taking effect.

The authority's evaluation and analysis of the first set of returns made by insurers show the market equalisation percentage to be between 2% and 10%. Its report states that the authority's recommendation is made in the context of the evidence currently available to it and that it should not be understood as an indication that the authority will not, in the future, recommend the commencement of risk equalisation transfers. It also confirms that the authority remains of the view that, in the appropriate circumstances, the best overall interests of health insurance consumers in a community rated market could be served by the commencement of risk equalisation transfers and that further data will soon become available and will inform future deliberations.

Given the circumstances I have outlined, there was never any basis for a view that risk equalisation transfers would automatically follow on from the commencement of the scheme. Also, the circumstances I have outlined regarding the formulation of the scheme indicate that changing the statutory arrangements either for the independent role of the authority or the criteria for the commencement of risk equalisation transfers, as notified to the EU Commission, is not a tenable proposition. Under the legislative provisions in place, the matter now rests pending consideration by the authority of returns to be made by insurers for the period 1 January 2004 to 30 June 2004.

Community Pharmacy Services.

53. **Mr. Howlin** asked the Minister for Health and Children if his attention has been drawn to claims made at the recent conference of the Irish Pharmaceutical Union that annual savings of up to €100 million could be made by the State if changes were made to the way in which the national drugs bill was managed; his response to this claim; and if he will make a statement on the matter. [15583/04]

Minister for Health and Children (Mr. Martin): I assume the Deputy is referring to the claims made in the Irish Pharmaceutical Union's submission to my Department, "Value for Money on Medicines and Payments to Pharmacists", and in its recent presentation to the Oireachtas Committee on Health and Children. The IPU

submission has made recommendations on community pharmacy in a number of areas, including medicines management, pharmacist prescribing, generic substitution and health promotion. In addition, the value for money submission included a substantial pay claim that would amount to over €100 million per annum.

My Department is reviewing pharmaceutical expenditure and community pharmacy structures in light of the recommendations of several reports in the area, including the pharmacy review group and Brennan reports, as well as the IPU submissions. My officials are examining the IPU claims in this context.

Cancer Screening Programme.

54. **Mr. McCormack** asked the Minister for Health and Children when the national roll out service will commence following the review of the first phase of the cervical screening programme which is intended to inform on the development of a cervical screening model for the country; and if he will make a statement on the matter. [15432/04]

Minister for Health and Children (Mr. Martin):

A pilot cervical screening programme commenced in October 2000, with the programme covering the Mid-Western Health Board region. Under the pilot programme, cervical screening is being offered, free of charge, to approximately 74,000 women in the 25 to 60 year age group, at five year intervals.

The Health Board Executive, HeBE, has commissioned an examination of the feasibility and implications of a national roll out of a cervical screening programme. A key element of this work is an evaluation of the current pilot programme. It is expected that the evaluation will be completed this year. The HeBE has advised my Department that, when the evaluation report is completed, it will be in a position to prepare a draft plan for the national roll out of a programme for consideration by my Department.

National Drugs Strategy.

55. **Mr. O'Dowd** asked the Minister for Health and Children the reason action 59 in the national drugs strategy has not been implemented; and if he will make a statement on the matter. [11921/04]

Minister for Health and Children (Mr. Martin):

Responsibility for the provision of drug treatment services rests with the health boards/authority in the first instance. I have been advised by the Eastern Regional Health Authority, ERHA, that the addiction services in the three area health boards within the eastern region provide a range of interventions for those with drug misuse problems. These services include education, outreach, counselling, nursing and medical interventions such as methadone detoxification and methadone maintenance therapies. The

addiction services also provides a range of residential treatment options for individuals.

I am also advised that action 59 of the national drugs strategy, which seeks to ensure easy access to counselling services for young people seeking assistance with drug related problems, has been implemented in the three area health boards. Counselling services are provided to young people seeking treatment. This cohort is prioritised throughout the addiction services and consent of parents and guardians is sought prior to commencement of treatment for under 18 year olds. Initial assessments are carried out on all clients seeking counselling to ensure the appropriate service is offered.

In addition to prioritisation of under 18 year olds, the area health boards have appointed a senior manager to develop strategies to reduce the levels of self harm. In 2003, the addiction service in the South Western Area Health Board, SWAHB, appointed a consultant psychiatrist to provide services to young people with substance misuse problems.

I am further advised that the drug treatment centre board established a dedicated young person's programme in 2001 to meet the needs of young drug users. This programme is supported by a multi-disciplinary team of a counsellor, doctor, nurse, psychologist, project workers and a team leader. This team provides a range of services designed to meet the multifaceted needs of young drug users, including immediate access to counselling services. Each client has a designated counsellor as part of their treatment plan and there is no waiting list for access to this programme. In 2003, this programme was further enhanced by the appointment of a consultant child and adolescent psychiatrist with a special interest in substance misuse.

Furthermore, the development of a protocol for the treatment of under 18 year olds presenting with serious drug problems is one of the actions set out in the national drugs strategy 2001-2008. The ERHA established a working group, chaired by an official from my Department and comprising a broad range of statutory and non-statutory service providers and community representatives, in October 2001. I understand its report is now being finalised and is due for discussion at the June meeting of the interdepartmental group on drugs, chaired by my colleague, the Minister of State, Deputy Noel Ahern.

Assisted Human Reproduction.

56. **Mr. Sherlock** asked the Minister for Health and Children the progress made to date by the commission on assisted human reproduction which was established in March 2000; when he expects to receive the report of the commission; and if he will make a statement on the matter. [15605/04]

Minister for Health and Children (Mr. Martin):

The commission on assisted human reproduction

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was established in March 2000 with the following terms of reference: “to prepare a report on the possible approaches to the regulation of all areas of assisted human reproduction and the social, ethical and legal factors to be taken into account in determining public policy in this area.”

The first commission meeting was held on 26 July 2000 and the most recent on 15 April 2004. I understand that the commission has adopted an interdisciplinary approach to its work. Initially, each discipline — medical, legal, scientific and social — prepared a report outlining the current position within that discipline regarding assisted human reproduction. Work groups were then formed to examine specific topics and issues that needed to be addressed. The work groups meet on a regular basis to discuss their tasks and to progress the work of the commission. The work group structure facilitates close attention to a relatively limited range of topics by a highly specialised group. It also facilitates the detailed exploration of a range of ethical and social implications that arise from assisted human reproduction.

The Commission organised a one-day conference in Dublin Castle in September 2001. The conference dealt with the social, ethical and legal factors inherent in assisted human reproduction. It provided an opportunity for an exchange of views between experts in the various fields from Ireland, the UK, France and Germany.

When the commission was set up, I indicated that it would be required to seek submissions from the public and to consult appropriate interests. To inform itself on the current state of public opinion in Ireland on assisted human reproduction, the commission placed an advertisement in the newspapers inviting interested members of the public, professional or voluntary organisations and other parties who wished to do so to make written submissions before Wednesday, 31 October 2001. Over 1,600 of these were received and examined.

The commission has engaged in a number of information gathering exercises that included: survey of assisted human reproduction services provided in specialised clinics — a survey instrument was drafted by the commission with a view to establishing the extent of the provision of assisted human reproduction services in Ireland; survey of GPs — the commission issued a survey instrument to a random sample from 50% of GPs in all health board areas and a high proportion of those surveyed responded; survey of obstetricians and gynaecologists — the commission also issued a survey instrument to obstetricians and gynaecologists to elicit information on their level of involvement in assisted human reproduction services; survey of public attitudes and opinions — the commission has also surveyed public attitudes and opinions on a range of questions related to assisted human reproduction.

I understand the commission is nearing completion of its work but, given the complex ethical, social and legal implications that arise, it is not possible to say when it will be in a position to finalise its report.

Infectious Diseases.

57. **Mr. Hogan** asked the Minister for Health and Children the interim measures and long-term strategy he has put in place to control and treat tuberculosis and, in particular, the control and treatment of acute drug resistant tuberculosis; and if he will make a statement on the matter. [15453/04]

Minister for Health and Children (Mr. Martin):

The Health Act 1947 and the Infectious Diseases Regulations 1981 provide the legislative basis for the control of infectious diseases, including tuberculosis, in Ireland. My Department's strategy for the prevention and treatment of tuberculosis is guided by the recommendations of the report of the working party on tuberculosis, 1996, which covers a wide range of issues, including epidemiology, surveillance, screening, preventative therapy, clinical management and laboratory diagnosis.

Responsibility for the implementation of the recommendations rests with the departments of public health in the regional health boards. As recommended in the report, a permanent committee, the national tuberculosis committee, was established to advise on a detailed national strategy for the control and management of tuberculosis. The committee meets when necessary to review all relevant issues.

The National Disease Surveillance Centre monitors rates of tuberculosis in Ireland on an ongoing basis, identifies any increases in rates or clusters of the disease here and notifies my Department accordingly. The NDSC will advise my Department of any actions that are deemed necessary to deal with additional cases should the need arise. I am confident that the public health service can deal adequately with such cases. According to the National Disease Surveillance Centre, the most serious form of drug resistance is multi-drug resistance, which is defined as resistance to isoniazid and rifampicin.

In terms of the total number of cases of tuberculosis notified as compared with the resistant cases notified, the following information is for the years 1999 — 2003 inclusive: 1999 — number of TB cases, 469; number of partially resistant cases, seven or 1.5% of total cases; number of multi-drug resistant cases, two or 0.4% of total cases; 2000 — number of TB cases, 395; number of partially resistant cases, five or 1.3%; number of multi-drug resistant cases, three or 0.6%; 2001 — number of TB cases, 381; number of partially resistant cases, 12 or 3%; number of multi-drug resistant cases, two or 0.5%; 2002, provisional — number of TB cases, 400; number of partially resistant cases, five or 1.25%; number of multi-drug resistant cases, none; 2003,

provisional — number of TB cases, 421; number of partially resistant cases, eight or 1.90%; number of multi-drug resistant cases, one or 0.24%.

National Cancer Strategy.

58. **Mr. Naughten** asked the Minister for Health and Children the action he is taking to address the prevalence, detection and treatment of prostate cancer; and if he will make a statement on the matter. [15503/04]

Minister for Health and Children (Mr. Martin): Since 1997 there has been a cumulative additional investment in excess of €550 million in the development of appropriate treatment and care services for people with cancer, including prostate cancer patients. This investment has enabled the funding of 92 additional consultant posts in the area of cancer care. An additional 245 clinical nurse specialists have also been appointed in the cancer services area.

In recognition of the need to further develop cancer services, the national health strategy identified the need for the preparation of a new national cancer strategy. The national cancer strategy 2004 is currently being developed by the national cancer forum in conjunction with my Department. As part of this work, a sub-group of the national cancer forum has been established on generic screening. This multi-disciplinary group has reviewed all issues relating to screening, including examining specific diseases such as prostate and colorectal cancer. With regard to screening for prostate cancer in particular, the group recommended that there is currently insufficient evidence to recommend the introduction of a population based prostate screening programme in this country. The group recommended that this issue should be reassessed when the results are available from international randomised trials currently being conducted. The group's recommendations will inform the development of the new national cancer strategy.

Recommendations adopted by the Council of the European Union in December 2003 advocate the introduction of cancer screening programmes which have demonstrated their efficacy based on available professional expertise and priority setting for health care resources. The recommendations do not make any specific proposals in respect of the introduction of screening for prostate cancer.

Hospital Services.

59. **Ms O. Mitchell** asked the Minister for Health and Children the steps that have been taken by his Department to ensure that the physical conditions at the laboratories in the National Maternity Hospital, Holles Street, will allow it to comply with the conditions for mandatory accreditation by 2007; and if he will make a statement on the matter. [15415/04]

Minister for Health and Children (Mr. Martin): Any proposal to develop services at the National Maternity Hospital is a matter for consideration by the Eastern Regional Health Authority in the first instance. My Department is advised by the authority that since the foundation of the hospital in 1894, its premises have been extended and modified as required to meet patient and clinical needs. In common with many older generation buildings, the infrastructural layout and configuration of the buildings are a constraint on the delivery of optimal services.

Coupled with this infrastructural issue is the growing demand for obstetric and gynaecological services over recent years. The authority further advises that this has now given rise to concerns about over crowding and consequential health and safety risks in some areas of service delivery. In light of that, the hospital is currently finalising a brief for interim developments which will broadly address the following key areas of concern: laboratory, post-mortem facilities, out-patient clinics, patient waiting areas, pharmacy, neonatal ICU, ward accommodation, delivery unit, physiotherapy, social work department, TSSU. On receipt of the completed brief by the authority, it will be examined as a priority in conjunction with my Department.

Health Service Reform.

60. **Mr. Murphy** asked the Minister for Health and Children when he will put forward proposals to address the issue of democratic input into the new health structures; if they will be put on a statutory basis; and if he will make a statement on the matter. [15424/04]

Minister for Health and Children (Mr. Martin): The health service reform programme is based on the Government's decision of June 2003. This decision was based on the audit of structures and functions in the health system carried out by Prospectus and the report of the commission on financial management and controls in the health service. Both reports identified organisational improvements needed to strengthen the capacity of the health system to meet the challenges of implementing the programme of development and reform set out in the health strategy document, "Quality and Fairness: A Health System for You".

The health service reform programme has been brought to the attention of all members of health boards/regional authority. The Government agreed that health boards and the Eastern Regional Health Authority will be abolished as part of the overall health reform programme. The Health (Amendment) Bill 2004 is interim legislation which provides for the abolition of the membership of the seven health boards, the Eastern Regional Health Authority and the three area health boards. It also provides for the abolition of the distinction between reserved and executive functions, with the assignment of those functions currently designated as reserved

[Mr. Martin.] functions to the chief executive officers of the boards and authority or the Minister for Health and Children, as appropriate. The Bill's publication represents a further phase of the implementation of the reform programme for the health services and is a clear demonstration of the Government's commitment to implementing the proposals in the reform programme, which include the establishment of the Health Service Executive on a statutory basis, scheduled for January 2005.

The Government accepted that there is a need to strengthen existing arrangements with regard to consumer panels and regional co-ordinating/advisory committees in representing the voice of service users. These structures incorporate patients, clients and other users or their advocates. They will work to provide a bottom up approach to understanding the needs of service users at a regional planning level. These existing models are at different stages of development and will continue to be enhanced. These mechanisms will serve to bring the patients/clients' views and inputs to bear in the decision making process.

I am aware that concerns have been expressed regarding the issue of public participation within the restructured health system. I have already indicated my intention to bring forward proposals to provide opportunities for democratic input in the context of the new structures. I have given some consideration to the most appropriate mechanisms to support the development of appropriate interfaces at regional and local level between locally elected representatives and the Health Service Executive, with a view to including provisions for these mechanisms in the legislation currently being drafted.

The provisions are likely to include establishment of a series of regional fora to facilitate local representatives in raising issues of concern about health services within the region with the new executive. These fora would allow local representatives to comment on and raise issues related to the development and delivery of health services locally. Membership of the fora would be based on participation of a small number of nominees in respect of each local authority in each regional forum. Members of the fora would also have the facility to raise particular issues with the executive.

My overall objective in putting in place such arrangements is to ensure that the voice of local public representatives will continue to be heard on the development of health services. These mechanisms would be designed to complement and reinforce the role of the Joint Oireachtas Committee on Health and Children in reflecting the views of public representatives in the ongoing oversight of the health system.

The health strategy set as one of its objectives greater community participation in decisions about the delivery of services. The Health Boards

Executive, in association with my Department, issued guidelines to the health boards on community participation which set out the principles and framework for structures for such participation. To date, most of the health boards have set up consumer panels that deal with a wide range of issues, such as development and delivery of services. Two boards have also established regional advisory panels for older consumers and their carers. It is my intention that these structures will be established on a statutory basis in a Bill which I intend to bring before the House later this year.

Hospital Staff.

61. **Ms Enright** asked the Minister for Health and Children if his attention has been drawn to the relative disadvantage of health board hospitals to voluntary hospitals in recruiting consultants. [15452/04]

Minister for Health and Children (Mr. Martin): I presume the Deputy is referring to the fact that the consultant recruitment process tends to take longer for health board hospitals than for voluntary hospitals. This is due in part to the requirement under legislation for health boards to use the Local Appointments Commission in the recruitment process while there is no such requirement for voluntary hospitals.

The enactment of the Public Service Management (Recruitment and Appointments) Bill will, however, speed up the health board recruitment process. The purpose of this Bill is to provide a modern and efficient framework for public service recruitment which will allow for increased flexibility while maintaining the current high standards of probity. The Bill empowers Government Departments and other public service bodies to recruit staff directly as well as through a centralised system. I am confident that this measure, coupled with the impending establishment of the Health Service Executive, will eliminate any perceived disadvantage in this area.

Departmental Staff.

62. **Mr. Cuffe** asked the Minister for Health and Children the level of remuneration for the new health executive, in particular the chief executive; and if he will make a statement on the matter. [15718/04]

Minister for Health and Children (Mr. Martin): There will be no change in the grading and remuneration levels for the vast majority of health board personnel to be employed by the Health Service Executive, HSE, in the future. With regard to grading and remuneration arrangements for the senior management team, including the chief executive officer, these are currently being examined by my Department, in consultation with the board of the interim HSE and the Department of Finance.

Mental Health Services.

63. **Mr. Murphy** asked the Minister for Health and Children if his attention has been drawn to the gross under provision of psychiatric services and the consequences for individuals and their families of the absence of any coherent strategy for the psychiatric services; and if he will make a statement on the matter. [15459/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Advancement in the standards of care for psychiatric patients remains at the heart of developing and improving psychiatric services as set out in the policy document, "Planning for the Future". The thrust of this report recommended the establishment of a comprehensive community based mental health service as an alternative to institutional care for persons with mental illness. The shift from a predominantly hospital based service to a service delivered to patients with the least disruption to their lives in the community has taken place, with significant improvements in standards of patient care.

In recent years, significant additional resources have been committed to the further development of community based mental health services. This has resulted in a continuing decline in the number of in-patients from 5,192 in 1997 to 3,966 in 2002, with a corresponding increase in the provision of a range of care facilities based in the community to complement in-patient services. There are now 411 community psychiatric residences in the country providing 3,146 places compared to 391 residences providing 2,878 in 1997.

Since 1997, approximately €90 million additional revenue funding has been invested in the mental health services. In the main, this funding is being used to provide additional medical and health professional staff for expanding community mental health services, to increase child and adolescent services, to expand the old age psychiatric services, to provide liaison psychiatry services in general hospitals and to enhance the support provided to voluntary agencies. The total mental health budget for 2004 is €661.35 million.

The expert group on mental health policy was established in 2003 to prepare a new national policy framework for the mental health services, updating "Planning for the Future". The group consists of 18 widely experienced people who are serving in their personal capacities. The membership encompasses a wide range of knowledge and a balance of views on many issues affecting the performance and delivery of care in our mental health services. The group is expected to complete its work in 2005.

Services for People with Disabilities.

64. **Mr. G. Mitchell** asked the Minister for Health and Children the steps he intends to take to ensure that counselling services are available to families caring for individuals with serious and

often fatal disabilities; and if he will make a statement on the matter. [15429/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The significant additional funding which has been provided by this and the previous Government for services for people with disabilities has been used to put in place a broad range of support services. These include enhanced access to counselling services by individuals with a disability and their families/carers.

Additional funding, amounting to €24 million, has been provided in 2004 to meet specific needs, such as the provision of emergency residential placements and extra day services for persons with intellectual disability and those with autism, and to meet priority needs identified by the health boards in services for people with physical and sensory disabilities.

While significant progress has been made in recent years, the Government accepts that more needs to be done in this area and that there is a need for a continued programme of investment in services for people with disabilities over a number of years.

Question No. 65 answered with Question No. 46.

Cancer Screening Programme.

66. **Ms O'Sullivan** asked the Minister for Health and Children when the cervical smear testing programme will be available nationwide; the steps being taken to reduce delays in the provision of results; and if he will make a statement on the matter. [15591/04]

Minister for Health and Children (Mr. Martin): A pilot cervical screening programme commenced in October 2000, with the programme covering the Mid-Western Health Board region. Under the pilot programme, cervical screening is offered, free of charge, to approximately 74,000 women in the 25 to 60 year age group, at five year intervals.

The Health Board Executive, HeBE, has commissioned an examination of the feasibility and implications of a national roll out of a cervical screening programme. A key element of this work is an evaluation of the current pilot programme. It is expected that the evaluation will be completed this year. The HeBE has advised my Department that, when the evaluation report is completed, it will be in a position to prepare a draft plan for the national roll out of a programme, for consideration by my Department.

The number of smear tests carried out nationally has increased by almost 20% in recent years. To meet this increased demand, additional cumulative funding of €11 million has been provided by my Department since 2002 to enhance the laboratory and colposcopy services. This funding has enabled the laboratories to

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employ additional personnel, purchase new equipment and introduce new technology, thereby increasing the volume of activity. In addition, a number of hospitals have undertaken initiatives, such as contracting out of smear test analysis to external laboratories. These initiatives have resulted in a reduction in waiting times with, for example, the waiting time for routine results at Cork University Hospital being reduced from 129 days at March 2003 to less than 40 days currently.

Cancer Treatment.

67. **Ms McManus** asked the Minister for Health and Children the action he has taken or plans to take arising from public concern about persons paying substantial sums of money to a doctor claiming to provide alternative treatment for cancer patients; if the next of kin of the patients have met with officials of his Department; the outcome of the meeting; and if he will make a statement on the matter. [15575/04]

Minister for Health and Children (Mr. Martin): See the reply to priority question 15738/04.

Health Board Services.

68. **Ms Lynch** asked the Minister for Health and Children if his attention has been drawn to claims made at the recent EU cardiac health conference in Cork that children with heart conditions are now facing increased delays of up to a year and a half to see a specialist; the steps he intends to take to address this situation; and if he will make a statement on the matter. [15586/04]

Minister for Health and Children (Mr. Martin): The Eastern Regional Health Authority, ERHA, is charged with responsibility for commissioning health and personal social services on behalf of the population of the region and also on behalf of those outside the region who are referred for specialist treatment. My Department has been advised by the ERHA that the two main constraints on out-patient cardiology services at Our Lady's Hospital for Sick Children, Crumlin, have been consultant manpower and physical space.

The hospital and the ERHA have recognised that urgent priority needs to be given to the upgrade and development of the cardiac services department, which includes the departments of paediatric cardiology and paediatric cardiac surgery. A draft design brief has been prepared by a sub-group of the project team that is currently planning the overall redevelopment of the hospital in order to address the most urgent needs of the cardiac services department. The draft brief describes an interim solution, which could be put in place in a relatively short time frame pending the overall hospital development. It is proposed to commission a site study to identify, consider and assess the available options

for the creation of an efficient workable cardiology unit. In the meantime, the ERHA, in conjunction with the hospital, is exploring options for acquiring additional consultancy room space to facilitate the demand for out-patient clinics.

The ERHA has sanctioned the appointment of two additional consultant cardiologists, one of whom took up post in November 2003. The second cardiologist, who was due to take up post this summer, has recently decided not to take up the appointment. A locum consultant cardiologist has been in place since February 2004. This locum contract will now be extended and the hospital will be in a position to provide additional out-patient appointments to patients. I have been advised by the ERHA that, while there may be delays in providing follow-up appointments, urgent referrals are seen as soon as possible.

Services for People with Disabilities.

69. **Mr. Noonan** asked the Minister for Health and Children if he will liaise with the Department for the Environment, Heritage and Local Government to end the crisis for patient and health care providers surrounding the disabled persons housing grant; and if he will make a statement on the matter. [15437/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): My Department will continue to liaise with the Department of the Environment, Heritage and Local Government regarding the disabled persons housing grant. Deputy Noel Ahern, Minister of State with responsibility for housing and urban renewal, recently announced the allocation of €65 million to local authorities for the payment of disabled persons and essential repairs grants.

The grants are administered by local authorities in accordance with a framework laid down in statutory regulations, which, as far as practicable, is designed to give an appropriate degree of flexibility to local authorities in addressing the housing needs of disabled and elderly persons. Health boards provide the occupational therapists to assess the needs of persons with disabilities applying for these grants.

Concerns have been raised regarding the shortage of certain professionals, such as occupational therapists, speech and language therapists, physiotherapists and psychologists. Efforts have been made to address this situation. Significant progress has been achieved in boosting the number of therapy training places. Last year, the Minister for Education and Science and the Minister for Health and Children announced 150 additional therapy training places in occupational therapy and speech and language therapy.

There has also been a concerted overseas recruitment drive on behalf of all health boards, the introduction of a fast track working visa scheme for health and social care professionals and the streamlining of procedures for the validation of overseas qualifications. The success

of these measures is reflected in the increases in speech and language therapists and occupational therapists employed in the public health service over the three year period to end of 2002, with a 73% increase in occupational therapists and a 33% increases in speech and language therapists.

Health Board Services.

70. **Mr. Gormley** asked the Minister for Health and Children when the new facility at the Meath Hospital will be fully operational; the number of general practitioners who will operate the facility; and if there will be a dispensing pharmacy at the facility. [15714/04]

Minister for Health and Children (Mr. Martin): I am informed by the Eastern Regional Health Authority, which has responsibility for development of the Liberties primary care team, that the primary care centre is now completed. At present, public health nursing services, physiotherapy and occupational therapy for the enrolled population are being provided. The first practice of three general practitioners will move into the Liberties primary care unit on completion of the information technology transfer of patient files and this is expected to be concluded within days. The authority anticipates that the second practice, which also has three general practitioners, will be providing services from the unit in the coming months. The unit will not have a dispensing pharmacy.

Departmental Reviews.

71. **Mr. Rabbitte** asked the Minister for Health and Children when he expects to receive the report of the independent review into the circumstances of the death of a person (details supplied) on 1 July 2003; and if he will make a statement on the matter. [15599/04]

Minister for Health and Children (Mr. Martin): On 23 July last, I announced that I had convened a review panel to conduct an independent review of the events surrounding the tragic death of the person concerned. The members of the panel are: Mr. David Hanly, management consultant; Ms Kay O'Sullivan, director of nursing at Cork University Hospital; Dr. Shakeel A. Qureshi, paediatric cardiologist at Guy's and Thomas's Hospital, London.

The terms of reference of the panel are: to consider the report of the ERHA on the events of 30 June 2003 at Our Lady's Hospital for Sick Children, Dublin, and to make such further inquiries and conduct such interviews as the panel considers necessary; to address the questions raised by the family; to examine protocols and procedures relevant to this incident having regard to prevailing standards of best practice and to examine their application in this case; to report to the Minister and to make such recommendations as it sees fit; following the review, both reports will be made available. The work of the review panel is ongoing and I am not

in a position to say, at this stage, when the report will become available.

Health Services for Prisoners.

72. **Mr. McCormack** asked the Minister for Health and Children the current situation with regard to health services for prisoners; and if he will make a statement on the matter. [15442/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The provision of health services for prisoners is a matter for my colleague, the Minister for Justice, Equality and Law Reform. I am informed by the Minister that health care services for prisoners involve a combination of primary and secondary care services. A primary health care service is provided in the prisons by prison doctors, nurse officers, medical orderlies and visiting medical personnel. Prisoners requiring secondary care are transferred to general hospitals for treatment. Inpatient psychiatric care for prisoners with mental health problems is provided at the Central Mental Hospital in so far as accommodation there allows.

I am further informed by the Minister for Justice, Equality and Law Reform that prison doctors, who are members of the Irish Medical Organisation, have been engaging in industrial action in pursuit of a pay claim since 4 May 2004. This action has involved the complete withdrawal of doctor services to prisoners, apart from circumstances where there is a real and immediate risk to human life. I am advised by the Minister that the Irish Prison Service has publicly stated that this level of emergency cover has proved inadequate and that the service has had no option but to seek the assistance of Army doctors to attend prisoners in a limited number of Dublin prisons who are in need of urgent medical intervention.

The Minister for Justice, Equality and Law Reform has informed me that he is concerned that normal health care services be restored for prisoners at the earliest possible time. He welcomes the offer of the Irish Prison Service to move immediately to third party arbitration and be bound by whatever recommendation emerges. He would urge both parties to take up this option in the interest of minimising potential risk to the health and well being of this most vulnerable group.

Cancer Incidence.

73. **Mr. McGinley** asked the Minister for Health and Children if his attention has been drawn to the high incidence of malignant melanoma of the eye in west Donegal; if he has carried out research into the issue; and if he will make a statement on the matter. [15712/04]

Minister for Health and Children (Mr. Martin): In response to previous representations from the Deputy, my Department referred this matter to the Health Research Board. The chief executive

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 officer of the board has recently informed my Department that the Health Research Board has not conducted research into this form of melanoma. My Department has, therefore, asked the National Cancer Registry, which has statutory responsibility for the collation and analysis of data and incidence of prevalence of cancer in Ireland, to examine the matter raised by the Deputy and to report back as quickly as possible. I will then advise the Deputy of its findings.

Death Certificates.

74. **Ms O. Mitchell** asked the Minister for Health and Children the plans he has to deal with the inordinate delays which cause great emotional distress in obtaining a death certificate following a post-mortem; and if he will make a statement on the matter. [15416/04]

Minister for Health and Children (Mr. Martin): The administration of the registration system is statutorily a matter for an tArd-Chláraitheoir or Registrar-General of births, deaths and marriages and for registrars who operate under his general direction.

When a person dies it is the duty of the nearest relative present at death or in attendance at the last illness to act as qualified informant. This means that the nearest relative must give to the registrar the information necessary to register the death, including a medical certificate of cause of death, and sign the register. However, in this instance I presume the Deputy is referring to deaths which have been referred to a coroner. There is a legal responsibility on doctors, registrars of births and deaths, undertakers, gardaí, hospitals and homes to inform the coroner where a death occurs suddenly or unexpectedly or from a cause unknown, unclear or unnatural or where the deceased was not seen or treated by a registered medical practitioner within one month prior to death.

In such cases, the coroner may request a post-mortem examination. If the post-mortem shows that a death was due to natural causes, the coroner may issue a certificate to the registrar who can then proceed to register the death and issue a death certificate. If the post-mortem shows that a death was due to unnatural causes, an inquest must be held. In such cases, the registrar must await the outcome of the inquest and the issue by the coroner of a coroner's certificate.

The Deputy will appreciate that the carrying out of the statutory procedures outlined often involves detailed examination of complex medical and legal matters that may take time to resolve.

Question No. 75 answered with Question No. 36.

Mental Health Services.

76. **Ms B. Moynihan-Cronin** asked the Minister

for Health and Children the progress made with regard to the implementation of the Mental Health Act 2001; if he will list those sections brought into operation and those that still remain to be implemented; and if he will make a statement on the matter. [15589/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The main vehicle for the implementation of the provisions of the Mental Health Act 2001 is the Mental Health Commission, which was established in April 2002. To facilitate the establishment of the commission, sections 1 to 5, 7 and 31 to 55 of the Act were commenced at that time. The commission's primary function is to promote and foster high standards and good practices in the delivery of mental health services and to ensure that the interests of detained persons are protected.

Under the provisions of the Mental Health Act 2001, the commission has appointed Dr. Teresa Carey to the position of inspector of mental health services. A team of assistant inspectors has also been appointed. The inspector has indicated that she expects to commence a programme of inspections of mental health facilities from June 2004.

The detailed work programme of the commission is a matter for the commission itself to determine, in accordance with its statutory functions under the Mental Health Act 2001. However, the commission's strategic plan for 2004 to 2005 indicates that one of the priorities for the commission is to put in place the structures required for the operation of mental health tribunals, as provided for in Part 2 of the Act. This year, additional funding of €3 million is available to the commission for this purpose. The commission is currently in discussion with my Department, the health boards and other relevant agencies to ensure that all elements of the organisational and support systems required are in place prior to the commencement of Part 2 of the Mental Health Act 2001.

I understand that the Mental Health Commission expects Parts 4, 5 and 6 of the Mental Health Act 2001 to be commenced simultaneously with Part 2 of the Act.

Health Service Reform.

77. **Mr. O'Shea** asked the Minister for Health and Children the programme of work undertaken to date by the national steering committee to oversee the different strands of the health reform programme; when the composite plan the interim HSE is using will be made available to members of the Joint Oireachtas Committee on Health and Children, as promised; and if he will make a statement on the matter. [15590/04]

Minister for Health and Children (Mr. Martin): The national steering committee, NSC, was established to oversee, monitor and steer the health reform programme. Chaired by Mr. Kevin

Kelly, the executive chairman of the interim Health Service Executive, the committee is composed of key stakeholders from across the various strands of the reform programme.

The four inter-related strands of activity currently underway are: the change management programme being led by the interim Health Service Executive, which is planning for the move to a unitary system from 2005; the elements of the reform programme under the remit of the Department of Health and Children, which includes *inter alia* the restructuring of my Department and the establishment of HIQA; the work of the acute hospital review group, chaired by David Hanly; and the ongoing management of the health service and the preparations by the chief executive officers of the health boards for the change to a unitary system.

The initial meeting of the national steering committee was held in February and the second meeting is scheduled for Friday, 4 June. At its second meeting the committee will focus on the progress made to date under the four inter-related streams.

The new structure set out in this reform programme will provide a clear national focus on service delivery and executive management through reduced fragmentation and the creation of clear and unambiguous accountability throughout the system. Phase I of the implementation of the reform programme involved a widespread communications and consultation process and the establishment of thirteen action projects to think through and flesh out specific aspects of the programme. The action projects concluded, as planned, at the end of December. A composite document outlining the main findings has been prepared. It is my intention to have the composite report published shortly.

Independent Inquiries.

78. **Ms O'Sullivan** asked the Minister for Health and Children the progress of the inquiry being held into the death of a person (details supplied) in County Cavan ; when he expects to receive the final report; and if he will make a statement on the matter. [15592/04]

Minister for Health and Children (Mr. Martin): Following the tragic death of the child concerned, the North Eastern Health Board established an expert group to undertake an urgent review of all factors involved. My Department is advised that the group is currently finalising a report which will issue to the North Eastern Health Board shortly.

Community Pharmacy Services.

79. **Mr. Penrose** asked the Minister for Health and Children the latest position regarding his consideration of the report of the pharmacy review group; and if he will make a statement on the matter. [15594/04]

Minister for Health and Children (Mr. Martin):

I established the pharmacy review group in November 2001 to examine the pharmacy issues raised in the OECD report on regulatory reform in Ireland. I am continuing to examine the complex legal and public health issues in the group's recommendations. The report is available on my Department's website, www.doh.ie, along with reports prepared for the group by Indecon International Economic Consultants.

Primary Care Strategy.

80. **Dr. Twomey** asked the Minister for Health and Children if he will report on the primary care steering group's view that the post-graduate medical programme ignores international consensus in medical education to integrate basic sciences with clinical practice. [15463/04]

Minister for Health and Children (Mr. Martin):

I established the national primary care steering group in June 2002 to give leadership and guidance on several key elements of the implementation of the primary care strategy and to give policy advice to my Department and other relevant bodies. The membership includes representation from the medical and nursing professions, health and social care professionals, the community and voluntary pillar, service users, statutory agencies and service providers. The steering group is chaired by Professor Ivan Perry, department of epidemiology and public health, University College, Cork.

In 2003, the Minister for Education and Science and I jointly established a working group to examine and make recommendations relating to the organisation and delivery of undergraduate medical education and training in Ireland. This group is chaired by Professor Pat Fottrell. The working group invited submissions from interested parties, including the primary care steering group, to assist it in its work and it is expected to make its report before the end of 2004. The primary care steering group, in exercising its role in providing policy advice, gave detailed consideration to a range of issues relating to medical education and training, which impact on the successful implementation of the primary care strategy, and made a submission to the medical education and training group.

The steering group's view was that the primary care service model and policy present a range of development requirements in the provision of appropriate education and training for medical practitioners at both undergraduate and post-graduate levels so as to ensure that practitioners are equipped with the appropriate skills and competencies for effective service delivery in the primary care setting. It made a number of recommendations in support of these objectives. The views expressed are a matter for the steering group in the first instance and form part of a SWOT — strengths, weaknesses, opportunities and threats — analysis of the issues being

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considered by the working group chaired by Professor Fottrell.

Proposed Legislation.

81. **Mr. Coveney** asked the Minister for Health and Children when he intends to publish the Medical Practitioners Bill; and if he will make a statement on the matter. [15458/04]

Minister for Health and Children (Mr. Martin): The draft heads of Bill for significant and wide ranging amendments to the Medical Practitioners Act have been prepared and circulated to other Government Departments for their observations. Final observations from the Office of the Attorney General are awaited and once they are received, it is intended that the draft heads will be presented to Cabinet as soon as possible. Detailed drafting will then proceed as a matter of priority, with the assistance of Parliamentary Counsel.

Health Service Reform.

82. **Mr. S. Ryan** asked the Minister for Health and Children the progress made with regard to the implementation of the recommendations of the Brennan report; and if he will make a statement on the matter. [15595/04]

Minister for Health and Children (Mr. Martin): The Government's decision on the health service reform programme is based on the recommendations of the following key reports: the audit of structures and functions in the health system or the Prospectus report; the commission on financial management and control systems in the health service or the Brennan report; report of the national task force on medical staffing or Hanly report.

The new structure set out in this reform programme will provide a clear national focus on service delivery and executive management through reduced fragmentation and the creation of clear and unambiguous accountability throughout the system. Implementation of the programme is well underway.

I announced the establishment of the board of the interim HSE last November and the board has met on a number of occasions. The interim HSE is now established as a statutory body on foot of S.I. 90/04. Under the establishment order, the interim HSE has been given the task of drawing up a plan for the Minister's approval for the establishment of a unified management structure for the proposed new Health Service Executive; the integration of the existing health board structures into the new Health Service Executive; the streamlining of other statutory bodies, identified in the Prospectus report, to be incorporated in the new structure; the establishment of regional boundaries for the delivery of primary, community and continuing care services; the establishment of procedures to develop a national service plan for the delivery of

health services; the establishment of appropriate structures and procedures to ensure the proper governance and accountability arrangements for the proposed Health Service Executive; and the appointment of a chief executive officer.

The interim executive has also been given the task of making the necessary preparations to implement this plan, subject to ministerial approval, so as to ensure as smooth a transition as possible from the existing health board structure to the new Health Service Executive structure. It is intended that the Health Service Executive will be established on a full statutory basis by January 2005. Work on the preparation of the necessary primary legislation is well underway.

The work to be undertaken by the interim HSE is one of four distinct but inter-related strands of activity which will take place under the reform programme during 2004. The other three strands are: aspects of the reform programme for which the Department of Health and Children has lead responsibility, including legislation, the establishment of HIQA, governance, streamlining of agencies, HR/IR, financial management/service planning and so forth; the work of the acute hospitals' review group chaired by Mr. David Hanly and the ongoing management of the health system and internal preparations for the new organisation and governance arrangements being led by the chief executive officers of health boards and the Health Boards Executive.

The Government has also appointed a national steering committee to oversee the implementation of the work programmes of the four strands. It provides a co-ordinating forum for actions being led in the respective strands and ensures overall consistency with the Government's decision. It will report to the Cabinet committee on the health strategy, ensuring that the Government is kept fully informed on all important issues.

A financial transition team made up of representatives from my Department and the interim HSE are working together to lay the ground work for the implementation of a number of the recommendations of the Brennan commission. It is expected that the team's work will be completed in time to enable the HSE to comply with the key recommendations of the commission when it takes over responsibility for the management of service delivery.

I am satisfied that the new arrangements, combined with the introduction of system wide best practice governance and accountability systems, will ensure a stronger more effective health system and an improved health service for patients and clients.

Health Reports.

83. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children if he has received the study and report compiled by Spinal Injuries

Ireland entitled, “The Reality of Living with Spinal Cord Injury”; the way the Government proposes to respond to its findings, including the finding that assisted living is the service most required by respondents to the survey; and if he will make a statement on the matter. [15571/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): My Department has not yet received the study and report from Spinal Injuries Ireland. I will arrange for my Department to examine its contents when it comes to hand.

National Treatment Purchase Fund.

84. **Mr. Boyle** asked the Minister for Health and Children the amount it costs in terms of salaries and so forth to administer the national treatment purchase fund; and if he will make a statement on the matter. [15716/04]

Minister for Health and Children (Mr. Martin): The provisional out-turn for the national treatment purchase fund in 2003 was €30.057 million. This figure includes €3.06 million for administration costs and includes €0.81 million for staff costs. The Deputy should note that the administration costs include certain start-up and set-up costs for the NTPF which were of a once off nature in 2003.

Question No. 85 answered with Question No. 37.

General Medical Services Scheme.

86. **Mr. S. Ryan** asked the Minister for Health and Children when he intends to publish the report commissioned from Deloitte and Touche on the GMS, in view of the fact that it is now over a year since a draft was submitted to him; if the report has yet been brought to Government; if it is intended to implement the recommendations of the report; and if he will make a statement on the matter. [15600/04]

Minister for Health and Children (Mr. Martin): A draft copy of the Deloitte and Touche consultancy review of governance and accountability mechanisms in the GMS schemes was received by my Department in February 2003. While the review was being considered by officials in my Department, both the commission on financial management and control systems in the health service or Brennan report and the audit of structures and functions in the health system or Prospectus report were published. Since the contents and recommendations of both reports are relevant to the subject matter of the GMS review, my Department requested Deloitte and Touche to update the draft in this light and also having regard to the latest financial data from the General Medical Services (Payments) Board. It is still my intention to bring this review to Government, after which its publication and implementation will be discussed.

Professional Indemnity Cover.

87. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children the way the withdrawal from certain categories of medical insurance here by the Medical Defence Union will affect our health services; and if he will make a statement on the matter. [15572/04]

Minister for Health and Children (Mr. Martin): The recent announcement by the Medical Defence Union that it will not be offering its consultant members in Ireland an insurance policy which underwrites their professional indemnity cover is not expected to have any effect on the provision of health services here. Historically, the Medical Defence Union and the Medical Protection Society did not offer their members a conventional insurance policy. What they did provide was discretionary professional indemnity cover under which members could apply for assistance in dealing with personal injury claims taken against them.

In April 2001, the Medical Defence Union decided to offer its Irish consultant members, with the exception of consultant obstetricians, an insurance policy issued by Eagle Star Insurance Company (Ireland) Limited. It has now been reported that from 1 July of this year the Medical Defence Union will revert to offering its consultant members discretionary cover.

Question No. 88 answered with Question No. 37.

Hospital Accommodation.

89. **Mr. Costello** asked the Minister for Health and Children the number of new hospital beds that have been provided so far in 2004 and the projected number that will be provided before the end of 2004; and if he will make a statement on the matter. [15578/04]

Minister for Health and Children (Mr. Martin): I have provided additional annual revenue funding of €93 million and capital funding of €25 million to health boards and the Eastern Regional Health Authority to commission 709 extra beds in the acute hospital sector as part of the Government's commitment under the health strategy to provide an additional 3,000 acute hospital beds over the period to 2011. A total of 589 of these beds have been commissioned to date and funding has been made available to health boards/authority to commission the balance of the 709 beds.

I have also provided a total of €12.6 million in 2004 to the Eastern Regional Health Authority and the Southern Health Board to facilitate the discharge of patients from acute hospitals to more appropriate settings, thereby freeing up acute hospital beds. This funding provides for the subvention of additional beds in the private nursing home sector and the provision of ongoing support in the community.

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This Government is committed, over the lifetime of the health strategy, to providing additional beds in public acute hospitals with the objective of improving access for public patients to hospital services and reducing waiting times for treatment.

Services for People with Disabilities.

90. **Mr. Ring** asked the Minister for Health and Children the progress that has been made by the working group addressing the way in which best to meet the additional costs of disability by examining the feasibility of a cost of disability payment; and the recommendations that have been made by this group. [12162/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Under the Programme for Prosperity and Fairness, an interdepartmental working group, chaired by the Department of Health and Children, was established to examine the feasibility of introducing a cost of disability payment.

The National Disability Authority, on the behalf of the working group and in line with its own remit, commissioned research into the feasibility of a cost of disability payment in Ireland. The purpose of this research was to advise regarding the additional costs incurred by people with disabilities owing specifically to the direct or indirect costs of the disability and the appropriate mechanisms or instruments by which to address identified additional costs. The resultant report, "Disability and the Cost of Living", was published by the NDA early in 2004.

The working group in March of this year produced a position paper which gave an overview of the work it has undertaken to date. It outlined the group's current thinking and also gave an indication of the next steps the working group intends taking. The working group recommends that urgent steps be taken to improve the quality of data relating to disability in Ireland. This might include, for example, adjustment of existing data gathering exercises undertaken by the Central Statistics Office or other relevant bodies to include questions on the numbers per household with disabilities, the nature of the disability, severity of impairment and so forth. The working group considers that it is vital that comprehensive data is available on which to base consideration of the feasibility of a cost of disability payment.

Given its advisory and research remit, the working group considers that the National Disability Authority has an important role to play in addressing these data gaps along with other relevant bodies. The working group acknowledges that a number of Departments and agencies have previously carried out reviews of the various supports/payments for people with disabilities. However, these reviews have tended to focus solely on the operation of individual schemes, without taking a broader over view of

how these measures fit into the overall system of disability supports. The working group proposes to examine the scope for rationalising and streamlining the various disability support measures, with a particular focus on mitigating the additional costs of disability for a greater number of people with disabilities, particularly in the case of those who wish to move from a position of total welfare dependence to one of greater economic independence.

The working group is now proceeding to follow up on these various matters.

Vaccination Programme.

91. **Mr. Penrose** asked the Minister for Health and Children the current level of the uptake of the MMR vaccine in each health board area for the latest period for which figures are available; the steps that are being taken to promote greater take up; and if he will make a statement on the matter. [15593/04]

Minister for Health and Children (Mr. Martin): Data provided by the National Disease Surveillance Centre, NDSC, indicate that MMR uptake rates for children of 24 months of age per health board region for the fourth quarter of 2003 are as follows:

	Quarter 4, 2003*
	%
ERHA	77
MHB	89
MWHB	82
NEHB	83
NWHB	86
SEHB	84
SHB	80
WHB	76
Ireland	80

*The most recent period for which uptake figures are available from the NDSC.

The MMR vaccine protects against measles, mumps and rubella and, in accordance with the recommendations of the immunisation advisory committee of the Royal College of Physicians of Ireland, can be administered to children between 12 and 15 months of age. A vaccine uptake rate of 95% is required to protect children from the diseases concerned and to stop the spread of the diseases in the community. Measles, in particular, is a highly infectious and serious disease; approximately one in 15 children who contract measles suffer serious complications. I am concerned about the unsatisfactory MMR immunisation uptake rates because of the risk of unimmunised children contracting the potentially serious diseases concerned. The outbreak of measles in 2000, which resulted in approximately 2,000 cases and three deaths, is evidence of the consequences of insufficient immunisation uptake.

Based on information available from the National Disease Surveillance Centre there was a significant increase in 2003 in the number of reported measles cases. In 2002, 243 cases of measles were reported but provisional returns for 2003 indicate that there were 586 measles cases during that year. This underlines the importance of raising the immunisation uptake level to the optimal level of 95% against measles and the other potentially serious infectious diseases. However, I am encouraged by the most recent statistics from the NDSC which show that for the fourth quarter of 2003 MMR uptake for children up to 24 months of age was 80%. This uptake rate had increased from 75% in the comparative quarter in 2002.

In 2003, CEOs in all health boards and the ERHA were asked to ensure that specific immunisation measures were prioritised in all regions to prevent a serious measles outbreak. A national immunisation steering committee was established to address a wide range of issues relating to the childhood and other immunisation programmes, including the identification of issues that are hampering the achievement of uptake targets. I launched the report of the steering committee in April 2002 and a national implementation group was subsequently established to draw up a phased national implementation plan based on the report's recommendations.

Following consideration of proposals on childhood immunisation which were submitted by the national implementation group through the Health Boards Executive or HeBE on behalf of the health boards, €2.116 million was allocated by my Department in 2003 to fund initiatives to improve childhood immunisation uptake. A further €2.778 million has been allocated for that purpose this year.

There is concern among some parents about the measles, mumps and rubella or MMR vaccine. Negative coverage on this issue has added to the confusion of parents in deciding whether to vaccinate their children. In April 2002, I launched the "MMR Vaccine Discussion Pack", an information guide for health professionals and parents. The pack was produced by the NDSC and the department of public health, Southern Health Board, and was published by HeBE on behalf of the health boards. The pack sets out the facts about the most common concerns about MMR in a way that will help health professionals and parents to explore these concerns together, review the evidence regarding MMR and provide the basis for making an informed decision.

The information is presented in such a way as to allow full discussion between health professionals and parents on each issue. The pack also contains an information leaflet for parents. The pack is set out in question and answer format and addresses such issues as the alleged link between MMR and autism and Crohn's disease, the safety and side effects of the vaccine, the

purpose of a second dose of vaccine, combined vaccine versus single doses and contraindications to the vaccine. The pack will enable health professionals to respond to the real concerns of parents.

There is a sound evidence basis for the use of the MMR vaccine. Since the original publication of UK research from Dr. Andrew Wakefield about a possible causal link between MMR vaccine and autism, many researchers have investigated the proposed causal relationship and concluded that there is no link between MMR vaccine and autism or inflammatory bowel disease. My Department's submission to the Oireachtas committee contained further details on the scientific evidence in this regard. In Ireland, this issue has been examined by the immunisation advisory committee of the RCPI and the Irish Medicines Board. The conclusions are that there is no evidence to support the association between MMR vaccines and the development of autism or inflammatory bowel disease and the vaccine is safer than giving the three component vaccines separately. The Oireachtas committee has also endorsed the safety of the MMR vaccine.

The international consensus from professional bodies and international organisations is that the MMR is a safe and effective vaccine. The institutions include the Medical Research Council Expert Committee and the British Committee on Safety of Medicines in the UK, the Centres for Disease Control and Prevention, CDC, and the American Academy of Paediatrics in the USA as well as the World Health Organisation. Studies by the United States Institute of Medicine concluded that there is no link between the vaccine and autism or inflammatory bowel disease. A large Finnish study involving 1.8 million individuals demonstrated that no case of inflammatory bowel disease or autism was linked to the MMR vaccine.

A recent UK study where researchers analysed 2,000 studies from 180 countries found no evidence of a causal link between MMR vaccine and autism or inflammatory bowel disease. A similar Swedish study found no increase in cases of autism in the ten years during which MMR vaccine was introduced. In late 2002, the New England Journal of Medicine published details of a study of more than 500,000 children born in Denmark between January 1991 and December 1998 which indicated that the risk of autism was the same for children regardless of whether they were vaccinated with MMR. The World Health Organisation strongly endorses the use of MMR vaccine on the grounds of its convincing record of safety and efficacy.

Dr. Simon Murch of the Centre for Paediatric Gastroenterology, Royal Free and University College Medical School, London, who had originally questioned the safety of the MMR vaccine, categorically supports use of the MMR vaccine. In the November 2003 edition of "The

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Lancet” he states: “..by any rational standards of risk/benefit calculation, it is an illogical and potentially dangerous mistake for parents to be prepared to take their children in a car on the motorway or in an aeroplane on holiday, but not to protect them with the MMR vaccine. An unprotected child is not only at personal danger, but represents a potential hazard to others, including unborn children”. I am aware that the editor of “The Lancet” has said recently that the journal had learned of a “fatal conflict of interest” concerning the research carried out by Dr. Wakefield. I understand that the British General Medical Council is to examine this matter.

Some health boards have undertaken measures in their regions to improve vaccine uptake. They include information sessions for professionals, for example, doctors and nurses in the area; information sessions for parents; distribution of information to the public, for example, leaflets on MMR available in public areas; advertisements taken out in local papers; advertisements on local radio stations; advice regarding immunisation, including MMR, forms part of every public health nurse consultation with parents; information leaflets displayed prominently in all health centres; information given to schools regarding the booster MMR; follow up of parents by letter and telephone where children have not been vaccinated; follow up with GPs and nurses regarding children in their area who have not been vaccinated; information sessions for staff.

Discussions are ongoing between my Department and HeBE on targeted and focused local/regional initiatives to bring about improvements in MMR uptake levels. Some €800,000 will be invested this year across the ten health board areas on these initiatives. It is anticipated that these initiatives will result in increased awareness of the need for vaccination and increase in uptake. I take this opportunity to again urge all parents to have their children immunised against the diseases covered by the childhood immunisation programme to ensure that both their children and the population generally have maximum protection against the diseases concerned. This is particularly important at present in light of the increase in reported measles cases.

Question No. 92 answered with Question No. 37.

Hospital Services.

93. **Mr. J. Bruton** asked the Minister for Health and Children the decision that he has made on the location of the two radiotherapy services centres in the Eastern region following the recommendations of the report on the development of radiation oncology services in Ireland; and if he will make a statement on the matter. [15417/04]

Minister for Health and Children (Mr. Martin):

I launched the report, “The Development of Radiation Oncology Services in Ireland”, in October 2003. The report is a most authoritative analysis of radiation oncology and provides a detailed plan for the future development of radiation oncology services nationally. The Government has accepted the recommendations of the report and the development of these services as recommended in this report is the single most important priority in cancer services in the acute setting.

The report recommends that there should be two treatment centres located in the eastern region, one serving the southern part of the region and adjacent catchment areas and one serving the northern part of the region and adjacent catchment areas. I have asked the chief medical officer of my Department to advise on the optimum location of radiation treatment facilities in Dublin. The chief medical officer will apply the guidelines established by the group and will be supported by the hospital planning office of my Department and international experts. A number of international organisations, expert in the field of oncology, including radiation oncology, have been asked to nominate experts. A detailed request for submissions is being finalised at present and will be available to relevant hospitals shortly.

Health Service Reform.

94. **Mr. Howlin** asked the Minister for Health and Children his response to the criticism made in the document published at the recent conference of the Irish College of General Practitioners of his Department’s failure to include general practice in its reform programme for the health service; the action he intends to take to address this criticism; and if he will make a statement on the matter. [15584/04]

Minister for Health and Children (Mr. Martin):

The national health strategy, “Quality and Fairness — A Health System for You”, identified six frameworks for change to enable us to achieve the strategy’s national goals. One of the frameworks identified is organisational reform which is mapped out in detail in the Government’s decision on the health service reform programme based on the recommendations of the following key reports: the audit of structures and functions in the health system or the Prospectus report; the commission on financial management and control systems in the health service or the Brennan report; the report of the national task force on medical staffing or the Hanly report.

The new structure set out in this reform programme will provide a clear national focus on service delivery and executive management through reduced fragmentation and the creation of clear and unambiguous accountability throughout the system. The implementation of the Government’s health service reform

programme centres around a number of bodies, including the programme's national steering committee, interim Health Service Executive, the Department of Health and Children and the existing health boards/authority. Another of the frameworks within the health strategy is specifically concerned with primary care and recognises the need for a well integrated health system capable of delivering a broad range of health and personal social services in a primary care setting.

My Department acknowledges the crucial role which general practice plays in the delivery of primary care services. This is recognised in the primary care strategy which envisages a multi-disciplinary team model, with the GP as a key member. The strategy also recommends voluntary enrolments of populations with primary care teams and with a particular GP within the team. In the strategy development process, full cognisance was taken of the joint IMO/ICGP document, "A Vision of General Practice 2001-2006". Since their establishment in 2002, the initial group of primary care teams have continued to develop and are now demonstrating to service users and providers the benefits of multi-disciplinary team working in primary care service delivery.

The ICGP's response to the Government's health service reform programme expresses concern that the increase in consultant numbers proposed in the Hanly report will lead to a disimprovement in the ratio of GPs to specialists. The Hanly report did not make specific projections regarding GP numbers because its focus, in line with its terms of reference, was on hospital consultants and non-consultant hospital doctors. However, the Hanly report acknowledges that a case has been made for an increase in the number of general practitioners and envisages that this issue will be addressed in the context of the primary care strategy.

In addition to the work currently proceeding under the primary care strategy, my Department is also consulting with the Irish College of General Practitioners to identify any difficulties in service delivery and to address these through an increase in the number of GP training places.

Hospital Staff.

95. **Mr. Deenihan** asked the Minister for Health and Children when a cardiologist will be appointed to Tralee General Hospital, County Kerry, in view of the fact that County Kerry has the highest rate of heart disease in the country. [15504/04]

Minister for Health and Children (Mr. Martin): I have recently allocated additional annual funding of €500,000 to the Southern Health Board towards implementation of the cardiovascular health strategy. This additional funding will allow the board to begin the planning process for the appointment a consultant cardiologist to Tralee General Hospital, develop

its cardiac rehabilitation services and expand its first responder project.

Health Board Services.

96. **Ms Shortall** asked the Minister for Health and Children the steps that are being taken to ensure that the Ballymun health centre will be brought into operation and made available to persons of the area, in view of the fact that it has remained unused, although completed, for a year at an estimated cost of €3.5 million; if he has received an application for funding to allow the centre to be fitted out; the estimated cost of fitting out the centre; if he intends to make this money available; and if he will make a statement on the matter. [15602/04]

Minister for Health and Children (Mr. Martin): My Department has recently been in discussions with the Eastern Regional Health Authority, ERHA, and the Northern Area Health Board, NAHB, on this project. My Department is currently awaiting a report from the ERHA and the NAHB on a number of issues regarding this proposal.

Drugs Payment Scheme.

97. **Mr. M. Higgins** asked the Minister for Health and Children if his attention has been drawn to the recent study carried out by the National Centre for Pharmacoeconomics in St. James's Hospital, Dublin, which found that the out of pocket payments of up to €78 per month that non-medical card holders must pay are among the highest in Europe; his views on the recommendations made in the study, including the greater use of generic drugs and a move towards average European pricing; and if he will make a statement on the matter. [15582/04]

Minister for Health and Children (Mr. Martin): I assume the Deputy is referring to the article from the National Centre for Pharmacoeconomics published in the Irish Medical Journal, entitled "Patient Co-Payment for Prescription Medicines Across Europe — How Do We Compare?" As is clear from the article, direct comparison with systems in other European states is not straightforward. Belgium, Denmark, Finland, Ireland, Norway, Sweden and the United Kingdom operate various types of set co-payment schemes. Co-payment levels range from €132 per annum in the UK to €2,500 in Belgium. France, Italy and the Netherlands do not require co-payments, although there may be insurance scheme premiums for patients. In Germany, co-payment is based on a percentage of income and there is no annual co-payment ceiling in Spain, Portugal or Greece.

In Ireland, the drugs payment scheme, DPS, significantly benefits families and individuals without medical cards who, either regularly or occasionally, have large drug bills. No individual or family has to pay more than €78 per month for prescribed, approved drugs and medicines. Any

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costs over €78 are paid by the State. Therefore, no DPS patient has to pay more than €936 a year towards the cost of their medication. Tax relief is available on this expenditure at the taxpayer's marginal rate. The cost of the scheme has risen from £111 million or €140 million in 2000, the first full year of operation, to €192 million in 2002, the latest figure available. The number of people covered under the DPS at the end of December 2002 was 1.32 million, compared to 1.16 million at the end of 2001.

There are no co-payments under the medical card or long-term illness schemes, as medicines are available free of charge under those schemes. This includes patients who are unable to contribute to the cost of their medicines because of undue hardship, anyone over 70 years of age and anyone with a specified chronic illness. These schemes cover 32% of the population.

My Department is currently examining a range of policy options relating to pharmaceutical expenditure, including increased use of generic medicines, pricing and reimbursement structures for the community drug schemes and pharmaco-economic assessment of reimbursable medicines.

Services for People with Disabilities.

98. **Mr. Stanton** asked the Minister for Health and Children if the strategic review of disability services to be carried out by his Department in accordance with a commitment in Sustaining Progress, the Social Partnership Agreement 2003-2005 has commenced; the person or persons in charge with carrying out the review; when the review will be completed; if the review will be published; and if he will make a statement on the matter. [15711/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Sustaining Progress makes a commitment that "the Department of Health and Children will carry out a strategic review of existing service provision, in consultation with relevant interests, with a view to enhancing health and personal social services to meet the needs of people with disabilities." This review has commenced and it is anticipated that it will be completed within the lifetime of Sustaining Progress, that is, by the end of 2005.

The review is being co-ordinated by my Department. The various stakeholders have been consulted from the outset and are actively involved in the review process. I expect that the outcome of the review will be published in due course.

Hospital Waiting Lists.

99. **Mr. Eamon Ryan** asked the Minister for Health and Children when he expects to be in a position to end waiting lists as he previously promised; and if he will make a statement on the matter. [15722/04]

Minister for Health and Children (Mr. Martin):

There are two streams to hospital activity, emergency and elective activity. Pressures on the hospital system due to identified capacity constraints hinder its ability to provide elective activity in a planned way because of the urgent and unpredictable needs of emergency patients. This is a complex area. Patients who require elective treatment may have to wait because beds, staff and operating theatres are being used to treat emergency cases. The balance to be achieved is to ensure that the available resources are used efficiently and that treatment can be delivered to patients in a reasonable time.

Therefore, the significant issue from the patients perspective is the length of time spent waiting for treatment and as such my Department's objective is to reduce waiting times significantly in the short term with particular focus on those waiting longest for treatment. I recently announced the transfer of responsibility for the recording and publishing of waiting lists to the national treatment purchase fund. The NTPF has reported that waiting times have fallen significantly, with 37% of patients now waiting between three and six months and 43% waiting between six and 12 months for surgery. Some 80% of patients now wait less than one year for surgical treatment. This represents a major reduction in the length of time patients have to wait.

While the rate of progress in achieving the targets set out in the health strategy has been slower than anticipated, the targets still remain a goal to be achieved and I will continue to keep the focus on reducing waiting lists and waiting times.

Hospital Services.

100. **Mr. Stagg** asked the Minister for Health and Children, in regard to his announcement of July 2002, the number of the promised 850 community nursing units now available; the hospitals in which they are available; the number in each case; and if he will make a statement on the matter. [15607/04]

Minister for Health and Children (Mr. Martin):

The 850 additional beds which I announced in July 2002 were for community nursing units to be provided under two pilot public private partnerships, PPP, projects in 17 locations throughout the Eastern Regional Health Authority, ERHA, and Southern Health Board, SHB, areas.

The ERHA will be providing nine 50 bed community nursing units, three in each of the area health boards. The locations are as follows: Clonskeagh Hospital, Newcastle Hospital and Tivoli Road, Dún Laoghaire in the East Coast Area Health Board; St. Joseph's Hospital, Raheny, St. Mary's Hospital, Phoenix Park and Swords in the Northern Area Health Board and St. Brigid's Hospital, Crooksling, Bru Chaoimhin,

Cork Street, and Cherry Orchard in the South Western Area Health Board.

The Southern Health Board proposes to develop eight 50 bed CNU's in the following locations: St. Finbarr's, Farranlea Road, and Ballincollig in the Cork south Lee area; St. Stephen's Hospital, Glanmire, and St. Mary's Orthopaedic Hospital, Gurranbraher, in the Cork north Lee area; Mount Alvernia Hospital, Mallow, in the north Cork area; Bantry in the west Cork area and Ballyard, Tralee, in Kerry.

These additional beds are currently not available as the process of providing services under a PPP arrangement requires the health board/authority to comply with the EU procurement legislation and national guidelines on PPPs.

A public sector benchmark has been prepared and finalised by the ERHA. This is a comprehensive and detailed risk adjusted costing of the project elements using conventional procurement over the whole life of the project. The ERHA public sector benchmark was submitted to the Department of Finance for consideration and my Department is currently in consultation with the Department of Finance about the project. The SHB is finalising its public sector benchmark which will be submitted to the Department of Finance for consideration shortly. On approval, contract notices will be advertised by each of the awarding authorities in the Official Journal of the European Union.

Compensation System for Birth Damaged Children.

101. **Mr. Sherlock** asked the Minister for Health and Children the progress that has been made by the working group on the development of a no-fault compensation system for birth damaged children; when he expects the group to report; if he will seek to expedite the introduction of proposals in this area, having regard to the recent awards in the High Court and the increasing difficulties facing practitioners and especially obstetricians in finding insurance cover; and if he will make a statement on the matter. [15604/04]

Minister for Health and Children (Mr. Martin): The advisory group examining the feasibility of introducing a no-fault compensation scheme for brain damaged infants has met regularly since its establishment in July 2001. The group has conducted an extensive investigation of the clinical and legal issues involved in the handling of those cases. It has also examined existing levels of service provision for those affected by cerebral damage.

The group received a presentation by parents of children affected by cerebral damage on the day to day implications of providing care for them at home. It has also examined prevention strategies and the effects of reforms introduced in the United Kingdom on the handling of claims for compensation for injuries resulting from the

provision of clinical care. As the group has already indicated its intention of completing its work by the end of this year, it would not be appropriate to ask it to expedite the process.

The Government has already taken measures to ensure that professional indemnity cover for all consultants in the private sector remains affordable. The cover which consultants, with the exception of obstetricians, need to purchase is capped at €1 million in respect of each and every claim against them. In the case of obstetricians, the cover which they need to purchase is capped at €500,000 in each and every case, with the further protection of an annual and aggregate cap for each doctor of €1.5 million. As a result of these measures, Irish consultant obstetricians in private practice pay €100,000 per annum for their cover rather than the true economic rate of €350,000.

Hospital Waiting Lists.

102. **Ms Burton** asked the Minister for Health and Children if, in regard to the recent hospital waiting list figures for the end of December 2003, he will confirm that the number reported by the health agencies to his Department was 27,318, representing an increase over the figures for the end of September 2003; the reason responsibility for the issuing of waiting list figures has now been given to the national treatment purchase fund; the criteria used by the NTPF to remove some 4,500 patients as part of a validation process; and if he will make a statement on the matter. [15576/04]

Minister for Health and Children (Mr. Martin): The number of patients on waiting lists as reported by health agencies to my Department was 27,318 as at end December 2003. This figure was compiled on the same basis as previously reported figures.

The Department and the national treatment purchase fund, NTPF, carried out a comparative analysis of the number of patients reported to be waiting for surgical treatments. As a result of this analysis it became clear that the number of patients reported to the Department includes patients who are not immediately available for treatment or who would be unable to accept an offer of treatment for medical or other reasons. Therefore, the figures reported to the Department overstate the actual position at hospital level.

The methodology used by the NTPF involves examining in detail the waiting lists reported by each individual hospital to identify each patient and the specific procedure or treatment required. Having identified the patients, the NTPF, in association with the hospitals concerned, carried out validation exercises of those waiting longest for treatment. This validation takes account of such factors as: patients not available for treatment, patients not medically suitable to undergo treatment, patients no longer requiring treatment and patients postponing treatment at

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 their own request. When those factors have been taken into account the NTPF has estimated that a large number of patients, in the region of 4,500, can be deducted from the Department's reported figure.

Figures reported by health agencies to the Department for the period ended December 2003 also included approximately 3,000 patients reported to be waiting for medical, as distinct from surgical, specialities. It is not clear what procedure or treatment these medical cases are awaiting. A group comprising representatives of the Eastern Regional Health Authority, the health boards, the national treatment purchase fund and the Department is considering how best to deal with the categorisation of these patients.

As part of the commitment given in the health strategy to reform the organisation and management of waiting lists and also due to the fact that the NTPF has a multi-disciplinary team that works with individual hospitals to identify patients on waiting lists, I decided to transfer responsibility for the recording and publishing of waiting list figures to the NTPF. This will result in a more accurate and complete picture of the numbers waiting and, more importantly, the length of time they are waiting for their procedures. The important issue is that patients wait for treatment for the shortest possible time and that the actual lists tell us correctly how many patients are available for treatment. We need to get away from merely looking at the numbers waiting and concentrate instead on waiting times.

With regard to waiting times, the NTPF has reported that 80% of patients now wait less than one year for surgical treatment. The NTPF has also reported that waiting times have fallen significantly in the last year, with 37% of patients now waiting between three and six months and 43% waiting between six and 12 months for surgery. This represents a major reduction in the length of time patients have to wait. The NTPF has identified a group of 19,591 patients who are reported to be waiting more than three months for specific procedures, mainly surgical, and this group will now be targeted during 2004. There are 4,040 patients waiting more than 12 months for treatment included in the 19,591, who represent 20% of all those waiting.

The NTPF has substantial capacity to treat patients and will continue to focus on reducing waiting times even further. The fund has the capacity to treat a minimum of 1,000 patients per month, which means that its target is to treat over 12,000 this year. Maintaining referrals at this level will result in waiting times for surgical operations being reduced in line with the health strategy targets of three to six months. Currently, almost half of all hospitals now refer patients waiting for elective treatment between six and 12 months.

As the NTPF has the available capacity to treat more patients there is no need for the majority of patients to wait more than six months for

treatment. Patients who have been waiting more than six months for treatment can also contact the NTPF directly or through their general practitioners to arrange treatment.

Fluoridation of Water.

103. **Mr. Sargent** asked the Minister for Health and Children when he intends to act on the recommendations contained in the fluoridation forum's report; if he intends to appoint individuals who have anti-fluoridation views as part of the review body; and if he will make a statement on the matter. [15723/04]

Minister for Health and Children (Mr. Martin):

I established the forum on fluoridation to review the fluoridation of public piped water supplies in Ireland. The forum report's main conclusion was that the fluoridation of public piped water supplies should continue as a public health measure.

The forum also concluded that: water fluoridation has been very effective in improving the oral health of the Irish population, especially of children, but also of adults and the elderly; the best available and most reliable scientific evidence indicates that at the maximum permitted level of fluoride in drinking water at one part per million, human health is not adversely affected; dental fluorosis, a form of discolouration of the tooth enamel, is a well recognised condition and an indicator of overall fluoride absorption, whether from natural sources, fluoridated water or from the inappropriate use of fluoride toothpaste at a young age. There is evidence that the prevalence of dental fluorosis is increasing in Ireland.

In all, the report of the fluoridation forum made 33 recommendations covering a broad range of topics such as research, public awareness and policy and technical aspects of fluoridation. The expert body that was recommended by the forum has been established. The chairperson of the expert body is Dr. Seamus O'Hickey, former chief dental officer with my Department. Dr. O'Hickey's mix of scientific knowledge, awareness of fluoridation issues and experience of administrative issues leave him well placed to chair the body. The expert body, to be known as the Irish expert body on fluorides and health, held its inaugural meeting in April last.

The terms of reference of the expert body are: to oversee the implementation of the recommendations of the forum on fluoridation; to advise the Minister and evaluate ongoing research, including new emerging issues, on all aspects of fluoride and its delivery methods as an established health technology and as required; to report to the Minister on matters of concern at his/her request or on own initiative.

The expert body has broad representation, including from the areas of public health medicine, engineering, management, environmental protection, environmental health, dentistry and health promotion. The body will have a strong

consumer input in terms of members of the public and representatives of consumer interests, in addition to the necessary scientific, managerial and public health inputs. This diversity of backgrounds will enable the expert body to carry out its work effectively. The membership reflects the skills and experience of the members of the expert body rather than their personal views on the issues of water fluoridation, as is appropriate to such a body.

The secretariat of the body is the Irish Dental Health Foundation, an independent charitable trust which has been to the fore in securing co-operation between private and public dentistry and the oral health care industry for joint oral health promotion initiatives. The foundation's stature and expertise place it in an excellent position to support the work of the forum in its initial stage. The forum's report envisages that the work of the expert body may be subsumed into the health information quality authority in due course.

Hospital Services.

104. **Mr. Gilmore** asked the Minister for Health and Children if he will clarify the comments he made at the IMO conference in Killarney that the Hanly report should be regarded as a template for the reorganisation of hospital services; and if he will make a statement on the matter. [15580/04]

Minister for Health and Children (Mr. Martin): The Hanly report makes specific recommendations for reorganising hospitals in two regions — the East Coast Area Health Board and the Mid-Western Health Board. The report also sets out a series of principles for the future organisation of acute hospital services nationally.

I have established the acute hospitals review group to prepare a plan for the reorganisation of acute hospital services across the country, taking account of the principles set out in the Hanly report. It is for this reason that I described the Hanly report as a template for the organisation of acute hospital services nationally.

EU Directives.

105. **Ms B. Moynihan-Cronin** asked the Minister for Health and Children the position regarding the application of the European working time directive to non-consultant hospital doctors; if he will give the latest assessment of the implications for staffing levels in hospitals; and if he will make a statement on the matter. [15587/04]

107. **Mr. Gogarty** asked the Minister for Health and Children when Ireland will be able to comply with the European working time directive; and if he will make a statement on the matter. [15720/04]

187. **Mr. Durkan** asked the Minister for Health and Children the way he sees the working time

directive being implemented and the extent to which he expects extra staff to be recruited in order to comply; and if he will make a statement on the matter. [15959/04]

Minister for Health and Children (Mr. Martin): I propose to take Questions Nos. 105, 107 and 187 together.

The European working time directive, EWTD, requires a reduction in the average weekly working hours of non-consultant hospital doctors, NCHDs, to 58 hours by 1 August 2004 and ultimately to 48 hours by 2009. The national task force on medical staffing or Hanly report has reiterated the measures that must be progressed to reduce NCHD hours, while providing safe, high quality acute hospital services, 24 hours a day, seven days a week.

Responsibility for human resource planning rests with the chief executive officer, CEO, of each health board. Each CEO in managing the workforce in his or her region is responsible for determining the appropriate staffing mix and the precise grades of staff to be employed in line with service plan priorities, subject to overall employment levels remaining within the approved regional employment ceiling. As far as medical personnel are concerned, the Hanly report details the number of consultants and non-consultant hospital doctors that will be required in the coming years to provide a high quality, consultant provided service. An implementation phase will obviously be required to achieve this re-configuration.

The report of the national joint steering group on the working hours of non-consultant hospital doctors identified a range of activities which could be delivered by other health professionals within a multi-disciplinary team. It suggested a reconfiguration of service and enhanced skills mix which could improve the quality of service to patients. This would also enhance the skills and broaden the range of capabilities of other health professionals. Work has been ongoing in implementing these recommendations. One example of this is the imminent introduction of a new training programme for phlebotomists which is expected to come into operation this year. It is clear, however, that more work must be done and that full co-operation from all stakeholders is now required to establish groups at local level, incorporating the appropriate mix of doctors, nurses, local management and other grades.

A national co-ordinator and support team have been seconded to oversee the implementation of the European working time directive in the health agencies. In addition, medical manpower managers, appointed as part of the NCHD 2000 agreement, are helping to oversee the reduction in NCHD working hours on the ground. They are playing an essential role in the phased implementation of these aspects of the Hanly report and helping to ensure compliance with the requirements of the directive. Latest returns indicate that in excess of 60% of NCHDs will be

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compliant with the 58 hours requirement of the directive by 1 August 2004. Difficulties will arise, however, in the specific provisions of the directive relating to rest breaks and compensatory rest. These issues are being actively considered and will be progressed on an ongoing basis.

Time is of the essence in the process. Management representatives have been ready and willing to participate in local working groups, representative of key stakeholders, to implement these measures. These groups would also monitor progress in relation to the reduction in NCHD hours. One of the problems facing management in implementing the directive's requirements is the lack of substantive engagement by the Irish Medical Organisation, IMO, the Irish Hospital Consultants Association, IHCA, and the medical training colleges. The refusal of the IMO to establish or participate in local implementation groups, the failure to reach any agreement on the industrial relations issues and the limited and individualised response from the colleges on the training/rostering issues are causing significant and ongoing difficulties with implementation. The difficulties being faced in this regard have already been outlined to the European Commission in the Department's response to its consultation document on the review of the European working time directive.

Management has also been pressing to establish a national implementation group to co-ordinate the work being undertaken at local level — to provide guidance and to monitor progress. These groups at both national and local level should include appropriate hospital managers, consultants, NCHDs and other relevant health care professionals. The need to establish these groups has been discussed with the Irish Medical Organisation at the ongoing meetings in the Labour Relations Commission. Full co-operation is vital in establishing these groups to implement these measures that the medical organisations have been lobbying for many years to achieve.

The deadlines imposed by the European working time directive will be difficult to meet, assuming the full co-operation of the key stakeholders concerned. Without that co-operation the challenges and difficulties which must be surmounted are considerably greater. I again call on the stakeholders concerned to participate with and co-operate with the necessary implementation processes. It is important to state that we face the same hurdles as many of our EU colleagues. They, too, are grappling with how to provide top quality health services while complying with the requirements of the directive. Every effort is being made to comply with the requirements of the directive. The current difficulties in no way alleviate our legal obligations and only serve to emphasise the growing urgency of making the necessary progress to achieve implementation. I again call on all interested parties to play their part in

achieving a healthier and safer working environment for doctors in training and, equally important, the safer provision of services to patients.

Genetically Modified Food.

106. **Mr. Sargent** asked the Minister for Health and Children the plans he has to take specific initiatives to educate the public and assess their views on genetically modified food production; and his views on the feedback from debate in the UK on this issue. [14822/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Government policy with regard to genetically modified organisms, GMOs, is set out in the report of the interdepartmental group on modern biotechnology, published in October 2000.

The Food Safety Authority of Ireland, FSAI, is the competent authority in Ireland for the enforcement of legislation governing genetically modified, GM, food and carries out regular surveys of the marketplace to ensure compliance with GM food legislation. The results of these surveys have been published with national media coverage and also on the FSAI website. The FSAI has published a leaflet on "Food Safety and Genetically Modified Foods" which is currently being updated to take account of new legislation. In addition, the FSAI, in conjunction with Departments and industry organisations, is currently formulating a guidance note for industry which will highlight the legislation with regard to GMOs.

The public have access to unbiased information on GM foods from the FSAI and can also access information from each of three Government Departments — Health and Children, Agriculture and Food and Environment, Heritage and Local Government — on any aspects of GMOs within the remits of these Departments. This has resulted in requests for information from concerned individuals and groups, either directly or through their local representatives in the Dáil. I am advised by the FSAI that no additional food safety issues were raised by the UK debate and, consequently, I am satisfied that appropriate arrangements are in place to ensure the safety of authorised GM foods or foods containing GM ingredients placed on the market in Ireland.

Question No. 107 answered with Question No. 105.

Hospital Staff.

108. **Mr. Eamon Ryan** asked the Minister for Health and Children his views on the fact that many Filipino nurses may leave Ireland to work in Australia and other countries due to these other countries offering more attractive packages for both the nurses and their families; the steps he is taking to counteract this and to ensure that

Filipino nurses stay here; and if he will make a statement on the matter. [15721/04]

Minister for Health and Children (Mr. Martin):

The policies of my Department on recruitment of overseas nurses are set out in the publication “Guidance for Best Practice on the Recruitment of Overseas Nurses and Midwives” published in 2001. The guidelines cover all aspects of the recruitment process, including planning staff selection; visas and work permits; provision of advice before leaving home; the procedures for gaining registration in Ireland and induction, orientation and adaptation on arrival in Ireland. The guidelines were developed by a committee of experts from Departments and the health services employers and represent current best practice. The guiding principles underlying the policies are quality, ethical requirement, equity, inclusiveness and promotion of nursing as a career. This document is currently being updated.

Supports provided to overseas nurses arriving to work in the health service include supervised clinical practice, orientation and assessment. A full-time clinical placement co-ordinator is employed to facilitate this. Nurses are paid at the minimum point of the staff nurse scale during this period and, following registration, are given full incremental credit for relevant nursing experience. Overseas nurses enjoy the same employment protection as Irish and EU nurses and are given the same career development supports and opportunities. Employers are required to assist overseas nurses in obtaining registration with An Bord Altranais and assistance in obtaining work permits, visas and work authorisations can also be provided. Employers should provide subsidised accommodation for six weeks following arrival and assist nurses in securing long-term private accommodation.

Since 1998, 5,678 non-EU nurses have been registered by An Bord Altranais. While these nurses come from a variety of countries, the predominant country of origin is the Philippines. Officials from my Department are in regular contact with the Philippines Embassy in London and the with the honorary consul in Dublin. Feedback from the Philippines Authorities is that their nurses are treated well in Ireland, that Irish employment laws are worker friendly and adequately protect the rights of overseas nurses and that Irish people are receptive and friendly to immigrant workers. The deputy head of mission at the embassy has stated that Ireland remains competitive for foreign skilled workers, particularly Filipinos.

Late last year media reports highlighted the dissatisfaction of many of the 3,000 or so Filipino nurses working in Ireland with the then arrangement which did not allow their spouses an automatic entitlement to work in Ireland. I also received individual representations from Filipino nurses and the Embassy of the Philippines in London on this matter. Many Filipino nurses

maintained that the situation regarding work permits for their spouses effectively meant that the nurse was providing the sole income of the household. Other countries such as the United Kingdom and Australia allowed the nurses’ spouses an automatic right to work. Nurses cited this as a reason that some of them were transferring to work in other developed countries.

I welcomed the announcement by my colleague, Deputy Harney, of the introduction of new arrangements for work permits which will be confined to the spouses of certain categories of non-EEA employees, including nurses, in the State. These new arrangements will give greater ease of access to employment for eligible spouses, under specified schemes and facilities. The Department of Enterprise, Trade and Employment recently published a guide to work permits for spouses of employment permit holders and this has been made available to all health service employers. The guide is also published on my Department’s website.

A survey of EU nursing pay rates by my Department indicated in 2003 that the average annual salary for a nurse with ten years experience is €30,247 per annum. In Ireland, the same nurse was paid €34,103 per annum, which represents a premium of almost 13%. In the United Kingdom, a nurse with ten years experience earned €25,940 per annum. In Ireland, premium pay, which included overtime, unsocial hours and night duty rates, typically added a further 23% to basic earnings. Excellent relations and levels of co-operation have been established between the Irish and Filipino authorities and I wish to place on the record my appreciation of the contribution Filipino nurses have made to our health service.

Health Board Services.

109. **Mr. Stanton** asked the Minister for Health and Children the progress that has been made in the delivery of orthodontic services to children in the Southern Health Board region; the numbers awaiting treatment and assessment respectively; and if he will make a statement on the matter. [15710/04]

Minister for Health and Children (Mr. Martin):

The provision of orthodontic services in the Southern Health Board is the responsibility of the chief executive officer of that board in the first instance.

I am pleased to advise the Deputy that I have taken a number of measures to improve orthodontic services in the Southern Health Board area and on a national basis. The grade of specialist in orthodontics has been created in the health board orthodontic service. In 2003, my Department and the health boards funded 13 dentists from various health boards for specialist in orthodontics qualifications at training programmes in Ireland and at three separate universities in the United Kingdom. These 13 trainees for the public orthodontic service are

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additional to the six dentists who commenced their training in 2001. Thus, there is an aggregate of 19 dentists in specialist training for orthodontics. These measures will complement the other structural changes being introduced into the orthodontic service, including the creation of an auxiliary grade of orthodontic therapist to work in the orthodontic area.

Furthermore, the commitment of the Department to training development is manifested in the funding provided to both the training of specialist clinical staff and the recruitment of a professor in orthodontics for the Cork Dental School. This appointment at the school will facilitate the development of an approved training programme leading to specialist qualification in orthodontics. The chief executive officer of the Southern Health Board has reported that the professor commenced duty on 1 December 2003. In recognition of the importance of this post at Cork Dental School, my Department has given approval in principle to a proposal from the school to further substantially improve the training facilities there for orthodontics. This project should see the construction of a large orthodontic unit and support facilities; it will ultimately support an enhanced teaching and treatment service to the wider region under the leadership of the professor of orthodontics.

In June 2002, my Department provided additional funding of €5 million from the treatment purchase fund to health boards/authority specifically for the purchase of orthodontic treatment. This funding is enabling boards to provide both additional sessions for existing staff and purchase treatment from private specialist orthodontic practitioners. The Southern Health Board was allocated an additional €0.720 million from this fund for the treatment of cases in this way.

The chief executive officer of the Southern Health Board has informed my Department that at the end of March 2004 there were 3,476 and 2,960 patients awaiting orthodontic assessment and treatment respectively. The chief executive officer has also informed my Department that there was no waiting time for patients requiring category A treatment; patients in category A require immediate treatment.

Finally, the chief executive officers of the health boards/authority have informed my Department that at the end of the March quarter 2004, there were 21,033 children receiving orthodontic treatment in the public orthodontic service; of these, 3,400 children were receiving treatment from the Southern Health Board. This means that there are nearly twice as many children getting orthodontic treatment as there are children waiting to be treated and almost 4,000 extra children are getting treatment from health boards/authority since the end of 2001.

Organ Retention.

110. **Mr. Broughan** asked the Minister for Health and Children the progress made by the Dunne inquiry into the retention of organs of deceased children; the date on which the report will be published; the steps being taken to address the concerns of the families affected; and if he will make a statement on the matter. [15608/04]

Minister for Health and Children (Mr. Martin):

The inquiry, chaired by Ms Anne Dunne, S.C., has been asked to review post-mortem policy, practice and procedure in all hospitals in the State since 1970 particularly relating to organ removal, retention and disposal.

Following consultations which I had with the chairman in late 2002, it was agreed that the inquiry would give priority to the completion of its work in respect of post-mortem issues in paediatric hospitals, with a view to furnishing a report by the end of 2003. This was to be followed by a second report on post-mortem issues in maternity hospitals and a third report relating to other hospitals. In recent correspondence, the inquiry has informed me that it has not proved possible to complete the report on paediatric hospitals within that time frame as matters have taken longer to conclude than previously anticipated.

The inquiry advises that, with some exceptions, the information gathering in paediatric hospitals is complete and the issue of analysing the information and establishing which matters remain in dispute has been concluded. The inquiry must now deal with the resolution of matters in dispute and the conclusion of the report. This involves: communication to participants of matters in dispute; written evidence on matters in dispute; such oral hearings as are necessary on matters in dispute; resolution of such matters; opportunity for participants to make submissions where the report proposes to make criticisms. The inquiry further advises that it has at all times kept in mind the need to be in a position to proceed with its work regarding the maternity hospitals as soon as the paediatric hospitals report has been completed. The inquiry has, therefore, continued to work in this regard to ensure that all documentation will be available to the inquiry when required. Preparation for report on other hospitals continues but the primary concern of the inquiry at present is the completion of the report on paediatric hospitals.

Despite the fact that Parents for Justice, PFJ, the organisation representing a number of families affected by the retention of organs, decided to withdraw from the inquiry process in 2002, my Department has continued to fund it, to assist it in providing support to families coming to terms with the issues involved in organ retention. To date since 2000, the sum of €814,011 has been granted to PFJ.

Independent Inquiries.

111. **Ms Shortall** asked the Minister for Health and Children the position in regard to his commitment that there would be an inquiry into the role of multinational drug companies in the contamination of blood products; and if he will make a statement on the matter. [15603/04]

Minister for Health and Children (Mr. Martin): I appointed Mr. Paul Gardiner, senior counsel, to produce a situation report about the position in Ireland and in the United States in respect of a possible investigation into the actions of the multinational pharmaceutical companies whose products are implicated in the HIV and hepatitis C infection of persons with haemophilia. As part of his investigations, Mr. Gardiner liaised with solicitors acting for the Irish Haemophilia Society. He travelled to the United States and spoke to a number of relevant experts, including the lead counsel in the HIV haemophiliac litigation in the United States. Mr. Gardiner also received legal advice from a major New York law firm on matters relevant to his investigations.

Mr. Gardiner furnished a report to me which consisted of a 60 page opinion and a number of appendices, one of which comprised over 50 pages of legal advice from the US lawyers. The report drew attention to the fact that there is no guarantee that the US Authorities would provide judicial assistance to an Irish tribunal, either in enforcing the discovery of documents or compelling the attendance of witnesses. I briefed my Cabinet colleagues on the content of the report and I provided the Irish Haemophilia Society with a copy of it.

Notwithstanding the difficulties that have been identified, I believe it would be possible to mount a useful investigation which would access publicly available material and seek the assistance of persons and bodies willing to co-operate with such investigation. The Committees of Investigation Bill may provide an appropriate mechanism for this inquiry. Other legal avenues are also being explored in consultation with the Attorney General and the legal representatives of the Irish Haemophilia Society. I intend to maintain contact with the Irish Haemophilia Society on this issue.

General Medical Services Scheme.

112. **Dr. Twomey** asked the Minister for Health and Children if his Department has plans to roll out the hours co-ops on a national basis as a means of maintaining an adequate primary care out of hours access to medical services for patients in the future. [15464/04]

Minister for Health and Children (Mr. Martin): GPs holding contracts under the GMS scheme are required to be available at an approved surgery and for domiciliary visits for 40 hours each week on five or more days. GPs are also required to make suitable arrangements to enable contact to be made with him/her or his/her

locum/deputy outside of normal hours for urgent cases. These arrangements are subject to agreement with the relevant health board.

There are a variety of arrangements in place to allow GPs fulfil their contractual obligations, including participation in out of hours co-operatives. Pilot GP co-operatives were set up in the North Eastern Health Board and South Eastern Health Board region in 1999 and 2000 respectively. Independent evaluations of these pilot co-operatives were undertaken and have indicated a high level of overall patient satisfaction. From the GP perspective, the co-ops have had a beneficial effect on stress, quality of family/social life and the ability to cope with the demands of work. Overall, the standards of medical care and the manner of doctors, nurses and staff are held in high regard by patients.

Given the success of the pilot co-operatives, investment was provided to allow further development. To date, co-operatives are operating in at least part of all health board areas. Between 2000 and 2003, €46.5 million was provided to health board for out of hours co-operative developments. For 2004, the amount allocated is in excess of €24 million. Further expansion will be considered in the context of service requirements, health board proposals and funding availability. It should be noted that the geographical areas to be covered by co-operatives and any expansion are decisions for the relevant health board, having regard to the strategic, financial and other issues involved.

Cancer Incidence.

113. **Mr. Boyle** asked the Minister for Health and Children the way Ireland compares to other countries with regard to cancers caused by radon gas; the steps his Department is taking to ensure cancers caused by radon gas are reduced; and if he will make a statement on the matter. [15715/04]

Minister for Health and Children (Mr. Martin): Radon is a naturally occurring radioactive gas which is classified as a group 1 carcinogen by the International Agency for Research on Cancer, which operates under the aegis of the World Health Organisation. This means that radon has been shown to be a cause of cancer, specifically lung cancer, on the basis of human epidemiological studies. Prolonged exposure to elevated levels of radon gas in an enclosed area can be a contributory factor in increasing the risk of lung cancer, particularly where other factors such as cigarette smoking are involved.

My Department has been advised by the Radiological Protection Institute of Ireland, RPII, that radon exposure can be linked to approximately 10%-13% of lung cancer deaths. This is based on international risk estimates on the radiation dose that would result from long-term exposure to the average indoor radon concentration in Ireland. While statistics on the number of lung cancers attributable to radon

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exposure are not available, the National Cancer Registry Ireland, NCRI, has indicated that international comparisons of lung cancer — International Agency for Research on Cancer estimates for 1998 — show Ireland close to the EU average for lung cancer cases and a little above average for lung cancer deaths. The NCRI further indicated that over 85% of these cases and deaths are attributable to smoking.

Since 1997 there has been an additional cumulative investment in excess of €550 million in the development of appropriate treatment and care services for people with cancer. This investment has enabled the funding of 92 additional consultant posts in areas of cancer care. An additional 245 clinical nurse specialists have also been appointed in the cancer services area. The Deputy may wish to note that the monitoring of radiation levels in the State is carried out by the RPII. The RPII has identified areas at greatest risk from high indoor radon levels and householders living in these areas are urged to carry out radon measurements of their homes and to take remedial action if high levels are found. The RPII also provides a radon measurement and advisory service.

Radon in the work place is subject to health and safety legislation and employers in high radon areas are required to carry out radon measurements and take remedial action if necessary. My colleague, the Minister for the Environment, Heritage and Local Government, has responsibility for building regulations which incorporate radon preventive measures in new buildings.

EU Presidency.

114. **Mr. O'Connor** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will report on her Department's endeavours in respect of Ireland's EU Presidency; and her plans for the remainder of the term. [15749/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): At the start of the Presidency I published a priorities paper for the EU Competitiveness Council, of which I am the chair for the duration of the Presidency. The programme is firmly rooted in the ten year strategy for growth, economic reform and job creation agreed by the Lisbon European Council in 2000. A separate programme and priorities paper for the Employment Social Policy Health and Consumer Affairs Council, which covers policy areas across a number of Departments including my own, was also published. Copies have been placed in the Oireachtas Library. They are also posted on the official Irish Presidency website at www.eu2004.ie and on my own Department's website at www.entemp.ie. The agenda for the Presidency trade programme was also circulated at the beginning of the year.

Particular stress has been laid by the Irish Presidency on the need for the Competitiveness

Council to focus on and develop its horizontal remit in line with the Seville European Council in June 2002 and the Presidency conclusions of the 2003 spring summit. It is important that there is attention at the highest political level on issues affecting the competitiveness of enterprise and I see the role of the Competitiveness Council as central to achieving this.

At the two formal meetings which I chaired in Brussels on 11 March and 17-18 May 2004, the Council discussed a range of issues in areas covered by its remit including: preparation for the spring European Council — following a policy debate the Council approved its input to the spring European Council which was held on 25-26 March; the Council, following debates on the issues concerned, adopted conclusions under the headings of stimulating entrepreneurship, competitiveness and innovation, better regulation, competitiveness of business related services and Europe and basic research; proposal for a Council regulation on the Community patent — this proposal was discussed at both Councils but despite strenuous efforts by the Presidency it was not possible to reach the necessary unanimous agreement on the measure and the matter will now be referred to the President of the European Council; draft directive on the enforcement of intellectual property rights throughout the EU — the Council was informed that agreement was reached between the Council and the European Parliament on this proposal during the Irish Presidency; draft framework directive on services in the internal market — following presentation by the Commission there was an exchange of views at the March Council with an update on progress with the examination of the proposal provided at the May meeting; proposals on the registration, evaluation and authorisation of chemicals, REACH — a policy debate on certain key aspects of this proposal took place at the May Council; space policy — exchange of views on a Commission White Paper and related communication, and an EU/European Space Agency agreement was separately concluded during the Presidency; patentability of computer implemented inventions — political agreement on a common position; mobility of third country researchers — exchange of views on a Commission communication and proposals for a directive and recommendations; consumer protection co-operation between national authorities in the EU — agreement on a proposal for a regulation; unfair commercial practices — political agreement on a common position; sales promotions — debate on the issues concerned; international thermonuclear experimental reactor, ITER, project — the Council was kept informed by the Commission of the ongoing international negotiations concerning the project; recognition of professional qualifications — political agreement on a common position; adoption of a proposal for a Council regulation

concerning a temporary defensive mechanism to shipbuilding; Community customs code — political agreement on a common position.

The Council agreed a top up of €2 billion for the 6th research framework programme funding to reflect the enlargement of the EU. In addition, work was successfully concluded on a number of other, mainly technical, dossiers in areas which fall under the responsibility of my Department. I also hosted an informal meeting of EU and accession Ministers responsible for competitiveness at Dromoland Castle, County Clare, on 25-27 April. The challenges facing European industry, including the concerns of many European leaders relating to trends in exports, jobs, lacklustre productivity performance and how Europe can address these problems, formed the focus of discussions at the informal meeting. The agenda for the meeting included two thematic areas. The first session addressed the issues of creating a culture of innovation — staying competitive in a global market. The second session looked at frontiers in innovation, converting knowledge into value and research and industrial development.

The structure of the meeting provided the opportunity for business leaders and Ministers to exchange ideas and explore strategies to improve European competitiveness. The proceedings of the meeting will help to inform and prioritise the work of the EU Competitiveness Council of Ministers. A summary of the proceedings in Dromoland is available on the Irish Presidency website.

The Minister of State, Deputy Fahey, co-chaired a formal meeting of the Employment Social Policy Health and Consumer Affairs, ESPHCA, Council on 4 March which dealt with items such as the European employment strategy and other relevant dossiers. The Council approved the 2003-2004 joint Council and Commission employment report, JER, one of the components on which the 2004 employment guidelines will be based. The JER was drawn up in line with recommendations from the employment task force established by the spring European Council in March 2003 and chaired by Mr. Wim Kok. By way of assisting the ongoing consultation process, the Presidency organised a political exchange of views among Ministers on the evolution of the regime applicable to the organisation of working time across the Union. The ESPHCA Council also made a significant contribution to the preparation of the spring European Council meeting on 25-26 March 2004 by way of an innovative integrated key messages paper covering the various policy strands dealt with by the Council.

On 16 January, the Minister of State, Deputy Fahey, also co-chaired, along with the Minister for Social and Family Affairs, an informal meeting of Ministers for employment and social policy in Galway. The theme of the meeting was “Making Work Pay: Exploring the interaction

between social protection and work”. A lunchtime discussion was devoted to the topic of investment in human capital. On the previous day, the Irish Presidency convened a Council troika meeting with the social partners and the social platform of NGOs. Discussion was in two parts. The first part focused upon adaptability and change and was devoted exclusively to an exchange of views with the representatives of the social partners. In the second part, contributions were invited from representatives of the social platform, as well as the social partners, on the theme of making work pay. More detail on the outcome of these meetings is available on the Irish Presidency website at www.eu2004.ie.

The Irish Presidency has sought to promote closer co-operation with the two sides of industry in facilitating change and helping in the effective transformation of the European economy. To this end, it convened, jointly with Commission President Prodi, a tripartite social summit with the EU level social partners in advance of the 2004 spring European Council. The final formal meeting of the ESPHCA Council during the Irish Presidency is scheduled to take place on 1-2 June in Luxembourg. Among the objectives of the Presidency will be to reach agreement on a Council decision on the 2004 guidelines for the employment policies of member states and on a recommendation on country specific measures in the area of employment policy.

My Department is also responsible for EU Council work on European common commercial policy matters. This involves the organisation and chairing of Council meetings at ministerial and official level in Dublin, Brussels, Geneva, Paris and elsewhere. Among the substantive issues dealt with so far have been the World Trade Organisation negotiations and the European Union's trade relations with various countries and regions, including Canada and the US. The Minister of State, Deputy Michael Ahern, is closely involved in pursuing the EU agenda in this area during the Presidency, including presiding over an informal trade Ministers meeting in Brussels on 25 January. He will also chair a further informal meeting of EU Trade Ministers in June, if this is considered necessary in the context of the WTO negotiations.

As Presidency, accompanied by Commission President Prodi, I represented the EU at a summit with its second largest trading partner, Switzerland, on 19 May. The summit reached political agreement on the extension of six existing bilateral agreements from the former EU-15 to cover the EU-25 and the adoption of nine new bilateral agreements covering the EU-25.

A wide range of legislation has been finalised under the Irish Presidency across the full spectrum of trade and trade related matters including regulations concerning the imposition of trade defence measures — individual anti-dumping, anti-subsidy and safeguard measures —

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across a full range of sectors and in respect of a third countries in defence of Community interests. EU negotiating mandates were agreed in respect of negotiations with the EU's World Trade Organisation, WTO, trading partners arising from commitments under the WTO's General Agreement on Tariffs and Trade, GATT, and the enlargement of the EU with the addition of the ten new member states from 1 May 2004. A range of legislation was finalised covering, *inter alia*, extension of existing EU Single Market legislative requirements to European Economic Area, EEA, members, that is, Norway, Iceland and Liechtenstein. Legislation was also enacted to extend, with effect from 1 May 2004, the EEA area from the former EU-15 and the above EEA-3 to cover the enlarged EU-25.

My Department has also contributed on an ongoing basis during the Presidency to the work of other EU Council areas, including the spring European Council meeting of heads of state or government, by way of input to debates and decisions and the development of relevant policy papers. In addition to the formal Presidency agenda, my Department has organised a number of further Presidency related meetings, seminars and conferences in Ireland covering a range of issues relevant to the EU agenda. The calendar of such events, across all policy areas, has been deposited in the Oireachtas Library by the Minister for Foreign Affairs.

The issues discussed and decided upon at Council of Ministers level were prepared in the relevant committees, working groups and informal meetings chaired and hosted by officials from my Department. For the remainder of the Presidency, further work will be taken forward in such fora with a view to progressing the various dossiers for which my Department is responsible and with a view to a smooth handover to the incoming Dutch Presidency on 1 July.

Work Permits.

115. **Mr. Timmins** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position regarding the Irish Wheelchair Association which in the past employed foreign nationals as personal assistants but no longer applies for work permits for non-nationals; if a person can apply for a work permit for a person from Sri Lanka who is at present employed under their student visa; and if she will make a statement on the matter. [15830/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I understand that the work permits section of my Department continues to process work permit applications submitted by employers, including the Irish Wheelchair Association. In the post EU enlargement situation, all employers should be able to source an adequate supply of employees from within the EU and no longer require non-

EU employees, except in highly skilled and specialised areas. My Department has made different and more flexible arrangements in respect of employees already in the State on foot of work permits issued to a current or a previous employer.

With regard to the question of whether an employer can seek a work permit for someone residing here on a student visa, the answer is that work permit applications will not be considered in such cases.

Job Creation.

116. **Mr. Noonan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of companies with whom SFADCo and Enterprise Ireland have entered into contracts to establish enterprises in the mid-west region in 2004, 2003, 2002 and 2001; the number of jobs promised by these companies; the number of these which have actually been established and the number of employees in each at present; and if she will make a statement on the matter.

[15853/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The issue of job creation is a day to day operational matter for the industrial development agencies under the remit of my Department and not one, in which I, as Minister, have direct involvement. Shannon Development is responsible for both foreign direct investment and Irish industry in the Shannon free zone and, acting on behalf of Enterprise Ireland, for Irish industry in the remainder of the mid-west region. The following information therefore relates solely to Shannon Development client companies; data are not relevant in the case of EI.

In 2001, Shannon Development assisted 26 start up companies who employed a total of 421 people at the end of 2003. The corresponding figures for 2002 are 27 with 224 employed at end 2003, for 2003, 46 with 176 employed at year end and, for 2004, four companies assisted with 50 employed as at May 2004, giving a total of 871 jobs. Shannon Development has advised that the total number of jobs projected by these companies was 656.

Semi-State Bodies.

117. **Ms Shortall** asked the Tánaiste and Minister for Enterprise, Trade and Employment her plans for the future ownership of SFADCo. [15969/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I am exploring options concerning the future role of Shannon Development in the context of the new airport authority and the forthcoming decentralisation of Enterprise Ireland to Shannon. I have no plans to change the ownership of SFADCo.

Decentralisation Programme.

118. **Ms Shortall** asked the Tánaiste and Minister for Enterprise, Trade and Employment her proposals for the relocation of Enterprise Ireland staff; the timescale proposed; and the implications for existing jobs in Dublin. [15970/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): In his budget speech, the Minister for Finance announced the decision of the Government to decentralise the headquarters of Enterprise Ireland, including 300 of the agency's Dublin based staff, to Shannon.

Recently, Enterprise Ireland has identified the posts to be transferred and these have now been advertised as part of the central applications facility, CAF. Posts in the following areas have been scheduled for transfer: CEO, four executive directors and administrative staff; corporate services; food and consumer retail markets, including technology, human resource development staff and associated high potential start up unit; international sales and partnering, core unit; client knowledge services; group promotion/marketing; management development, core unit; mentoring; regions and entrepreneurship.

It is too early in the process to comment definitively on what effect decentralisation will have for existing jobs in Dublin. The level of uptake by Enterprise Ireland staff to relocate to Shannon and the maintenance of a continued significant presence by Enterprise Ireland in Dublin will impact on any consideration in this regard. Furthermore, the wider general discussions at national level, especially those concerning the possibility of transfers between the public service and the Civil Service may influence the issue. Any consideration will also be conducted in a manner which takes full account of the voluntary nature of the decentralisation process.

EU Presidency.

119. **Mr. O'Connor** asked the Minister for Defence if he will report on his Department's endeavours in respect of Ireland's EU Presidency; and his plans for the remainder of the term. [15751/04]

Minister for Defence (Mr. M. Smith): As I reported to this House in reply to Question No. 3 on 5 February last, two meetings of Defence directors, that is, senior officials of Defence ministries, were held on 22-23 January and 25-26 February last. The first meeting of directors provided an opportunity to discuss the most important policy priorities of our Presidency work programme. Discussions took place on the development of the EU's capabilities to carry out Petersberg Tasks operations; progress regarding the creation, in the course of 2004, of an intergovernmental agency in the field of defence capabilities development, research, acquisition

and armaments; developing and defining a 2010 headline goal; the development of an EU rapid response capability with the primary focus on supporting the United Nations in crisis management; and relations between the EU and NATO with particular regard to capabilities development and operational planning.

The second meeting of Defence directors, which was held in Dublin on 26 February, concentrated more specifically on the creation of the above mentioned agency. This meeting was attended by officials with expertise in defence procurement.

On 5 and 6 April, I chaired an informal meeting of Defence Ministers of EU member states and accession states in Brussels. The meeting provided an opportunity to review and discuss the major issues in the European security and defence policy, ESDP, mandate of the Irish Presidency. As the meeting was informal, it was not a decision making forum and no formal conclusions were drawn.

On 17 May I chaired a further meeting of Defence Ministers in the framework of the General Affairs and External Relations Council, GAERC. This meeting concentrated on some key items in the ongoing progress of ESDP during the Presidency. In particular we discussed: the agreement for a new headline goal with a horizon of 2010; the ongoing work towards the development of an EU rapid response capability such as that which made a significant contribution to achieving peace and stability in the Democratic Republic of the Congo in 2003; future crisis management operations with a particular emphasis on the EU's preparations for an envisaged follow on to the UN mandated NATO led stabilisation force in Bosnia-Herzegovina; ongoing work towards the establishment of the agency mentioned above; and issues relating to the relationship between the EU and NATO, with particular regard to planning capabilities for both civilian and military operations.

I was pleased to be able to report on good progress on all of these issues to our Foreign Minister colleagues for inclusion in their conclusions of the GAERC. Our meeting was followed by a meeting between the EU Defence Ministers and the Defence Ministers from Turkey, Romania, Bulgaria, Norway and Iceland, that is, the non-EU members of NATO, which I also chaired. This meeting provided an opportunity to exchange views with those countries about the ongoing progress of ESDP in accordance with the ongoing implementation of constructive and transparent relations between the EU and NATO.

I am pleased with the progress of ESDP issues during our Presidency and I am confident that the Presidency report to the European Council in June will reflect this good progress.

120. **Mr. O'Connor** asked the Minister for Agriculture and Food if he will report on his Department's endeavours in respect of Ireland's

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EU Presidency; and his plans for the remainder of the term. [15752/04]

Minister for Agriculture and Food (Mr. Walsh): Significant progress has been achieved on the specific objectives which I set for the Irish Presidency, namely: to facilitate the application of the Common Agricultural Policy, CAP, to the new member states; to continue the process of simplification of the CAP initiated by the mid-term; review decisions of June 2003; and to enhance food safety standards. A total of 17 legislative measures in the agriculture and food areas have been adopted by the Council of Ministers so far under the Irish Presidency.

With regard to the application of the CAP to the new member states, one legislative measure has been adopted and another is expected to be adopted shortly when the relevant texts have been prepared in all languages. With regard to the process of simplification of the CAP, a major reform of the support regimes for cotton, tobacco, olive oil and hops was agreed by the Council of Ministers in April and has also been applied to the new member states. Other reform measures that have been adopted by the Council during the Irish Presidency relate to the flax and hemp regime, organic farming, beekeeping and a programme for the conservation, characterisation, collection and utilisation of genetic resources in agriculture.

Progress on food safety issues includes the adoption by the Council of a regulation on food and feed controls and four legislative texts involving updating, reform and consolidation of EU legislation on the hygiene of foodstuffs, known collectively as the hygiene package. Political agreement was also reached on a proposal laying down requirements for feed hygiene.

The Council is also closely monitoring developments in the negotiations on the current World Trade Organisation, WTO, round and the EU-Mercosur trade agreement. At the informal meeting of Agriculture Ministers which took place in Killarney on 9-11 May 2004, the Council debated issues relating to CAP reform and trade concessions and how best to communicate them, with particular reference to developing countries, in addition to developments in the current WTO round. The Council meeting on 24 May also discussed the current WTO round and the EU-Mercosur trade agreement.

I should add that a major effort was made by the Irish Presidency to reach agreement on the Commission's proposal for a Council regulation on the protection of animals during transport. Unfortunately, it was not possible to bridge the wide gap between the member states on the key issues of travel times, rest periods and stocking densities.

Between now and the end of June, work will continue, *inter alia*, on proposals for the promotion of agricultural products in third

countries and on the EU internal market and on the setting of uniform principles for the authorisation of microbial pesticides as well as on options for the reform of the sugar regime and the Commission's report on beef labelling. I also propose to hold a public debate in the Council on 21 June on the Commission's proposal for an action plan on organic farming which is expected to be published shortly.

Grant Payments.

121. **Mr. P. Breen** asked the Minister for Agriculture and Food when a person, details supplied, in County Clare can expect to receive their 15% grant under the farm waste management scheme; and if he will make a statement on the matter. [15842/04]

Minister for Agriculture and Food (Mr. Walsh): The person named is an applicant under the farm waste management scheme. Payment of €27,934.50 will issue shortly to the person concerned.

122. **Mr. P. McGrath** asked the Minister for Agriculture and Food why a person, details supplied, in County Westmeath has not been paid a beef premium, slaughter premium and an area aid payment; and if he will arrange to have this payment made without further delay. [15843/04]

Minister for Agriculture and Food (Mr. Walsh): The person named was paid full compensatory allowance on 23 September 2003, 80% of one special beef premium application on 20 October 2003, 80% of another on 1 March 2004, 100% of a third on 19 April 2004 and 80% slaughter premium on 21 October 2003.

The making of balancing payments to him was delayed somewhat because of the fact that the herd number of the person named was changed in 2003 and because some applications were submitted under the old herd number and others under the new. I am arranging, however, for payment of the outstanding special beef and slaughter premium balances and of the full entitlements due under the remaining two 2003 special beef premium applications submitted by him to be made shortly.

Cattle Identification Scheme.

123. **Mr. Timmins** asked the Minister for Agriculture and Food if he will consider a mechanism which would allow marts to permit anyone representing family members to bid for stock on their behalf without registering as an agent. [15844/04]

Minister for Agriculture and Food (Mr. Walsh): The reason for recording the involvement of agents in cattle movement transactions is to ensure that there is a complete record of the traceability of each animal. The integrity of the Irish cattle identification and tracing system is too important to put at risk by

relaxation of this requirement. However, my Department already takes a pragmatic view in regard to occasional transactions, three or four times a year, on behalf of a family member, friend or neighbour and distinguishes between such transactions and those by persons who are engaged in this activity on a regular basis as a business. In this regard, the registration and approval requirement is aimed at the latter and not the former.

Grant Payments.

124. **Mr. N. O’Keeffe** asked the Minister for Agriculture and Food when the final payment under the suckler cow premium will issue to a person, details supplied, in County Waterford. [15846/04]

Minister for Agriculture and Food (Mr. Walsh): The person named applied for premium on 132 animals under the 2003 suckler cow premium scheme. The application has been processed for payment and his 80% advance instalment amounting to €23,670.24 issued on 16 October 2003. The 20% balancing payment will issue shortly.

Milk Quota.

125. **Mr. N. O’Keeffe** asked the Minister for Agriculture and Food if a person, details supplied, in County Cork who leases their milk quota can retain the ten year payment. [15847/04]

Minister for Agriculture and Food (Mr. Walsh): All producers who wish to temporarily lease their entire quota in the current quota year will have to seek prior approval from my Department to do so. In accordance with EU regulations, approval can only be granted in cases of *force majeure* — exceptional circumstances. There is provision in the regulations whereby persons who temporarily lease quota, due to *force majeure* exceptional circumstances accepted by my Department, may qualify to have the dairy premium in respect of the amount of temporary leased quota paid to them.

A person who temporarily leases quota other than in approved *force majeure* — exceptional circumstances will not get the dairy premium based on that quota as part of their single payment entitlements in 2005. It is not possible to comment on the case of the named person without detailed information. If exceptional circumstances apply in his case, then an application should be made to my Department for consideration.

126. **Mr. Murphy** asked the Minister for Agriculture and Food his views on whether the off farm income limit in the milk production partnership scheme is unjust in view of the fact that the amount of milk quota available can vary from 1,500 to 40,000 gallons depending on the co-operative, details supplied. [15966/04]

Minister for Agriculture and Food (Mr. Walsh): In extending the partnership arrangement to cover new entrants-parents, my objective was to cater for the establishment of a genuine partnership between the parent and the son-daughter, which entails a substantial involvement from the young person in the operation of the farm. In order to ensure this, it was necessary to put a limit on the level of off farm income which can be earned by the son-daughter. Similar conditions apply in the case of standard milk production partnerships.

My purpose in introducing the new entrant-parent partnership model was to allow a young person to have access to milk quota under the restructuring scheme in his or her own right and without the expense of having to acquire separate land and milking facilities. I received advice in this matter from representatives of a wide range of interests in the industry. The partnership arrangements operate on a national basis and must, accordingly, be subject to common rules.

I will, of course, continue to keep the operation of the rules under review and will make any necessary change where that is shown to be necessary.

EU Presidency.

127. **Mr. O’Connor** asked the Minister for Finance if he will report on his Department’s endeavours in respect of Ireland’s EU Presidency; and his plans for the remainder of the term. [15753/04]

Minister for Finance (Mr. McCreevy): The EU Presidency has made substantial organisational and policy demands on my Department. These demands have been met very fully, a reflection of the good pre-planning and execution by the Department.

As Minister, I assumed the role of President of the Council of Economics and Finance Ministers of the EU, the ECOFIN Council, and the eurogroup — Finance Ministers of member states whose currency is the euro — with effect from 1 January this year for the six month period of the Presidency. This required drawing up a policy work programme for the Council and eurogroup in advance of the Presidency and chairing both the ECOFIN Council and eurogroup meeting held each month, January to June, to address this programme. Both the Council and eurogroup normally meet in Brussels or Luxembourg with one informal meeting per Presidency period in the member state which holds the Presidency.

Also as President of the Council I represented the ECOFIN Council and put forward its views at important international meetings with our global partners, such as the World Bank, the International Monetary Fund and the Group of Seven, G7, Ministers for Finance. I also attended, with the Taoiseach, the European Council meeting of heads of state or government in March in Brussels.

[Mr. McCreevy.]

My Department and I hosted the informal ECOFIN Council meeting in Ireland on 2-4 April. Some 250 delegates and over 300 media personnel attended this event in PuncHESTOWN, County Kildare. Besides the 25 Ministers from the enlarged EU, the participants included the 25 national central bank governors, the President of the Commission, Romano Prodi, Commissioners Solbes, Bolkestein and Schreyer, President Trichet of the European Central Bank and President Maystadt of the European Investment Bank. The meeting was one of the largest to take place in Ireland during the Presidency and was regarded as being highly successful both on the organisational and policy aspects. Similarly the Minister of State at my Department, Deputy Parlon, hosted an important meeting of regional Ministers of the EU in Portlaoise, County Laois, on 26-27 February.

Other Presidency events hosted by my Department which required significant logistical preparation were the meeting of ASEM, Asia-Europe meeting at Finance Ministers' deputies level, in Cork in March, the recent meeting of EU budget officials in Tullamore and the meeting of directors general for public administration in Dublin Castle this week.

The work programme priorities that I set for the ECOFIN Council for the Presidency can be accessed on the Presidency website at www.eu2004.ie. Two of the most significant priorities in the programme were the promotion of economic growth and coping with the effects of enlargement. The overall programme could be summarised broadly under the following headings: preparation of ECOFIN Presidency's key issues paper for the spring European Council on the Lisbon Agenda to promote the EU economy; examination of member states' stability and convergence programmes under the stability and growth pact; integration of the new member states into the EU's economic policy co-ordination and Lisbon processes; preliminary consideration of the post-2006 financial perspective that determines the medium-term framework for the EU budget, and the future regional policy in the EU; pushing forward with legislation in financial services and other sectors; and certain other areas, most notably the initiative for growth proposed by the Italian Presidency of the second half of 2003.

I can say at this point that this programme has been largely fulfilled. At the remaining ECOFIN Council meeting of 2 June in Luxembourg further progress will be made on economic policy co-ordination and on financial services.

My overall assessment would be that on both the organisational and the policy aspects, the Presidency, in the economic and financial areas represented by my Department and myself, has had a good record of achievement and in this respect has made a significant contribution

towards the overall success of the Irish Presidency.

Child Care Services.

128. **Mr. Stanton** asked the Minister for Finance the plans he has to reduce the level of commercial rates paid by small child care facilities in view of the enormous financial burden this places on operators which is in turn passed onto parents; and if he will make a statement on the matter. [15834/04]

Minister for Finance (Mr. McCreevy): I have no plans at present to provide for special treatment of crèches under the Valuation Act 2001. The Valuation Act 2001 maintained the long standing position that commercial facilities — including child care facilities such as play schools, pre-schools, crèches and Montessori schools — are liable for rates. Exceptions to this key principle would quickly be followed by demands for similar treatment from the providers of other useful services and products, which would be difficult in equity to resist. The process could thus substantially reduce local authority revenues, which would have to be made good by imposing corresponding increases on the remaining ratepayers.

The rateable valuation of commercial property is based on net annual value, that is, the rental value of the property. Any ratepayer dissatisfied with the rateability of a property, the valuation assessed on a particular property or the method of calculation can appeal to the commissioner of valuation in the first instance and subsequently to the independent valuation tribunal. There is a further right of appeal to the High Court and ultimately to the Supreme Court on a point of law.

Tax Code.

129. **Mr. G. Mitchell** asked the Minister for Finance if a person (details supplied) in Dublin 12 is exempt from stamp duty on the purchase of a house in view of the circumstances. [15930/04]

Minister for Finance (Mr. McCreevy): I am informed by the Revenue Commissioners that, in the absence of sufficient information, it is not possible to state whether the person in question is entitled to an exemption from stamp duty.

However, certain exemptions apply to the purchase of a house depending on the nature of the property and the status of the purchaser. A new house with a floor area certificate or a floor area compliance certificate is exempt from stamp duty for owner occupiers. If there is no floor area certificate or floor area compliance certificate, owner occupiers of new houses are chargeable to stamp duty on the site value or one quarter of the total value of the property whichever is the greater. Accordingly, there is an exemption from stamp duty where that amount, that is, the greater of the site value or one quarter of the total value of the property, is less than €190,500 in the case

of a first time purchaser and less than €127,000 in the case of other owner occupiers. Arising out of a change made by the Finance Act 2004, for this latter relief to apply the total floor area of the new house now has to exceed 125 square metres.

With regard to first time owner occupiers of second-hand residential properties, there is no stamp duty payable if the consideration does not exceed €190,500 and reduced rates apply between €190,500 and €381,000. A purchase of a second-hand dwelling by a non-first time purchaser where the consideration does not exceed €127,000 is also exempt.

I should explain that stamp duty legislation has no specific provisions relating to separation agreements whereby the family home is sold and new homes are purchased. However, under section 92B of the Stamp Duties Consolidation Act 1999, as amended, a person whose marriage has been dissolved, is the subject of a judicial

separation or a decree of nullity may be treated as a first time purchaser once and only once where that person buys another house to live in provided that the person no longer has an interest in the former marital home and that at the time of the new purchase, the other spouse occupies that former marital home, which was occupied by both of them prior to the dissolution or judicial separation or decree of nullity. This legislation became effective from 15 June 2000.

Tax Yield.

130. **Mr. Allen** asked the Minister for Finance the levies collected from semi-State bodies such as Bord Gáis, the ESB and others on an annual basis from 1998 to 2004 inclusive. [15973/04]

Minister for Finance (Mr. McCreevy): I understand the question to refer to dividends received by the Exchequer from semi-State companies. The details requested by the Deputy are:

Company	1998 (€000)	1999 (€000)	2000 (€000)	2001 (€000)	2002 (€000)	2003 (€000)
ACC Bank*	4,880	5,393	2,981	—	2,537	—
Aer Rianta	—	—	—	—	—	7,245
Arramara Teoranta	5	—	—	—	—	—
Bord Gáis Éireann	—	13,967	13,967	50,580	21,735	9,796
Electricity Supply Board	—	—	—	—	19,000	18,719
Housing Finance Agency	3,812	4,520	—	—	—	—
ICC Bank*	3,579	4,974	—	—	—	—
Irish Aviation Authority	—	—	1,249	1,161	1,071	1,000
Telecom Éireann*	46,822	34,984	—	—	—	—

*ACC Bank left State ownership in 2002, ICC Bank left State ownership in 2001 and Telecom Éireann left State ownership in 1999.

No dividends have been received to date in 2004. I expect to receive dividends in respect of the following companies this year: Aer Rianta — €6.074 million, Bord Gais Éireann — €9.679 million, ESB — €63.762 million and Irish Aviation Authority — €1.27 million.

Overseas Development Aid.

131. **Mr. O'Connor** asked the Minister for Foreign Affairs if his Department continues committed to development aid to the Third World; and if he will make a statement on the matter. [15742/04]

Minister of State at the Department of Foreign Affairs (Mr. Kitt): Despite the many pressures on the public finances at present, an allocation of €400 million has been made in the 2004 Estimates to my Department's Vote for international co-operation. In addition, elements of ODA which are administered by other Government Departments are expected to total some €80 million this year. Total spending on ODA, therefore, is expected to approach €480 million in 2004, the highest ever in the history of the programme. This level of expenditure

demonstrates the strong commitment of the Government to development co-operation.

In 2001 and 2002, our aid expenditure amounted to 0.33% and 0.41% of GNP respectively. Provisional figures indicate that we maintained the percentage at 0.41% in 2003. This year it is likely to reach the same level or possibly exceed it. In percentage terms, Ireland is one of the world's leading donors — we are currently in joint seventh place — and well ahead of the EU average.

Middle East Peace Process.

132. **Mr. O'Connor** asked the Minister for Foreign Affairs if he will report on his contacts in respect of Palestine and efforts to find peace; and if he will make a statement on the matter. [15743/04]

Minister for Foreign Affairs (Mr. Cowen): I have had many contacts in recent weeks on the subject of Palestine and the situation in the Middle East. On 4 May, I led the European Union delegation to a meeting of the quartet in New York. The meeting was also attended by the Secretary General of the United Nations, the Secretary of State of the United States and the

[Mr. Cowen.]

Foreign Minister of Russia. At the conclusion of the meeting a statement was issued reaffirming the principles underlying the peace process and the bases for negotiation. The statement also identified areas for action by the quartet and these are currently being developed by the envoys of the quartet members.

On 5 May, I had bilateral meetings with the Israeli and Palestinian Foreign Ministers in the margins of the Euro-Mediterranean mid-term ministerial meeting in Dublin. I also had a meeting with the Secretary General of the Arab League. I took the opportunity to brief them on the outcome of the quartet meeting and on our expectations of action to take the peace process forward.

The issue was again discussed at the G8 ministerial meeting in Washington on 14 May. The situation in the Middle East was also discussed by Foreign Ministers of the European Union at the regular meeting of the Council on 17 May and with the Foreign Ministers of the Gulf Co-operation Council on the same day. On 19 May, I received a ministerial delegation from the Organisation of the Islamic Conference which is visiting the capitals of the quartet members to convey the concerns of the leaders of the Islamic world regarding the peace process.

I can assure the House that the Middle East peace process has been a major theme of our EU Presidency to date and that I shall remain fully engaged in efforts to advance the peace process through negotiations and political contacts.

EU Presidency.

133. **Mr. O'Connor** asked the Minister for Foreign Affairs if he will report on his endeavours, in the context of Ireland's EU Presidency, to deal with the issue of Cyprus; and if he will make a statement on the matter. [15744/04]

Minister for Foreign Affairs (Mr. Cowen): The United Nations has the lead role in the search for a comprehensive settlement to the Cyprus problem. It is upon the Secretary General of the United Nations that the Security Council has conferred a mission of good offices in that regard. At the same time, it was the EU enlargement process which provided the impetus for the most recent efforts towards a settlement.

Before and during the UN-led negotiations, the Irish Presidency of the EU offered every support to the United Nations Secretary General in his mission of good offices. The Taoiseach and I liaised closely and regularly with Secretary General Annan, and with his special adviser on Cyprus, Mr. Alvaro de Soto, who visited Dublin on a number of occasions to brief the Presidency on the negotiations and their outcome. We are all deeply grateful to Secretary General Annan, to Mr. de Soto and to their colleagues for their tireless and sustained efforts to bring about a settlement.

The Government was in frequent contact with various parties concerned, including at the highest levels, and encouraged their commitment to the negotiating process and to the pursuit of an agreed outcome. We also maintained close contact with the European Commission, which provided assistance to the UN Secretary General, advising *inter alia* on the compatibility of the UN proposed settlement with the *acquis communautaire*. An official of my Department was attached to the Commission delegation for the final phase of the negotiations in Switzerland. The Presidency, represented by my colleague, the Minister of State at the Department of Foreign Affairs, Deputy Roche, participated in the high level pre-donors conference organised by the Commission in Brussels on 15 April. The Minister of State gave an undertaking that, in the event of a positive vote in the referendums, Ireland would provide specific funding in support of the implementation of the settlement in Cyprus.

The Government regrets that following the outcome of the referendums in Cyprus on 24 April, the accession of a united Cyprus to membership of the Union was not possible on 1 May. As Deputies will be aware, the accession of a united Cyprus had been the strong preference of the European Union.

The meeting of the General Affairs and External Relations Council, which I chaired on 26 April, reviewed the situation in the light of the referendum results. The Council expressed its determination to ensure that the people of Cyprus will soon achieve their shared destiny as citizens of a united Cyprus in the European Union. The Council noted that, through the referendum, the Turkish Cypriot community has expressed its clear desire for a future within the EU. It expressed our determination to end the isolation of the Turkish Cypriot community and to facilitate the reunification of Cyprus by encouraging its economic development. The Council also recommended that the €259 million earmarked for the northern part of Cyprus in the event of a comprehensive settlement should now be used to promote the economic development of the Turkish Cypriot community.

I am pleased that Ireland, as EU Presidency, was able to secure partners' agreement to the adoption on 29 April of a Council regulation containing measures to allow trade across the "green line" which traverses the island. The Commission is expected to bring forward comprehensive proposals in the near future focusing on the economic integration of the island and improved contact between the two communities and with the EU.

The UN Secretary General is expected to provide a full report to the Security Council in the near future on his mission of good offices on Cyprus. This will include the account of the negotiations he undertook with the parties, which led up to the referendums on 24 April. Secretary

General Annan is expected to draw conclusions and to make recommendations to the Security Council. We will be paying very close attention to his report and to the response of the Security Council.

Arms Trade.

134. **Mr. J. Higgins** asked the Minister for Foreign Affairs his views on the adoption of an international arms trade treaty by 2006 to prevent the export of arms to locations in which they contribute to violations of international human rights and humanitarian law; and if he will make a statement on the matter. [15745/04]

135. **Mr. J. Higgins** asked the Minister for Foreign Affairs if the Government will argue within the EU for the adoption of an international arms trade treaty by 2006 to prevent the export of arms to locations in which they contribute to violations of international human rights and humanitarian law; and if he will make a statement on the matter. [15746/04]

Minister for Foreign Affairs (Mr. Cowen): I propose to take Questions Nos. 134 and 135 together.

Currently, all exports of arms from EU countries must conform to the EU code of conduct on arms exports, which establishes criteria to control such exports. Ireland was actively involved in the establishment of this politically binding code, which was adopted by the EU General Affairs Council in June 1998. The code lists the factors to be taken into account when deciding whether to allow an export of military goods, including respect for human rights, the internal situation in the country of final destination and the preservation of regional peace, security and stability. Discussions are ongoing in the Union on the possible reinforcement of the status of the code of conduct, for example, by its transformation into an EU common position, which would be legally binding. Ireland is supportive of such a reinforcement of the code.

I am aware of a process led by a number of non-governmental organisations, NGOs, including Amnesty International and Oxfam, aimed at the development of an international arms trade treaty which is intended to be a legally binding agreement with core principles and mechanisms relating to international transfers of arms. A welcome aspect of the proposed treaty is that it has the objective of setting out states' existing international legal obligations in the area of international transfers of arms. In addition, once ratified, the draft framework treaty would enable the international community to move forward incrementally, by means of subsequent more specific instruments. While work on the drafting of the text is still ongoing, it is a promising initiative and I commend the NGOs concerned for their efforts.

An official of my Department participated in a conference held last November at Cambridge University in England, the purpose of which was to examine the text of the draft treaty. I understand that the text of the proposed treaty is currently being re-examined from a legal perspective by those NGOs involved in the arms control campaign which met last February in Costa Rica and that, as a consequence of those discussions, revisions to the text are to be made.

The proposed international arms trade treaty is also under discussion within the EU at working group level and this discussion will continue through Ireland's Presidency of the EU. An official from my Department also will attend an international workshop entitled "Enhancing the International Export Control of Small Arms and Light Weapons — the Case for an International Arms Trade Treaty", which is scheduled to take place in Helsinki on 3 and 4 June.

A United Nations conference to review progress made in the implementation of the UN programme of action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects is scheduled to be held in New York in 2006. The remit of the proposed international arms trade treaty is, however, not confined to small arms and light weapons but also currently includes heavy weapons. Pending finalisation of the text of the proposed draft treaty and clarification of its focus, it would be premature to consider what actions would be appropriate in 2006. Ireland will, however, continue to be associated with the process and will closely monitor developments.

Overseas Development Aid.

136. **Ms Burton** asked the Minister for Foreign Affairs if he will use the occasion of the meeting of development Ministers on 1 June 2004 to discuss "Make Trade Work for Development" and the way in which development Ministers are taking responsibility for the development aspects of trade in general, in the Doha development round at the WTO and in the negotiation of reciprocal commitments through economic partnership agreements with ACP countries. [15747/04]

137. **Ms Burton** asked the Minister for Foreign Affairs if he will propose at the meeting of development Ministers on 1 June 2004 that Trade Commissioner Pascal Lamy be invited to attend the following development Ministers meeting to give account of the development aspects of these two sets of trade negotiations. [15748/04]

Minister of State at the Department of Foreign Affairs (Mr. Kitt): I propose to take Questions Nos. 136 and 137 together.

The document "Make Trade Work for Development" is a useful summary of some of the issues which are central to achieving progress in the Doha development agenda. Development co-operation Ministers will address a number of

[Mr. Kitt.]

these points at the informal ministerial meeting on 1 June 2004.

During Ireland's Presidency of the European Union, my ministerial colleagues and I have been giving priority to advancing the trade and development agenda, on the basis that the integration of the economies of developing countries into the world economy is key to the development of these countries. In January, the General Affairs and External Relations Council, GAERC, committed the Union to taking the lead in getting the Doha process back on track following the breakdown at Cancun. The GAERC concluded that priority should be given to the achievement of real benefits in the short term for the poorest countries through rapid progress on issues of importance to them.

One way in which the EU Presidency, the Commission and the member states have taken action on that particular commitment in recent months has been to promote better market access for commodity producers, especially cotton producing countries. At a session of the General Affairs and External Relations Council which I chaired on 27 April, the Union endorsed an ambitious proposal for an EU action plan on agricultural commodity chains, dependence and poverty. Furthermore, it endorsed a specific proposal for an EU-African partnership in support of cotton sector development. This will involve EU efforts to obtain fairer international trade conditions in the cotton sector and specific measures to support cotton producing countries in Africa.

The second phase of the economic partnership agreements, EPAs, has now been launched and negotiations have either started or are being announced with regions representing all African, Caribbean and Pacific, ACP, states. Conscious of ACP concerns, I reaffirm the EU's view that EPAs are, above all, a development instrument for the benefit of poor people in ACP states. The agreements will maintain and improve the current level of preferential market access for ACP states into the EU. They must foster the smooth and gradual integration of the ACP states into the world economy, while taking account of the policy objectives of the ACP states and regions concerned. Their central goal has to remain the sustainable reduction of poverty. In my intervention on behalf of the EU at the UNCTAD XI ministerial meeting in São Paulo in June 2004, I will stress that the EU wants to see UNCTAD playing a strong role in helping our developing country partners to reap the benefits from global trade and investment.

The question of who should be invited to the next informal meeting of EU development co-operation Ministers is a matter for the forthcoming Dutch Presidency. However, I would hope that it may be possible for EU development co-operation Ministers to have an opportunity to discuss current trade matters with Commissioner

Lamy well in advance of the next informal meeting which is scheduled for this autumn.

EU Presidency.

138. **Mr. O'Connor** asked the Minister for Foreign Affairs if he will report on his Department's endeavours in respect of Ireland's EU Presidency; and his plans for the remainder of the term. [15754/04]

Minister for Foreign Affairs (Mr. Cowen): The Department of Foreign Affairs has been centrally involved in the preparation for and conduct of Ireland's EU Presidency. It has worked closely with other Departments in developing the Presidency calendar and programme. It has also been actively involved in planning and logistical arrangements for meetings in Ireland and elsewhere. It has developed and managed the Presidency website, which provides a wide range of information on the activities of the Presidency and which registered some 16.5 million page views up to mid-May.

During the Presidency my Department has responsibility to carry forward the work of the Intergovernmental Conference and of the Union more generally, notably through the General Affairs and External Relations Council. We have a particular responsibility to manage effectively the overall external relations agenda of the European Union and to carry out the Union's external obligations, including on development issues. I have chaired five meetings of the General Affairs and External Relations Council and will chair a further meeting on 14/15 June which will prepare for the European Council meeting later that week. I have also chaired meetings of the Intergovernmental Conference at ministerial level and will do so again in June.

The Minister of State, Deputy Kitt, is responsible for carrying out our Presidency responsibilities in the development area and the Minister of State, Deputy Roche, has, amongst other responsibilities, represented the Council in the European Parliament. He also organised an inaugural ministerial meeting on communicating Europe, the results of which will be taken forward by future Presidencies. Departmental officials at headquarters, in the permanent representation in Brussels and in other missions abroad chair and participate in a wide range of meetings with a view to managing and advancing the Union's agenda.

Foreign Ministers have a key role in assisting heads of state and government in the Intergovernmental Conference, IGC. Since the decision was taken at the spring European Council to resume the formal negotiations in the IGC, I have chaired two meetings of the IGC at ministerial level where we have succeeded in making considerable progress in narrowing outstanding differences between member states. We hope to build on this at a further meeting of the IGC at ministerial level in Brussels on 14 June which will prepare for what we hope will be

a successful conclusion of the IGC chaired by the Taoiseach later that week. Officials of my Department have been centrally involved throughout the Presidency in advancing work in the IGC and in formulating proposals for consideration by partners.

In the field of external relations, an extensive programme of political dialogue with third countries has been a key element of our work as Presidency over the past five months. Ministerial meetings have taken place with a substantial range of third country partners, including the US, Russia, Turkey, India, Pakistan, Afghanistan, China, Indonesia, Australia, New Zealand, Croatia, Albania, Ukraine, South Africa, Ethiopia, Eritrea and the African Union. The Taoiseach has represented the Union at very successful summits between the EU and Russia and the EU and Canada. Three further summits with Latin America and the Caribbean, Japan and the US are due to take place before the end of the Presidency.

I have hosted a number of successful meetings in Ireland, including the informal meeting of Foreign Ministers and the ASEM meeting of EU and Asian Foreign Ministers, ASEM, in April and the Euromed Foreign Ministers meetings in Dublin in early May. A large number of meetings with the European Union's partners have also taken place in the margins of General Affairs and External Relations Councils and further meetings with Bulgaria, Romania and Egypt are scheduled for 14/15 June.

In addition, we have focused on taking forward work in key areas of the Union's foreign policy agenda. We have strengthened EU support for an effective multilateral system by working closely with the UN on developing our co-operation in crisis management and peacekeeping tasks, by submitting an EU input to Secretary General Annan's high level panel on threats, challenges and change and by mainstreaming support for effective multilateralism in our dialogue with third countries.

We have pushed Africa up the Union's agenda by establishing the African peace facility, a fund of €250 million for the strengthening of African peace-keeping and conflict prevention capabilities. The Irish Presidency has also secured endorsement of an EU action plan for enhancing EU co-operation with commodity and cotton dependent developing countries. Agreement was also reached on the establishment of a €500 million water facility. Africa will feature as a major item on the agenda of an informal meeting of EU development Ministers to be chaired by the Minister of State, Deputy Kitt, in Dublin Castle on 1 June.

We have worked with partners in the Middle East and beyond on reaffirming the importance of the road map as central to the Middle East peace process and on developing a strategic partnership with the region.

The EU's relationship with Russia has been an important focus, evidenced by Russian agreement to extend the partnership and co-operation agreement to take account of enlargement and the successful EU-Russia summit in Moscow last week which agreed the terms of Russia's accession to the WTO. We have also worked to develop the European neighbourhood initiative to extend the zone of peace, prosperity and security to our new neighbours post-enlargement.

The transatlantic relationship has been strengthened, with ongoing and close co-operation with the US and Canada on trade and international political issues. We have also worked hard to deepen our ties with Asian partners, not least with China, and to encourage positive developments in the India/Pakistan relationship. The development of the Union's human rights policies has been an important aim and we plan to adopt new EU guidelines on support for human rights defenders at the European Council in June.

Substantial work has taken place in further developing the Union's European security and defence policy, including in relation to conflict prevention and the development of a rapid reaction capability to allow the Union to respond effectively to crisis situations outside its borders. Finally, we have made substantial progress in strengthening the development of the Union's response to international terrorism, including the adoption of a declaration on terrorism by the European Council in March.

A number of these key issues will be the subject of reports to the European Council in June, including a report on the implementation of the Union's work on conflict prevention, a progress report on the development of the European security and defence policy, the adoption of a strategic partnership with the Mediterranean and the Middle East and follow-up to the declaration on terrorism.

Apart from Africa, the development priorities for the Irish Presidency are poverty reduction and HIV/AIDS. Presidency efforts have been directed towards enhancing the effectiveness of the European Union's contributions to reaching the millennium development goals.

The General Affairs and External Relations Council in January reached important conclusions promoting the need to strengthen the Union's voice in multilateral institutions to help focus efforts on helping the poor, improve coherence in EU policies to better meet the concerns of developing countries and maximise the effectiveness of EU aid. In April, the Council agreed concrete measures for monitoring EU progress in meeting Monterey commitments on harmonisation and increasing aid flows and agreed that the EU must be well placed to report on its efforts towards the attainment of the millennium development goals at the UN stocktaking exercise in 2005.

[Mr. Cowen.]

HIV/AIDS is becoming the largest stumbling block to long-term development. Recognising the role the EU can play in combating this problem, the Minister of State, Deputy Kitt, hosted a major international conference on HIV/AIDS in February, bringing together representatives from 55 countries and a number of UN agencies to agree collective action in the fight against the explosive growth in HIV/AIDS prevalence rates in Eastern Europe and Central Asia. The conference agreed the Dublin Declaration, a detailed plan of action with specific targets and timeframes, for fighting HIV/AIDS in the region in the coming years.

The Department of Foreign Affairs is also responsible during the Presidency for managing the Council's relations with the European Parliament. The Minister of State, Deputy Roche, represented the Council at the monthly plenary sessions of the Parliament in Strasbourg and the mini plenary sessions in Brussels. In that time the Minister of State made a total of 26 statements to the Parliament and answered a wide range of questions tabled by the European Parliament to the Council. I also participated in the plenary debate in the Parliament on the occasion of the presentation of the Sakharov prize to the UN Secretary General Kofi Annan in January. The Ministers of State, Deputies Roche and Kitt, and I have appeared before committees of the European Parliament dealing with foreign affairs, human rights and common security and defence policy, development issues and constitutional affairs.

139. **Mr. O'Connor** asked the Minister for Education and Science if he will report on his Department's endeavours in respect of Ireland's EU Presidency; and his plans for the remainder of the term. [15755/04]

Minister for Education and Science (Mr. N. Dempsey): As part of the national preparations for the Irish Presidency, I arranged to have measures put in place to help raise awareness amongst students about the significance of the Irish Presidency in 2004. Classroom resources were produced and made available through the Scoilnet website, www.scoilnet.ie/eupresidency. These resources provided up to date information and materials for schools on the European Union with a particular focus on the Irish EU Presidency. All primary and post-primary school pupils were also involved in the selection of Ireland's EU presidency logo, by registering their preferred option for the logo online.

In January, I presided, along with the Minister for Arts, Sports and Tourism, Deputy O'Donoghue, over the European launch of the European Year of Education through Sport 2004. The first Education Council of Ministers under the Irish Presidency, which I chaired, was held in Brussels on 26 February. The main agenda item for this Council was the adoption of the joint

interim report of the Council and the Commission on the implementation of the detailed work programme on the follow up of the objectives of education and training systems in Europe. There was also an initial exchange of views by Ministers on the EUROPASS proposal for a single framework for the transparency of qualifications and competences.

At the next education, youth and culture Council, which will be held on 27/28 May, the principal agenda items in the education sector will be the adoption of a Council resolution on strengthening policies, systems and practices in the field of guidance throughout life in Europe. In addition, I will propose that Council conclusions on quality assurance in vocational education and training and on common European principles for the validation of non-formal and informal learning be adopted.

I will also chair a Council discussion on the new generation of EU education and training programmes due to commence in 2007. It is also my intention that political agreement will be achieved on the EUROPASS proposal at the May Education Council. Political agreement has already been reached on another Irish Presidency priority — the proposal for the consolidated directive on the mutual recognition of professional qualifications at the Competitiveness Council on 18 May last.

In the youth part of the May Council, which will be chaired by my colleague, the Minister of State, Deputy de Valera, it is envisaged that a resolution on social integration with regard to young people and a declaration on racism and intolerance with regard to young people will both be adopted. The Youth Ministers will also consider a communication from the EU Commission entitled "Making Citizenship Work".

In addition to the two formal EU Councils, as part of the Presidency programme I held an informal EU ministerial conference on guidance and counselling and a meeting of OECD Ministers for Education in Dublin, while the Minister of State, Deputy de Valera, presided over a ministerial conference on youth policy, which was held in County Clare.

My Department has organised a wide range of educational conferences and seminars in Ireland covering issues such as ICT in education, special needs education, the relevance of the EU to young people, vocational training and higher education, as part of the EU Presidency programme. Between now and the end of the Irish Presidency, several more meetings at senior official/expert level will be arranged by my Department at locations in Ireland, including the education committee of the Council, the directors general for youth, the EU youth working party, EU network of education policy advisers and the EU working group on indicators in the education sector. A brochure containing information on the

education and youth Presidency programme has been lodged in the Oireachtas Library.

Higher Education Grants.

140. **Mr. Kehoe** asked the Minister for Education and Science the status of the appeal made to his Department against the decision to award a VEC grant to a person (details supplied) in County Wexford; and if he will make a statement on the matter. [15819/04]

Minister for Education and Science (Mr. N. Dempsey): No appeal has been made by the candidate to my Department but County Wexford VEC has confirmed to officials in my Department that it has received an application from this candidate seeking to be assessed as an independent mature student.

Under the Department's student support schemes, generally speaking, students who are entering approved courses for the first time are eligible for maintenance grants where they satisfy the relevant conditions as to age, residence, means, nationality and previous academic attainment. A mature candidate means a candidate who is at least 23 years of age on 1 January of the year of entry to an approved course. Mature candidates are then categorised as either independent mature candidates or mature candidates dependent on parents. An independent mature candidate is defined to mean a mature candidate who was not ordinarily resident at home with his or her parents/guardians from 1 October preceding their entry to an approved course. Independent mature candidates are assessed without reference to either their parents' or guardians' income or address.

In the absence of conclusive proof of independent residence, a candidate will be assessed as a dependent mature candidate. As such, the candidate's reckonable income shall be that of the candidate and of the candidate's parents or guardians. In order to assess such a candidate's eligibility for a maintenance grant, a dependent mature candidate must supply the VEC with details of his/her income and details of his/her parent's income.

Question No. 141 withdrawn.

Bullying in Schools.

142. **Mr. Haughey** asked the Minister for Education and Science his views on bullying of pupils by teachers; the way in which a complaint of alleged bullying by a principal of a pupil should be dealt with by the child's parents; and if he will make a statement on the matter. [15821/04]

Minister for Education and Science (Mr. N. Dempsey): Complaints regarding the conduct of individual teachers are matters for the management authorities of the school by which the teacher is employed. Where the conduct of the principal is in question the matter should be

brought directly to the attention of the board of management through either the chairperson or one of the parent representatives. Should all efforts made at school level fail to resolve the matter, my Department will examine specific complaints of alleged instances of unprofessional behaviour by teachers.

Schools Refurbishment Programme.

143. **Mr. G. Mitchell** asked the Minister for Education and Science if he will re-examine the need for an infant school (details supplied) in Dublin 12 in conjunction with the boys and girls primary schools, to have the windows replaced; and if these will be replaced. [15822/04]

Minister for Education and Science (Mr. N. Dempsey): The scope of the works required at the school referred to by the Deputy are appropriate for consideration under the summer works scheme which was announced in December last. The closing date for applications under the scheme was 30 January 2004. I note that the school in question did not make an application for replacement windows under this scheme.

Subject to a review of the summer works scheme 2004, it is planned to invite applications for the 2005 scheme later this year. Full details will be posted on my Department's website at www.education.ie as soon as possible.

In the interim, the school authority should use its devolved grant to deal with urgent health and safety works where required.

School Staffing.

144. **Mr. Neville** asked the Minister for Education and Science when a teacher's assistant will be made available to a person (details supplied) in County Limerick. [15823/04]

Minister for Education and Science (Mr. N. Dempsey): The pupil in question currently has the services of 2.5 hours resource teaching support.

Special needs assistant support 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. Special needs assistant support was not approved in this case as the pupil did not meet the criteria set out in circular 07/02.

School Accommodation.

145. **Mr. O'Connor** asked the Minister for Education and Science if his attention has been drawn to the concern of parents in respect of accommodation problems at Scoil Cháitlín Maud, an all Irish primary school, Knockmore, Tallaght,

[Mr. O'Connor.]

Dublin 24; if the matter will be immediately investigated; and if he will make a statement on the matter. [15824/04]

Minister for Education and Science (Mr. N. Dempsey): The concerns of parents regarding accommodation issues at the school in question should be brought to the attention of the school's board of management in the first instance.

Physical Education Facilities.

146. **Mr. O'Connor** asked the Minister for Education and Science the schedule being followed in respect of the proposal to provide a physical education hall at Firhouse Community College, Dublin 24; and if he will make a statement on the matter. [15825/04]

Minister for Education and Science (Mr. N. Dempsey): The project to provide a physical education hall at Firhouse Community College is listed for proceeding to tender and construction as part of the 2004 school building programme. The indicative timescale in the programme for the project to proceed to tender is the third quarter of the year.

I am pleased to advise the Deputy that the tendering process for this project is ahead of schedule and is now nearing completion and it is envisaged that construction work will commence around June.

School Closures.

147. **Mr. Gogarty** asked the Minister for Education and Science the reason appropriate provisions were not put in place prior to Greendale Community School being targeted for closure; and if he will make a statement on the matter. [15826/04]

Minister for Education and Science (Mr. N. Dempsey): The decision to close Greendale Community School was taken by the trustees. My Department is in communication with the trustees with regard to the timing of the closure. Given the pattern of falling enrolments at the school, together with surplus capacity in the general area, my Department concurs with the trustees' decision.

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.

Schools Amalgamation.

148. **Mr. Carey** asked the Minister for Education and Science the progress which has been made in progressing the amalgamation of the junior and comprehensive schools in Ballymun, Dublin 11; if he is considering, as an outcome of this amalgamation, that one of the

vacated schools become a centre for adult and community education; and if he will make a statement on the matter. [15827/04]

Minister for Education and Science (Mr. N. Dempsey): The process of amalgamating the three comprehensive schools in Ballymun is being actively supported by the school planning section of my Department. The amalgamated school will be located in the junior school complex, which is currently listed in the capital programme for 2004 and it is expected that the refurbishment project will be completed for September 2005.

No decisions have been taken regarding the future use of the buildings that will become surplus to requirements.

Departmental Correspondence.

149. **Mr. Ring** asked the Minister for Education and Science the reason a letter (details supplied) sent to a school inspector within his Department was not responded to. [15828/04]

Minister for Education and Science (Mr. N. Dempsey): I understand that the issues raised in the Deputy's correspondence received detailed consideration within my Department and that a letter, dated 18 May 2004, was issued to the Deputy.

School Placement.

150. **Mr. Ring** asked the Minister for Education and Science the reason a person (details supplied) in County Mayo was approved for a place in a school in Castlebar, County Mayo and subsequently informed that the person could not attend it. [15829/04]

Minister for Education and Science (Mr. N. Dempsey): I wish to advise the Deputy that my Department's inspectorate has been in contact with the school in question to clarify the position.

School Payment.

151. **Mr. English** asked the Minister for Education and Science when a person (details supplied) in County Meath will receive the balance of moneys due to that person in the amount of €2,064.54 from Scoil Mhuire, Navan; and if he will make a statement on the matter. [15850/04]

Minister for Education and Science (Mr. N. Dempsey): The payment of the balance of any moneys due in this case is a matter for the school authorities.

Special Educational Needs.

152. **Mr. Noonan** asked the Minister for Education and Science if financial assistance is available towards the cost of a person in primary school (details supplied) in County Limerick attending a clinic in Manchester for treatment for dyslexia; and if he will make a statement on the matter. [15851/04]

Minister for Education and Science (Mr. N.: Dempsey): My Department has no record of having received an application for financial assistance for the pupil referred to by the Deputy. In general, my Department considers that satisfactory education provision exists in the State to meet the educational needs of persons with dyslexia and consequently the question of providing financial assistance towards attendance at a facility outside the jurisdiction would not arise.

I wish to advise the Deputy that the following supports are provided by my Department to assist pupils with dyslexia. All children in the primary school system who have been assessed as having special educational needs, including children with dyslexia, have an automatic entitlement to a response to their needs irrespective of their level of need or location. The nature and level of the support provided is based on the professionally assessed needs of the individual child.

Children with dyslexia are generally catered for on an integrated basis in ordinary primary schools where they can be supported by the learning support teacher service or the resource teacher service. At present, there are over 2,600 resource teachers and 1,531 learning support teachers in the primary school system. My Department also provides funding to schools for the purchase of specialised equipment such as computers to assist children with special needs with their education, including children with dyslexia, where recommended by relevant professionals.

In addition, my Department is developing a weighted system of teacher resource allocation to primary schools from September 2004. An additional 350 teaching posts will be allocated as part of this system. This will allow resources to be speedily allocated to pupils with disabilities, including those with dyslexia, on the basis of school based assessment, pending full psychological, or other professional assessment.

Higher Education Grants.

153. **Mr. Ó Fearghail** asked the Minister for Education and Science if a third level grant will be approved for a person (details supplied) in County Kildare. [15967/04]

Minister for Education and Science (Mr. N. Dempsey): The third level student support schemes were extended to provide maintenance grants to eligible students pursuing approved full-time undergraduate courses of at least two years duration pursued in a university or a third level institution which is maintained or assisted by recurrent grants from public funds in other EU member states with effect from the 1996-7 academic year.

The extension of the schemes at that time did not include courses at post-graduate level and, accordingly, there is no grant aid available under the schemes for students pursuing post-graduate studies outside of Ireland.

An approved undergraduate course in the above context is defined as a full-time undergraduate course of not less than two years duration pursued in a university or third level institution, which is maintained or assisted by recurrent grants from public funds in another EU member state, with the exception of courses in colleges of further and higher education, other than courses which are at higher national diploma level or higher; courses provided in a college which are offered in private commercial third level colleges in the State and which are validated by that college; courses in colleges akin to private commercial colleges in Ireland.

Any extension of the current arrangements to provide for students pursuing post-graduate courses outside of Ireland could only be considered in the light of available resources and other competing demands within the education sector. At present there are no plans to expand the provisions in the grant schemes for study abroad.

However, section 21 of the Finance Act 2000, as amended by section 29 of the Finance Act 2001, provides for the introduction of tax relief for post-graduate tuition fees paid in colleges outside of Ireland. This relief, which is available from the tax year 2000-1 onwards, applies at the standard rate of tax. Further details and conditions in relation to this tax relief are available from local tax offices.

Schools Refurbishment.

154. **Mr. McGinley** asked the Minister for Education and Science if an application has been received in his Department for the provision of a second science laboratory for Canrick Vocational School, County Donegal; the present status of the application; and if he will make a statement on the matter. [15968/04]

Minister for Education and Science (Mr. N. Dempsey): An application under the summer works scheme for 2004 was received from County Donegal VEC on behalf of Canrick Vocational School regarding the provision of a second science laboratory.

All applications received were assessed and categorised by reference to the criteria detailed in appendix B of the circular letter governing the scheme — Prim 34/03. The available funding was then distributed on a top down basis in accordance with the categorisation hierarchy. The purpose of this approach is to ensure precise targeting of funding.

The application from Canrick Vocational School was assessed as a category E project. It was only possible to fund priority one projects in categories A, B and C this year. While the school's application under the summer works scheme for 2004 was unsuccessful it is open to the school's management authority to apply for the 2005 summer works scheme when the scheme is announced later this year.

EU Presidency.

155. **Mr. O'Connor** asked the Minister for Communications, Marine and Natural Resources if he will report on his Department's endeavours in respect of Ireland's EU Presidency; and his plans for the remainder of the term. [15756/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): As I have previously advised the House, I am responsible for a wide range of EU Presidency business across the sectoral policy areas of telecommunications, energy, broadcasting, fisheries, maritime transport and maritime safety. I also hold commensurate chairing responsibilities for the agriculture and fisheries, transport, energy and telecommunications and education, youth and culture Council formations.

Together with my officials, I have been working to deliver on policy priorities at EU level during the Presidency within the Government's overall strategic approach to the EU. I outlined these priorities to the House on a number of previous occasions.

As I have previously stated when speaking about the telecommunications sector, the development and take-up of broadband infrastructure and services remains a key priority, which is central to the e-Europe 2005 action plan. Following the mid-term review of the action plan, which was endorsed at the Council of Telecoms Ministers in March, it has now been revised to take account of recent technological developments and the enlargement of the EU and will feature on the agenda of the forthcoming Telecoms Council to be held on 14 June. In addition, the Council will respond to the Commission communication on member states' national broadband strategies.

The issue of broadband take-up was also the subject of a very successful ministerial meeting held recently in Dundalk. A very fruitful discussion was generated in response to papers given by a number of international experts, while Ministers also had the opportunity to exchange views on future strategies with CEOs from leading ICT companies from around Europe.

In addition, significant progress has been made with current legislative proposals in the telecoms area, namely, eContent plus and Safer Internet plus, particularly given the very limited time available to us during our Presidency in the outgoing European Parliament. Ministers will be asked to agree a Council position on these dossiers at our June Council.

Turning now to energy, I am satisfied that the priority areas identified in that area are progressing well. Sustainable energy was identified as being an important element in the sustainable development of the European economy. In that regard we are continuing to work towards achieving a political agreement at the energy Council in June on the proposal for a directive of the European Parliament and the Council on establishing a framework for the

setting of eco-design requirements for energy using products.

I will also be attending the forthcoming international conference for renewable energies to be held in Bonn in June next. The Irish Presidency is actively collaborating with the Commission and Council secretariat in working towards the establishment of a common energy position for the EU on this important issue.

The other main priority was in progressing the various elements of the Commission's recently published infrastructure package. We are working towards achieving political agreement on the gas transmission proposal at the June Energy Council. The proposal relating to trans-European networks is also expected to be discussed at the June Council. The remaining elements of the Commission's infrastructure package, security of electricity supply and demand side management, are somewhat more contentious and, given the elections to the European Parliament, the progress that can be made during the Irish Presidency is limited. Nonetheless, we will have completed a lot of important work on these dossiers by the end of our Presidency.

We also recently held a very successful two day high level meeting of energy directors general from all 25 member states in Drogheda where EU external relations, energy aspects of climate change and the Commission's infrastructure package were discussed.

On broadcasting, I have been giving particular priority to progressing a structured debate on the regulation of satellite television broadcasters as well as advancing the overall review of the television without frontiers directive. To this end, I hosted an informal meeting of EU Ministers, with responsibility for broadcasting, in Dublin and Drogheda from 1-3 March. One of the specific issues that Ministers discussed at some length during the conference was the regulation of broadcasting services which are specifically targeted at one member state but are actually subject to the national regulations of another member state. I intend to give member states a further opportunity to consider this and other related topics at this month's meeting of the Education, Youth and Culture Council scheduled for 27 May 2004.

On maritime safety, we are continuing to progress the proposed directive on sanctions for pollution offenders and the implementation of new maritime security measures for Irish ports and ships. The security measures will be in place by the required deadline 1 July 2004 and I hope to be in a position to bring the proposed directive on pollution to the Council of Ministers' meeting in Luxembourg this coming June.

In the area of fisheries, I have already achieved a number of the targets I set at the commencement of the Presidency. The Council has adopted proposals relating to the protection of small cetaceans; protection of an area of deep water coral reefs off Scotland known as the

Darwin Mounds; aid for fishing fleets in the outermost regions of the Community; and measures on autonomous Community tariff quotas on certain fisheries products. Agreement has been achieved by the Presidency on a number of third country fisheries agreements, including between the Community and Norway, the Community and Tanzania and the Community and the Solomon Islands. The Presidency has also progressed the development of conservation and management strategies in various regional fisheries organisations, including the north west and north east Atlantic together with the Baltic Sea.

The enlargement process for fisheries has been successfully completed in time for the accession of the ten new member states on 1 May. A successful ministerial and stakeholders conference on fast tracking the development of environmentally friendly fishing methods was held in March, and it is hoped to build on this with the adoption of Council conclusions in June.

This week and continuing next month, the Council will discuss a number of other measures, including a Council regulation on fixing maximum fishing effort in western waters; the establishment of regional advisory councils; and structural funding for the aquaculture and fishing sectors. A policy debate at the June Council on technical conservation measures for the Mediterranean may also be held.

Developments are being highlighted on an ongoing basis on my Department's website www.dcmnr.ie and on the Irish Presidency website www.eu2004.ie

Legislative Programme.

156. **Mr. Penrose** asked the Minister for Communications, Marine and Natural Resources the steps he is taking to bring forward appropriate legislation which would enable local authorities to put into effect control of speed boats and jet skis operating on lakes within a local authority's jurisdiction; when such legislation will be implemented; and if he will make a statement on the matter. [15914/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): My Department is currently finalising the proposals which will address the issue of the regulation of jet skis and similar craft and I expect these proposals to be brought to Government shortly.

Sports Capital Programme.

157. **Mr. Murphy** asked the Minister for Arts, Sport and Tourism when funding will be made available for the refurbishment of toilet and shower facilities for the racquetball club in Condrum, Macroom, County Cork. [15852/04]

160. **Mr. Murphy** asked the Minister for Arts, Sport and Tourism when funding will be made available for Cork County VEC for the repair and refurbishment of toilet and shower facilities

for the racquet ball club in Macroom, County Cork. [15849/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 160 and 157 together.

The national lottery funded sports capital programme allocates funding to sporting and to voluntary and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis. My Department has no record of any application for funding under the programme being received from either Cork County VEC or from any racquetball club in either Condrum or Macroom. All allocations under the 2004 sports capital programme have now been made. It would be open to the organisation in question to apply for funding under the 2005 programme.

158. **Mr. O'Connor** asked the Minister for Arts, Sport and Tourism the reason the sports grants application from a club (details supplied) in Dublin 24 was unsuccessful for the second time; and if he will make a statement on the matter. [15741/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The national lottery funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country.

All applications under the 2004 sports capital programme were evaluated by my Department in accordance with the assessment criteria for the programme published in the guidelines, terms and conditions document which accompanied the application form for the programme. Following completion of the evaluation of the applications received by my Department under the programme, I announced provisional grant allocations on 7 May last.

The application in question was unsuccessful. Letters are currently being issued to unsuccessful applicants advising them of the outcome of their application and enclosing a copy of the assessment carried out on the application, including any specific reasons for the application being unsuccessful. The letter to the club in question was issued on 25 May.

It is open to the organisation, should it wish to do so and should it have a project which satisfies the terms and conditions of the programme, to submit an application to the 2005 sports capital programme when that scheme is publicly advertised. The club has already received a grant of €126,974 under the 2000 sports capital programme.

EU Presidency.

159. **Mr. O'Connor** asked the Minister for Arts, Sport and Tourism if he will report on his Department's endeavours in respect of Ireland's

[Mr. O'Connor.]
EU Presidency; and his plans for the remainder of the term. [15757/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Ireland's Presidency of the EU has proven to be an invaluable opportunity to showcase all that is best about our country. Throughout the Presidency, an extensive cultural programme has been organised and supported by my Department which has encompassed a variety of cultural links, tours and exchanges between Irish artists, Irish festivals and artists from the new member states.

The centrepiece of this programme was the "Day of Welcomes" on 1 May to celebrate the historic enlargement of the Union. This day long carnival involving towns and cities across Ireland proved an enormous success both locally and internationally and was an outstanding tribute to the generosity and warmth of the Irish welcome. In terms of building goodwill throughout Europe, particularly in the new member states, the Day of Welcomes was an overwhelming success.

Obviously, such positive images of Ireland and the Irish people in celebratory mood, which were broadcast throughout Europe and the world over the May weekend, are a major boost to our image as a tourism destination. Close to 1,000 journalists, radio and TV crews from across the world were in Ireland for the weekend and television coverage of the events was beamed into more than 1 billion homes world-wide.

The cultural programme's tours to and from the new member states continue until the end of the Presidency. Highlights in June include the performances by the Irish Chamber Orchestra in Poland, Lithuania, Slovenia, Malta and Cyprus and the National Chamber Choir performing in the Czech Republic and Poland. In return Éigse Arts Festival and West Cork Chamber Music Festival will welcome artists and musicians from Latvia and Lithuania respectively.

Across my portfolio, a wide variety of events and initiatives have been organised in Ireland in order to bring an Irish perspective to some of the key challenges facing Europe in the arts, sport and tourism areas. On the arts and culture front, four separate events will have been held by the end of the six month Presidency, which will help to advance European co-operation in the field of culture, particularly in the area of linguistic diversity, networking, music and the digitisation of cultural content. The feedback from those who attended the three events that have already taken place has been very positive and I am confident that they will lead to greater mutual understanding and co-operation among the 25 member states. One of the final events of the Presidency will be an international conference entitled "Access all areas: serving the user", which I will open in Dublin Castle on 29 June.

In the face of the common challenges facing the tourism sector across Europe, I asked Fáilte Ireland to organise a major international

conference on tourism as the centrepiece of Ireland's tourism programme for the Presidency. The event, entitled "Charting Tourism Success" was held in Dublin Castle and was very well attended by policy makers and industry practitioners across Europe. A diverse panel of distinguished speakers provided valuable insights and set out some fresh ideas on how to meet the challenges facing the sector. The great variety of issues emerging from the conference should help to inform and provide a sharper focus to a number of the initiatives currently underway within the European Commission in advancing its work programme on tourism.

In the sports field, Ireland successfully launched the European Year of Education through Sport and has worked closely with the Commission and other member states in establishing a clearer framework for subsequent Presidencies initiating action in the sports arena.

In terms of advancing the agenda on cultural co-operation at European level, I will be chairing a meeting of Culture Ministers in Brussels tomorrow to discuss a number of priority issues, including the future generation of support programmes for the culture and audio-visual sectors and a proposal on the European Capital of Culture to enable the inclusion of the ten new member states from 2005 onwards.

Question No. 160 taken with Question No. 157.

Health Board Services.

161. **Mr. P. Breen** asked the Minister for Health and Children the reason a person (details supplied) in County Clare did not qualify for the domiciliary care allowance; and if he will make a statement on the matter. [15875/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The assessment of entitlement to and payment of the domiciliary care allowance in any individual case is a matter for the relevant health board. Accordingly, a copy of the Deputy's question has been forwarded to the chief executive officer, Mid-Western Health Board, with a request that he examine the case and reply directly to the Deputy as a matter of urgency.

EU Presidency.

162. **Mr. O'Connor** asked the Minister for Health and Children if he will report on his Department's endeavours in respect of Ireland's EU Presidency; and his plans for the remainder of the term. [15758/04]

Minister for Health and Children (Mr. Martin): The Irish health Presidency programme takes forward the work on addressing health threats, co-ordinating public health actions and supporting health systems, which has been done to-date under previous presidencies, and seeks to advance the principles and objectives in the

Community's public health programme, 2003-2008.

An overall objective of the Irish Presidency is to enrich our shared knowledge and experience in the protection and improvement of public health, together with mapping out the course of how we best address future needs. The Irish health programme provides clear insight into the enormous depth and breadth of the challenges we face in this area. It ranges across regulatory measures in areas such as food and pharmaceuticals, through serious health threats such as tobacco, to the orientation of health systems in relation to greater patient mobility. The health Presidency programme focuses on a number of key themes and I have set out the work done in these areas for the Deputy's information.

The Presidency offers a special opportunity to demonstrate our commitment and determination to advancing public health throughout the Union. I believe that we developed a very focused Presidency programme.

The theme of the promotion of cardiovascular health has attracted a considerable focus of attention under the Presidency programme. The aim is to reach European agreement on best practice for the population and to develop strategies for the prevention of cardiovascular disease.

An evidence-based expert conference took place in Cork on 24-26 February. This consensus conference on cardiovascular health was based on extensive preparatory work by experts. The aim of the conference was to reach European agreement on best practice for the prevention of cardiovascular disease in the population. The conference has produced conclusions which have undergone consideration in the Council's health working group and were discussed at the ministerial consultative meeting on 12 May with a view to presenting draft Council conclusions on cardiovascular health for adoption by EU Health Ministers at our June meeting.

A second cardiology conference took place on 10-11 May aimed at reaching agreement of cardiology data standards. The aim of the cardiology audit and registration data standards, CARDS, project is to develop expert consensus on European data standards for three priority modules of a cardiovascular health information system. The data standards will set out the variables to be collected, precise definitions for each variable and the purpose for which each data item is being collected.

Priority will be given to information needs for clinical audit, as well as for epidemiological analysis and health service planning. It is estimated that a set of one hundred data items will be identified, prioritised and defined for each topic. The agreed data standards will be disseminated to European cardiologists and health care agencies, as well as vendors of

hospital and cardiology information systems, to encourage them to implement the data standards.

On patient mobility issues judgements of the European Court of Justice involving payment for health services and access by individuals on a cross border basis have given rise to a number of significant challenges in the health care systems of EU member states. This has led to these issues being examined in a "high level process of reflection", HLPR, established on the initiative of the European Commission. This informal process, which involved Ministers from all member states and other stakeholders, was completed in December 2003.

The outcome of the process was a series of recommendations, which may provide the basis for clearer understandings around patient mobility at an EU level. There is a need for a framework to be put around the facilitation of patient mobility in a manner that takes account of the responsibilities of member states to organise and deliver health services that are equitable and sustainable.

As there is potential for significant impact on national health systems, Health Ministers are determined that they should set the course for greater patient mobility. A Commission communication dated 20 April 2004 arising from this HLPR process has been received on which the Irish Presidency plans to carry out further work. This has been identified as a priority matter on which to advance deliberations between Health Ministers — it was discussed on 12 May at the ministerial consultative meeting — during the period of the Irish Presidency with a view to the adoption of Council conclusions.

The Irish Presidency will be contributing in relation to the public health aspects of the Commission's environment and health action plan. The action plan will focus on the four priority effects on health to be addressed in the first cycle, 2004-10. These include childhood respiratory diseases and asthma allergies. The action plan is intended to be the Commission's contribution to the forthcoming WHO Ministerial Conference on Environment and Health which will take place in Budapest in June 2004 and, in particular, to the preparation of the children's environment and health action plan for Europe, CEHAPE. The Irish Presidency will also be contributing to the conference ministerial declaration.

An expert workshop led by the Joint Research Centre of the European Commission considered childhood asthma from a genetic and environmental perspective. This workshop took place on 22-23 April. Its work will inform Presidency draft conclusions on childhood asthma which will be presented to the Council of Health Ministers for consideration.

An e-health conference, with related exhibition and awards, and associated closely with the e-Europe action plan of the community took place on 5-6 May. This theme focused on citizen

[Mr. Martin.] friendly applications of information and technology in health. Amongst the areas discussed were health cards; integrated care records; evidence based decisions; health portals; quality of health websites and telemedicine.

Work has been proceeding in the area of information technology and health, at national, EU, Council of Europe and WHO level and considerable added value can be obtained from taking stock of existing achievements and planned developments, in order to map out the future direction to be taken. The conference conclusions have informed draft Council communication on e-health. A separate Commission communication on e-health dated 30 April 2004 and titled “e-Health — making healthcare better for European Citizens: an action plan for a European e-Health area” has been received and is being considered. An informal meeting of Health Ministers, which was held on 12 May, is an integral part of achieving the maximum progress across the range of topics above.

At this informal meeting Health Ministers held a wide ranging discussion on cardiovascular disease which supported the recommendations from the February conference on promoting heart health in the European Union. Mr. Tommy Thompson, secretary of Health and Human Services in the USA, made a presentation to the Ministers on the US approach to prevention of cardiovascular diseases and obesity, particularly in young children. It was clear from the discussions that the outcome of the February heart health conference and of the CARDS conference on development of data standards for collection of comparable data in cardiology databases and registries will make a practical and valuable contribution to development of cardiology strategies at European level. There was also scope for further co-operation between the European Union and the USA in relation to tackling the challenges of cardiovascular disease and obesity. On the basis of the positive experiences of working together in the context of the EU Presidency, Ireland and the USA are committed to exploring further collaborative opportunities in the area of public health, going forward.

Health Ministers had a very worthwhile discussion on patient mobility. As reflected by the views of Ministers, the Community is seen to be at a crossroads in the future development of health policy at a European level. The Ministers agreed the Commission communications on patient mobility and on sustainable health care/open method of co-ordination are interlinked and form part of an overall coherent strategy for health care systems at European level.

There appeared to be universal acceptance of the need for the early establishment of what is termed a permanent mechanism to support European co-operation in the field of health care and to monitor the impact of the EU on health systems and to co-ordinate and manage the

various discussions on health policy which are taking place in a wide variety of different fora in Brussels. The need for overall coherence and for legal certainty were emphasised.

The Commission decision on the establishment of a new high level group on health services and medical care was welcomed as an interim step towards the early establishment of a permanent health mechanism. There was universal agreement on the need to introduce greater legal certainty into this area and to develop health policy at European level following the series of European Court of Justice judgments.

On European centres of reference, there was general agreement on the need for mapping of centres of reference for highly specialised or rare diseases on a systematic and structured basis according to agreed clear criteria with regard to their designation and use.

On pandemic preparedness and response planning, Ministers followed up on discussions held at a special meeting on 12 February 2004 on improving Community preparedness for dealing with communicable disease threats including biological events. Ministers considered a number of questions and were generally agreeable to an extension of the health security committee’s mandate until the centre for disease prevention and control is established in Sweden in 2005. The mandate should be reviewed at that time. Ministers also agreed on the need for member states and the Commission to work together for early agreement on adoption of a co-ordinated approach to the purchase of anti-virals and vaccines to deal with outbreaks of communicable diseases.

The Swedish Minister for Public Health, Mr. Morgan Johansson, made a presentation on issues surrounding alcohol and public health. Commissioner David Byrne informed Ministers that the Commission was preparing a draft strategy in relation to alcohol. Ministers welcomed the Commissioner’s information in this regard and looked forward to seeing the communication. I reported briefly on the outcome of the e-health conference held on 5-6 May. Ministers and the Commissioner welcomed and supported the Irish Presidency initiative in this area.

A conference will be held on 17/18 June to review tobacco control policies in the European Union. The conference will focus on achievements to date, and, in light of enlargement of the European Union, will provide an opportunity to stimulate debate on the course of future action to further protect human health in this area.

An international food safety conference on the issue of the harmonisation of official food controls took place on 11/12 March. The aim of the conference was to provide a forum to explore the requirements and impact of the proposal for a regulation on official feed and food controls.

A meeting of governmental chief nurses took place on 16 April, which facilitated an exchange of views among the participants regarding recent developments and challenges in nursing and

midwifery and in healthcare systems. Representatives of 21 member states attended.

A conference on promoting workplace health, “Networking Workplace Health in Europe”, will take place in June. This conference aims to establish a platform for the exchange of experiences between national forums on workplace health, to provide an overview of the different priorities for action across Europe and to identify the cross cutting challenges for future workplace health improvement.

On 17-18 June the final meeting and conference to launch the outcome of the EU Commission funded project to draw up a European blueprint for action on breast feeding will take place. This blueprint is based on a comprehensive review of research evidence for the effectiveness of intervention taken globally to improve breast feeding rates.

Whilst the Irish Presidency has contributed significantly in regard to the themes and events which we identified as priorities, progress has also been made on a number of dossiers at EU level from the ongoing legislative work programme. I have set out the work achieved by the Presidency below.

Agreement has been achieved under the Irish Presidency on the proposal for a European centre for disease prevention and control. The centre will concentrate primarily on communicable diseases. Outbreaks of unknown disease may be dealt with by the centre and will handed over to appropriate agencies once identified. It has been agreed that it will be located in Stockholm, Sweden. This means that the timetable for having the centre up and running in 2005 will be achieved.

As the Presidency, Ireland has achieved agreement on a Council decision to allow the Community and its member states to ratify the WHO Convention on Tobacco Control and the Community and member states can now to proceed to ratification.

The discussion at the avian influenza special Council meeting of 12 February meeting was followed up by the Irish Presidency which focused on how best member states could co-ordinate with the Commission in engaging with the pharmaceutical industry to consider the preparation of protocols in relation to the manufacture, availability and distribution of vaccines and anti-virals, as part of pandemic planning preparedness. Follow up work on this topic has continued in the Council and Council conclusions will be presented to the Health Council on 2 June 2004.

Commissioner Anna Diamantopoulou originally announced a proposal for a European health insurance card at the Employment and Social Affairs Council meeting on 19 January 2002. It was seen as an essential part of a package of measures, outlined in the action plan for mobility designed to reduce the obstacles faced by workers when moving around the EU. It was confirmed at the spring European Council on 25-26 March that the card will be introduced on 1 June 2004, during the Irish Presidency.

The card will replace all temporary stay forms from 1 June 2004, that is, the E111 — temporary visit, E128 -, students and posted workers, E119 — unemployed persons going to seek work in another member state and E110 — persons working in international transport. Previously, E111 holders were entitled to immediately necessary care, while holders of other temporary stay forms were entitled to necessary care. However, the amendments which have been introduced in order to allow the introduction of the health card ensure that all insured persons will be entitled to all health care benefits in kind that become medically necessary, taking account of the nature of the benefits and the expected length of stay.

Consideration of important dossiers on international health regulations of the World Health Organisation and food and nutrition matters, for example, health claims and food fortification, will be progressed to the fullest extent possible during the Irish Presidency.

For the Employment, Social Policy, Health and Consumer Affairs Council on 1-2 June 2004 Health Ministers will convene in Luxembourg on 2 June 2004. The draft agenda is as follows: promoting heart health — adoption of Council conclusions; e-health — presentation of Commission communication, adoption of Council conclusions; pandemic preparedness plan — information from the Commission, adoption of Council conclusions; health care developments in the European Union — (a) patient mobility: adoption of Council conclusions, presentation of Commission communication and exchange of views; (b) sustainable health care: presentation of Commission communication; (c) European health insurance card: information by the Commission; international health regulations — adaptation of negotiating directive, progress report; European centre for disease prevention and control — briefing by the Commission; WHO framework convention on tobacco control — briefing by the Presidency and the Commission; European health strategy — briefing by the Commission; childhood asthma — adoption of Council conclusions; environment and health — information from the Commission; food claims — progress report; fortified foods — progress report; alcohol harm reduction among young people — information from the Presidency; other business — diabetes, written information from the Presidency; osteoporosis, written information from the Presidency; proposal for a services directive — information from the Presidency.

Orthodontic Services.

163. **Mr. Ardagh** asked the Minister for Health and Children if he will examine the case of a person (details supplied) in Dublin 10; the reason orthodontic treatment has been delayed for the past three years; and when this treatment will be carried out. [15836/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of orthodontic treatment to eligible persons in Dublin 10 rests with the Eastern Regional Health Authority. My

[Mr. Martin.]
Department has asked the regional chief executive to investigate the matter raised by the Deputy and to reply to him directly.

Suicide Incidence.

164. **Mr. Neville** asked the Minister for Health and Children the new services to be provided by Eastern Regional Health Board in view of increased spending on suicide prevention and research of €522,000 in the area. [15837/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Responsibility for the provision of services referred to by the Deputy rests with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive to investigate the matter raised by the Deputy and reply to him directly.

Health Service Costs.

165. **Mr. R. Bruton** asked the Minister for Health and Children the average cost of a day procedure conducted in public hospitals; the way in which this compares with the average cost of a similar basket of procedures paid by VHI; and the trend in each over the years since 1998. [15838/04]

166. **Mr. R. Bruton** asked the Minister for Health and Children the average cost of in patient procedures in public hospitals; the way in which this compares with the average cost of a similar basket of procedures paid by VHI; and the trend in each over the years since 1998. [15839/04]

167. **Mr. R. Bruton** asked the Minister for Health and Children the way in which he compares the cost effectiveness for similar procedures across different hospitals; the data he uses for this purpose; and if he will publish the information disaggregating cost of individual procedures in different hospitals. [15840/04]

Minister for Health and Children (Mr. Martin): The comparison of activity and costs between hospitals is managed by the national Casemix programme. Casemix is an internationally accepted management system for the monitoring and evaluation of health services which allows for the collection, categorisation and interpretation of hospital patient data related to the types of cases treated, in order to assist hospitals to define their products, measure their productivity and assess quality.

The national Casemix programme presently operates in 34 hospitals nationally and is used *inter alia* to compare cost effectiveness between hospitals. Over 4,000 different procedures are performed in Irish hospitals. However, to establish relative cost comparisons between hospitals an individual hospital base price — the cost of a standard case when all national data has been aggregated and taking into account each hospital's unique mix of cases and differing complexity — is calculated. While this is the cost

of treating a similar case in each hospital, one must take cognisance of the fact that teaching costs, accident and emergency services and national centres of excellence all contribute to differing costs in each hospital. Hospital base prices for 2004 are in Table A and range from €2169 to €4654. With regard to the average cost of an in-patient and day case procedure over time, Table B below details the aggregated national average base price of a day case and in-patient since 1998.

Regarding VHI payment levels, reimbursement arrangements with service providers are a matter for the VHI board. I as Minister for Health and Children do not have any statutory or administrative role in such arrangements, provided cover complies with the provision of the Health Insurance Acts and related regulations.

Table A

Hospital	Inpatient Base Price
<i>Major Teaching Hospitals</i>	€
Beaumont	3,796
Cork University	3,939
James Connolly	4,654
Mater	3,834
St James's	4,073
Tallaght AMNCH	3,976
UCH Galway	3,568
<i>Others</i>	
Cavan	2,640
Croom	3,242
Letterkenny	2,731
Limerick	3,240
Longford/Westmeath	2,717
Lourdes Drogheda	3,111
Louth General	2,533
Mallow	2,876
Mayo General	3,450
Mercy	3,094
Merlin Park	2,880
Navan	3,200
Portiuncula	3,113
Portlaoise	3,181
South Infirmary	2,969
Sligo	3,082
St Columcilles	3,831
St Lukes Kilkenny	3,186
St Mary's Gurranebraher	3,458
Tralee	3,231
Tullamore	3,414
Waterford Regional	3,002
Wexford General	2,906
Maternities	
Coombe	2,777
National Maternity, Holles St	2,202
Rotunda	2,169

Table B

Activity and Cost Data Relating to Year:	Published Year	National Average Base Price* Inpatients €	National Average Base Price* Daycases €
1998	2000	2,002	425
1999	2001	2,325	457
2000	2002	2,454	523
2001	2003	2,910	604
2002#	2004	3,467	547

* Base price is the average cost of all cases nationally.

The latest year for which audited data is available.

Health Board Services.

168. **Mr. McGuinness** asked the Minister for Health and Children if a bed and physiotherapy will be provided at the unit at Thomastown, County Kilkenny for a person (details supplied) in County Kilkenny. [15841/04]

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 Kilkenny area is, in the first instance, the responsibility of the South Eastern Health Board. My Department has, therefore, asked the chief executive of the board to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

169. **Mr. Naughten** asked the Minister for Health and Children when a reply will be issued to correspondence (details supplied) forwarded to the Western Health Board; the reason for the delay in replying to this correspondence; and if he will make a statement on the matter. [15854/04]

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 Roscommon area is, in the first instance, the responsibility of the Western Health Board. My Department has, therefore, asked the chief executive of the board to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

Questions Nos. 170 and 171 answered with Question No. 46.

General Medical Services Scheme.

172. **Mr. Carey** asked the Minister for Health and Children the progress which has been made by his Department in identifying new office accommodation in Dublin area for the GMS pursuant to a newspaper advertisement some time ago; if, in view of the contribution of its staff to the Finglas economy, he will consider allowing the GMS to remain in its current location or close to it; and if he will make a statement on the matter. [15860/04]

Minister for Health and Children (Mr. Martin): The provision of office accommodation for the General Medical Services (Payments) Board is

being considered by the board, in conjunction with the Department, in the context of the health reform programme and the establishment of the Health Services Executive. I have had inquiries made and I understand that a final decision has not yet been made.

Hospital Services.

173. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be called for cataract surgery. [15861/04]

Minister for Health and Children (Mr. Martin): The provision of hospital services to residents of County Mayo 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 this case and to reply directly to the Deputy.

Health Board Services.

174. **Mr. F. McGrath** asked the Minister for Health and Children if the maximum advice, support and assistance will be given to persons (details supplied); if they can apply for further entitlements in view of the fact that theirs is a priority health case. [15928/04]

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.

Hospital Services.

175. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be called for an MRI scan in Merlin Park Hospital, Galway. [15929/04]

Minister for Health and Children (Mr. Martin): The provision of hospital services to residents of County Mayo is the responsibility of the Western Health Board. My Department has asked the chief executive officer of the board to investigate

[Mr. Martin.]
the position in relation to this case and to reply directly to the Deputy.

Health Board Services.

176. **Mr. Ardagh** asked the Minister for Health and Children the funding available to Ballyfermot and Inchicore home help service, in view of the severe difficulties they are facing (details supplied). [15932/04]

Minister of State at the Department of Health and Children (Mr. Callely): As the Deputy will be aware, the provision of the home help service in the Inchicore and Ballyfermot area is, in the first instance, the responsibility of the South Western Area Health Board acting under the aegis of the Eastern Regional Health Authority. The authority has raised the matter with the SWAHB and I have been informed that with regard to funding for the Inchicore and Ballyfermot home help service there are ongoing discussions between the organisations and the South Western Area Health Board to determine a realistic budget for 2004.

Mental Health Services.

177. **Mr. Durkan** asked the Minister for Health and Children the extent to which he has received submissions from the Kildare psychiatric services setting out community based and residential requirements; if he has proposals to respond positively to these issues in the near future; if so the extent; and if he will make a statement on the matter. [15949/04]

178. **Mr. Durkan** asked the Minister for Health and Children when he expects to be in a position to meet the needs in terms of resources, staff and accommodation units required by the Kildare psychiatric services; and if he will make a statement on the matter. [15950/04]

179. **Mr. Durkan** asked the Minister for Health and Children if his attention has been drawn to the urgent need for the provision of adequate resources to fund the work of Kildare psychiatric services; and if he will make a statement on the matter. [15951/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I propose to take Questions Nos. 177 to 179, inclusive, together.

My Department has received submissions from the Eastern Regional Health Authority setting out community based residential requirements for the Kildare psychiatric services. A new capital development framework for the period 2004 to 2008, based on submissions received, has been prepared by my Department and submitted to the Department of Finance. With regard to revenue funding, the further development of the Kildare mental health services will be considered in the context of the estimates process for 2005 and subsequent years.

Hospital Services.

180. **Mr. Durkan** asked the Minister for Health and Children when he expects all services at Naas General Hospital to become fully operational; the reason this has not happened to date; and if he will make a statement on the matter. [15952/04]

181. **Mr. Durkan** asked the Minister for Health and Children when he intends to provide the necessary resources to facilitate the opening of all facilities at the Naas General Hospital, Naas, County Kildare; the reason for the delay in so doing; if he accepts the need for urgent action on the issue; and if he will make a statement on the matter. [15953/04]

Minister for Health and Children (Mr. Martin): I propose to take Questions Nos. 180 and 181 together.

Responsibility for the provision of services at Naas General Hospital rests with the Eastern Regional Health Authority. The additional revenue funding required to complete the commissioning of additional services at the hospital is the subject of consideration by my Department in conjunction with the authority.

182. **Mr. Durkan** asked the Minister for Health and Children his plans for the retention of the respiratory and tuberculosis facilities at Peamount Hospital, Newcastle, County Dublin; if he accepts the need for the retention of such services there in the future; and if he will make a statement on the matter. [15954/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of services at Peamount Hospital rests with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive of the authority to examine the matters raised by the Deputy and to respond to him directly.

Question No. 183 answered with Question No. 39.

184. **Mr. Durkan** asked the Minister for Health and Children the plans he has in mind to address the ever pressing issue of residential care for non-acute patients; if he proposes to resolve this issue by way of extra subvention for private nursing homes or through the provision of long stay beds in hospitals; and if he will make a statement on the matter. [15956/04]

Minister of State at the Department of Health and Children (Mr. Callely): As the Deputy may be aware there is a commitment in the national health strategy to provide 1,370 additional assessment and rehabilitation beds, plus 600 additional day hospital beds with facilities encompassing specialist areas such as falls, osteoporosis treatment, fracture prevention, Parkinson's disease, stroke prevention, heart failure and continence promotion clinics. In addition, the strategy proposed the provision of

an extra 5,600 extended care/community nursing unit places over a seven year period which will include provision for people with dementia. Provision of the above facilities was contingent on the provision of the necessary resources.

As the Deputy may also be aware, public private partnerships, PPP, are currently being piloted in the health sector. PPP is based on the concept that better value for money for the Exchequer may be achieved through the exploitation of private sector competencies to capture innovation and the allocation of risk to the party best able to manage it. Initially, the focus will be mainly in the area of community nursing units, CNU's, for older people. It is anticipated that 17 new CNU's will be created when the initial pilot programmes are complete, providing up to a maximum of 850 new beds in Dublin and Cork. The services offered in these units will include: assessment and rehabilitation; respite; extended care; convalescence; and, if the PPP pilot demonstrates success, it is the intention to use it as a means of providing additional community nursing units in other locations throughout the country.

Also, under the acute bed capacity initiative, I have provided additional funding of €12.6 million this year — €8.8 million to the ERHA and €3.8 million to the Southern Health Board — to facilitate the discharge of patients from the acute system to a more appropriate setting thereby freeing up acute beds. It allows for funding through the subvention system of additional beds in the private nursing home sector and ongoing support in the community. Already this funding has resulted in the discharge of over 240 patients from acute hospitals in the eastern region to various locations, the vast majority to private nursing homes. In the Cork area, the initiative has resulted in the discharge of 112 patients from acute hospitals to more appropriate settings.

The ERHA and the Southern Health Board are actively monitoring the situation and working with hospitals, the area health boards and the private nursing home sector to ensure that every effort is made to minimise the number of delayed discharges in acute hospitals.

Mental Health Services.

185. **Mr. Durkan** asked the Minister for Health and Children his plans to extend community based mental health services; and if he will make a statement on the matter. [15957/04]

186. **Mr. Durkan** asked the Minister for Health and Children if his attention has been drawn to the serious resource and personnel shortages in the area of psychiatric and mental health services; if he has plans to address this serious issue; and if he will make a statement on the matter. [15958/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I propose to take Questions Nos. 185 and 186 together.

A major criticism of current mental health services relates to the standard of accommodation provided for users in the old style mental hospitals, many of which are unsuitable for the delivery of a modern mental health service. Substantial capital funding is being provided over the lifetime of the national development plan to fund the development of acute psychiatric units linked to general hospitals, as a replacement of services previously provided in old-style psychiatric hospitals. Significant progress has been made. There are now 21 general hospital psychiatric units operational and several others at various stages of development. There has been a continuing decline in the number of in-patients from 5,192 in 1997 to 3,966 in 2002 with a corresponding increase in the provision of a range of care facilities based in the community to complement in-patient services. There are now 411 community psychiatric residences in the country providing 3,146 places compared to 391 residences providing 2,878 places in 1997.

Since 1997, approximately €90 million additional revenue funding has been invested in the mental health services. In the main, this funding is being used to provide additional medical and health professional staff for expanding community mental health services, to increase child and adolescent services, to expand the old age psychiatric services and to provide liaison psychiatry services in general hospitals. Significant funding has also been made available by Government to support groups and organisations such as Schizophrenia Ireland, Mental Health Ireland, GROW and Aware to heighten awareness and develop support services for service users and carers.

The expert group on mental health policy was established in 2003 to prepare a new national policy framework for the mental health services updating the 1984 policy document, *Planning for the Future*. The group consists of 18 widely experienced people who are serving in their personal capacities. The membership encompasses a wide range of knowledge and a balance of views on many issues affecting the performance and delivery of care in our mental health services. The group is expected to complete its work in 2005. I am committed to the provision of quality care in the area of mental health and I will be endeavouring to secure additional funding for this sector in the coming years.

Question No. 187 answered with Question No. 105.

Question No. 188 answered with Question No. 39.

Hospital Staff.

189. **Mr. Durkan** asked the Minister for Health and Children the number of hospital consultants

[Mr. Durkan.]
currently needed throughout the country; his plans to address this issue; and if he will make a statement on the matter. [15961/04]

Minister for Health and Children (Mr. Martin):
The report of the national task force on medical staffing makes recommendations regarding the number of consultants that will be required in each speciality and sub-specialty over the next ten years. It proposes a doubling of total numbers by the year 2013. In January 2000 there were 1,440 consultants in the public system. By 1 January 2004 this had increased by 26% to 1,824 consultants. The task force proposes that this should rise again to some 3,000 posts by 2009 and to some 3,600 by 2013. These increases are recommended as part of a consultant provided service, which would replace the present largely consultant led system.

190. **Mr. Durkan** asked the Minister for Health and Children the extent to which the full compliment of nursing staff requirement is deficient in the various hospitals or health boards throughout the country; his plans to address this issue; and if he will make a statement on the matter. [15962/04]

Minister for Health and Children (Mr. Martin):
The Health Service Employers Agency, HSEA, undertakes quarterly surveys of nursing vacancies, the latest of which is for the year ending 31 December, 2003. A copy of this survey, which contains a breakdown by hospital or health board and voluntary agency, will be forwarded directly to the Deputy. While all sectors reported that recruitment was well ahead of resignations and retirements, employers reported that 675 vacancies existed at 31 December 2003, a decrease from 1,021 vacancies in December 2002. However, the combination of utilising agency nurses and overtime adequately compensates for this shortfall.

Since the surveys began, the number of vacancies as at 31 December 2003 is the lowest recorded. The highest number was at the end of September 2000, when employers reported 1,388 vacancies. The latest figure represents a reduction of 51% on September 2000. The current vacancy rate of 1.73% has been declining steadily in recent years, and could be considered to be a normal frictional rate, given that there will always be some level of movement due to resignations, retirements and nurses availing of opportunities to change employment and locations.

The recruitment and retention of adequate numbers of nursing staff has been a concern of this Government for some time, and a number of substantial measures have been introduced in recent years. The number of nursing training places has been increased by 70% since 1998 to 1,640 from 2002 onwards. A comprehensive range of financial supports have been introduced to support nurses in pursuing part-time degrees and specialist courses, including “back to practise”

courses. Since 1998 nurses have been paid for overtime. Previously they had been given time off *in lieu* and the introduction of payment represents a further significant financial incentive for nurses.

I introduced a scheme of flexible working arrangements for nurses and midwives in February 2001. Under the scheme, individual nurses and midwives may apply to work between eight and 39 hours per week on a permanent, part-time basis. The figure of 33,765 whole-time equivalent nurses working in the health service translates into 40,119 individual nurses. Of these, some 29,629 work full-time, and 10,490 work job-sharing or other atypical patterns. Thus, over one quarter of the nursing workforce avails of family-friendly work patterns. In 1997, there were 27,347 whole-time equivalent nurses employed in the public health system. By the end of December 2003 this figure had reached 33,765. This is an increase of over 6,400 during the period or 23.4%. It is clear from these figures that the recruitment and retention measures I introduced are proving very effective.

The promotional structure within nursing, including the introduction of a clinical career pathway, has been substantially improved on foot of the recommendations of the commission on nursing and the 1999 nurses’ pay settlement. The National Council for the Professional Development of Nursing and Midwifery has been especially active in this area and, to date, 1,544 clinical nurse specialist and advanced nurse practitioner posts have been created.

Figures from An Bord Altranais for the same period indicate that there is a steady stream of new entrants into the profession, over and above those graduating from the Irish system, thus further increasing the potential recruitment pool. Since 1998, the total number of nurses newly registered by An Bord Altranais is 19,945. Of this number, 13,658 were overseas nurses. The continuing attractiveness of nursing as a career for school leavers and mature code applicants alike is clearly evident from the number of applicants for such courses. For example, there are 8,300 applications for 1,640 places in the autumn 2004 intake. This is most encouraging, given that there is an ever-increasing array of attractive alternatives provided by our third level education system.

My Department recently gave approval to the roll out, on a national basis, of the health care assistant training programme. This is in fulfilment of a key recommendation of the commission on nursing. The main objective of the programme is to upskill health care assistants so that, working under the supervision of nurses, they are enabled to take on a wider range of duties, thereby freeing up nursing resources to concentrate on exclusively nursing tasks. The HSEA surveys I referred to earlier also contain data in relation to the use of agency nurses. The average number of agency nurses used per day in 2001, 2002 and

2003 was 434, 401 and 312, respectively. These figures demonstrate a continuous and substantial downward trend in the use of agency nurses.

I am confident that the extensive range of measures I have outlined, including the substantial increase in training places, the recruitment of overseas nurses, the more effective utilisation of the professional skills of nurses and midwives, in addition to close monitoring and assessment of the situation on an ongoing basis, will continue to prove effective in addressing the nursing workforce needs of the health services.

Question No. 191 answered with Question No. 39.

Orthodontic Services.

192. **Mr. Durkan** asked the Minister for Health and Children the number of children currently on orthodontic waiting lists; the number of such patients who have had to seek private treatment in the past five years; and if he will make a statement on the matter. [15964/04]

Minister for Health and Children (Mr. Martin): The provision of orthodontic services is a matter for the health boards or authorities in the first instance. I am pleased to advise the Deputy that I have taken a number of measures to improve orthodontic services on a national basis. The grade of specialist in orthodontics has been created in the health board orthodontic service. In 2003, my Department and the health boards funded 13 dentists from various health boards for specialist in orthodontics qualifications at training programmes in Ireland and at three separate universities in the United Kingdom. These 13 trainees for the public orthodontic service are additional to the six dentists who commenced their training in 2001. Thus, there is an aggregate of 19 dentists in specialist training for orthodontics. These measures will complement the other structural changes being introduced into the orthodontic service, including the creation of an auxiliary grade of orthodontic therapist to work in the orthodontic area.

Furthermore, the commitment of the Department to training development is manifested in the funding provided to both the training of specialist clinical staff and the recruitment of a professor in orthodontics for the Cork Dental School. This appointment at the school will facilitate the development of an approved training programme leading to specialist qualification in orthodontics. The chief executive officer of the Southern Health Board has reported that the professor commenced duty on 1 December 2003. In recognition of the importance of this post at Cork Dental School my Department has given approval in principle to a proposal from the school to further substantially improve the training facilities there for orthodontics. This project should see the construction of a large orthodontic unit and support facilities; it will ultimately support an

enhanced teaching and treatment service to the wider region under the leadership of the professor of orthodontics.

Orthodontic initiative funding of €4.698 million was provided to the health boards and authorities in 2001 and this has enabled health boards to recruit additional staff, engage the services of private specialist orthodontic practitioners to treat patients and build additional orthodontic facilities. In June 2002, my Department provided additional funding of €5 million from the treatment purchase fund to health boards and authorities specifically for the purchase of orthodontic treatment. This funding is enabling boards to provide both additional sessions for existing staff and purchase treatment from private specialist orthodontic practitioners.

The chief executive officers of the boards and authorities have informed my Department that at the end of March 2004 there were 9,021 and 10,578 patients awaiting orthodontic assessment and treatment respectively. The information requested by the Deputy on the number of patients who have had to seek private treatment in the past five years is not available.

Finally, the chief executive officers of the boards and authorities have informed my Department that at the end of the March quarter 2004, there were 21,033 children receiving orthodontic treatment in the public orthodontic service. This means that there are nearly twice as many children getting orthodontic treatment as there are children waiting to be treated and almost 4,000 extra children are getting treatment from health boards and authorities since the end of 2001.

Driving Licences.

193. **Mr. Timmins** asked the Minister for Transport the position in relation to Lithuanian residents who are living here, have Lithuanian driving licences but cannot obtain insurance and need to change their licences as a matter of urgency; if they can be renewed for Irish driving licences; if not, if this can be rectified as a matter of urgency; and if he will make a statement on the matter. [15831/04]

Minister for Transport (Mr. Brennan): A person who holds a driving licence issued by a member state of the European Union or the European Economic Area is permitted to drive in Ireland for so long as that licence remains valid. Driving licences issued by the competent licensing authority of Lithuania are, in accordance with existing regulatory provisions, recognised here for driver licensing purposes. Sample driving licences and information regarding security features is not yet to hand in respect of the accession countries.

As a temporary measure and notwithstanding the general principle that persons may request to have an EU licence exchanged for an Irish licence, exchange cannot be granted until the required information is received from the

[Mr. Brennan.]
licensing authorities of the countries concerned. In the event of the licence having expired, licensing authorities have been requested to contact the authorities in the member state that issued the licence in order to confirm that the licence, which the person wishes to have renewed, is genuine.

Driver Testing.

194. **Mr. Connaughton** asked the Minister for Transport if it is intended to have a test centre for light and heavy commercial vehicles situated in the Athenry area, County Galway; and if he will make a statement on the matter. [15833/04]

Minister of State at the Department of Transport (Dr. McDaid): The appointment of authorised testers for vehicle testing is a function of city and county councils in accordance with the European Communities (Vehicle Testing) Regulations 1991 to 2002. In relation to the Athenry area, it would be a matter for Galway County Council. My Department has no involvement in such appointments other than setting out the general regulatory framework for the operation of commercial vehicle testing.

EU Presidency.

195. **Mr. O'Connor** asked the Minister for Transport if he will report on his Department's endeavours in respect of Ireland's EU Presidency; and his plans for the remainder of the term. [15759/04]

Minister for Transport (Mr. Brennan): The Department of Transport has had a successful EU Presidency to date. On 16 March 2004, the European Parliament and the European Council reached agreement on the second rail package which is a package of legislative measures which aim to open up the entire rail freight market in the EU to competition. The agreement reached provides for full market opening for international rail freight services from 1 January 2006 and for all rail freight services, including domestic rail freight services, from 1 January 2007. A further package to liberalise the passenger market was presented at the transport council on 9 March 2004. Agreement was also reached on the question of denied boarding compensation for airline passengers during our Presidency.

I am also pleased to report that, under the Irish Presidency, EU wide agreement was secured to revise legislation governing the trans European networks, TENS. TENS will focus on the improvement of transport infrastructure across the expanded EU and provide new opportunities to reduce congestion improve accessibility and encourage greater modal shift throughout Europe. Member states and accession countries joined us on 6 April for a road safety event in

Dublin Castle. Preparations are well underway for our final transport council on 10/11 June next.

Driver Testing.

196. **Mr. O'Dowd** asked the Minister for Transport if, in view of the fact that the driving test waiting list is so long in County Louth and that Drogheda town is the biggest town here with a population in excess of 30,000, he will immediately establish a driving test centre in Drogheda; and if he will make a statement on the matter. [15918/04]

Minister for Transport (Mr. Brennan): The present network of driving test centres comprises 51 test centres nationwide. This is generally considered to provide good coverage across the country and represents a reasonable balance between convenience to test applicants and the need for economy in delivering the driver testing service. I have no proposals to provide a test centre in Drogheda as the existing test centres in Dundalk, Navan and Finglas provide adequately for the demand in Drogheda and the general area.

Light Rail Services.

197. **Mr. O'Connor** asked the Minister for Transport if he will report on the provision of Luas to Tallaght; the start up date, the planned fares and the proposals for free fares days to introduce the service; and if he will make a statement on the matter. [15919/04]

Minister for Transport (Mr. Brennan): The Railway Procurement Agency, RPA, has confirmed to me that Luas passenger services are targeted on the Tallaght line at the end of August 2004. Following consultations with my Department, the Railway Procurement Agency has set fares for Luas. The fares will be based on a zone system with a maximum adult fare of €2 for a single journey from Connolly to Tallaght. Fares will be discounted for shorter journeys and return tickets will be offered for all journeys at a discount on full fare. A range of discounted weekly, monthly and annual tickets will also be available. These fares are intended to reward frequent use. The RPA has also informed me that it is considering a range of promotional initiatives, including some limited free introductory travel, nearer to the time when services are to commence.

Roads Network.

198. **Mr. O'Connor** asked the Minister for Transport if he will report on progress towards finding a solution of problems associated with the Red Cow roundabout in respect of the Luas project; and if he will make a statement on the matter. [15920/04]

Minister for Transport (Mr. Brennan): The position in regard to the N7/M50 junction — Red Cow roundabout — is that the National Roads Authority, NRA, and South Dublin County Council are currently preparing plans, including a motorway order and environmental impact statement, for the upgrade of the junction as part of the upgrade of the M50 overall. The upgrade works at the Red Cow interchange are intended to remove as much traffic as possible from the signal controlled environment through the provision of additional structures and free flow slips that are separated from other traffic movements. This will significantly increase the overall capacity of the interchange and reduce the Luas/car interface so that both the road and Luas network will have increased capacity to maintain a satisfactory level of service.

The proposed works will reduce the volume of traffic interfacing with Luas, namely, traffic crossed by Luas, by more than half. Subject to satisfactory progress in planning and design and securing An Bord Pleanála approval, it is expected that work on upgrading the Red Cow interchange will commence in spring 2005 and be completed by spring 2007.

In the meantime, both the Railway Procurement Agency and Dublin Transportation Office, DTO, are satisfied that Luas, despite the current unsatisfactory traffic conditions at the Red Cow junction, will be able to operate satisfactorily using existing traffic signal sequences, pending the upgrade of the junction as part of the M50 upgrade project. The trams are driven in much the same way as a car or a bus in that tram drivers yield to other traffic if they are confronted with a red light.

Road Safety.

199. **Mr. R. Bruton** asked the Minister for Transport the legal obligations on cyclists in respect of lighting, bells and other equipment; if he has satisfied himself that road safety practices in relation to cycling here are up to best practice; and if he will make a statement on the matter. [15933/04]

Minister for Transport (Mr. Brennan): Under road traffic regulations a pedal cycle is required to have a rear reflector fitted and to be equipped with front and rear lamps that are lit when being used in a public place during lighting up hours. In addition, it must have an efficient braking system and be fitted with a bell that is capable of being heard at a reasonable distance. The Road Traffic Acts provide the basis for the application of a range of controls and restrictions on pedal cyclists. Many of the controls, some of which also apply to other traffic, are provided for in the Road Traffic (Traffic and Parking) Regulations 1997 and 1998.

The regulations provide for two types of cycle tracks, namely, mandatory cycle tracks, which are indicated by a continuous white line, which cyclists must use and other vehicles must not enter, except for access to premises, and non-mandatory cycle tracks which are indicated by a broken white line from which cyclists may depart in certain circumstances, for example, to pass a stopped bus or change direction at a junction, and which other vehicles are restricted from entering — save in very particular circumstances.

A design manual for cycle facilities entitled, Provision of Cycle Facilities — National Manual for Urban Areas, was published in March 1998 by the Dublin Transportation Office in association with the then Department of Environment and Local Government. The manual comprises a comprehensive set of guidelines for the design and provision of cycle facilities and is intended to be of assistance to local authorities in ensuring that such facilities are implemented to a uniform and high standard. This 1998 manual is currently being reviewed by the DTO and is expected to be finalised later this year.

The National Safety Council has responsibility for the promotion of road safety awareness generally. One of the major campaigns that the council is currently promoting concentrates on cycle safety

Light Rail Services.

200. **Mr. Eamon Ryan** asked the Minister for Transport the way in which the first stage of the introduction of the metro from the airport to the city centre will work; if it is proposed that the connection cross the Liffey either by tunnel or bridge; the location of the proposed city centre terminus; and if the connection of the metro from the city centre terminus to the Harcourt Street line will be carried out by a different contracting and rail order process. [15965/04]

Minister for Transport (Mr. Brennan): The programme for Government contains a commitment to develop a metro with a link to Dublin Airport. I have received the revised outline business case for line 1 of the metro from the Railway Procurement Agency which involves a line from the airport to the city centre. The timescale, cost, precise route, number and location of stations and arrangements for a connection to the Sandymount Luas line will depend on a number of factors, including the Government decision; geo-technical surveys; negotiations with bidders; and railway order process including the public enquiry. In preparing a submission for the Government on this matter, the merits of all alternative solutions and routes will be considered.

I am currently finalising my proposals on the metro in the context of the wider transport needs of the greater Dublin area. In advance of the

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Government considering these proposals, it would not be appropriate for me to comment on the matters raised in any more detail. I expect to bring my proposals to the Government before the summer.

201. **Dr. Upton** asked the Minister for Transport if pensioners will be able to avail of the free travel pass on the Luas; and if he will make a statement on the matter. [15974/04]

Minister for Transport (Mr. Brennan): I understand that the Department of Social and Family Affairs is in discussions with the Railway Procurement Agency, RPA, on arrangements for Luas participation in the free travel scheme. The RPA has informed me that it looks forward to an agreement shortly on the terms of that participation and to making an announcement in advance of passenger operations at the end of June 2004.

EU Presidency.

202. **Mr. O'Connor** asked the Minister for Justice, Equality and Law Reform if he will report on his Department's endeavours in respect of Ireland's EU Presidency; and his plans for the remainder of the term. [15760/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my appearance before the Joint Oireachtas Committee on Justice, Equality, Defence and Women's Rights on Wednesday 19 May 2004. At this meeting I provided the committee with a detailed briefing on the progress to date during the Irish Presidency in the Justice and Home Affairs Council and on the Presidency's plans for the forthcoming JHA Council in June.

In that statement, I indicated that justice and home affairs continues to represent a key area of activity for both the European Union and the Irish Presidency. Our Presidency of the JHA Council has come at a crucial time in the creation of an area of freedom, security and justice foreseen by the Amsterdam Treaty, given that the treaty sets a deadline of 1 May 2004 for the adoption of specified measures to establish that area and that 2004 also marks the end of the more ambitious five year programme agreed by the Tampere European Council for that purpose. Our Presidency has also coincided with the tragic events in Madrid on 11 March. The terrorist attacks in Madrid demanded a response at the level of the Union. The Irish Presidency and the JHA Council has taken the lead in providing that response.

The JHA Council has met five times to-date including the informal JHA Council held in Dublin in January and the extraordinary JHA Council which was required following the

terrorist attack in Madrid. A sixth meeting is planned for 8 June.

Key achievements to date in the Justice and Home Affairs Council to which I referred include: the Justice and Home Affairs Council's input into the declaration on combating terrorism adopted by the European Council in March; the formal adoption of the asylum qualifications directive; the political agreement reached on the asylum procedures directive; the adoption of the Council directive on the residence permit issued to victims of trafficking in human beings or to third country nationals who have been the subject of an action to facilitate illegal immigration, who co-operate with the competent authorities; the political agreement reached on the Council directive on the conditions of admission of third country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service; the adoption of the Council directive on the obligations of carriers to communicate passenger data; the adoption of the Council decision on the organisation of joint flights for removals from the territory of two or more member states of third country nationals who are the subject of individual removal orders; the political agreement reached on the Council regulation on the establishment of a European border management agency; the adoption of the regulation on a European enforcement order for uncontested claims, and the adoption of the Council directive relating to compensation to crime victims, in the area of civil law measures; general agreement on the text of the framework decision on the mutual recognition of confiscation orders; the adoption of Council conclusions which endorse a work programme to combat football related violence; and the agreement of a new strategy for customs co-operation in the third pillar and a related work plan for the period 2004 to 2006.

The Irish Presidency has also progressed work in the fight against drugs, particularly the recent conference in Dublin which worked on identifying a strategy for drugs for 2005 to 2009. The forthcoming meeting of the Council in June will deal with the follow-up to the declaration on combating terrorism. Other items on the agenda are likely to include the Council decision establishing the visa information system, the Council regulation on standards for security features and biometrics in EU citizens' passports, the appointment of the next director of Europol and a communication from the Commission reviewing the progress made in implementing the Tampere programme and suggesting orientations for its successor.

Visa Applications.

203. **Mr. Haughey** asked the Minister for Justice, Equality and Law Reform the reason

three visa applications (details supplied) were refused; if an appeal is possible before the June 2004 intended date of travel; and if he will make a statement on the matter. [15857/04]

207. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform the reason the visa application from the mother, sister and brother of a person (details supplied) in Dublin 5 to attend their graduation ceremony on 3 June 2004 has been refused; if this decision will be reviewed; and if he will make a statement on the matter. [15864/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 203 and 207 together.

I can inform the Deputies that the applications in question were approved on appeal on 21 May 2004.

Asylum Applications.

204. **Mr. Gogarty** asked the Minister for Justice, Equality and Law Reform when a decision will be made on the appeal being determined under section 3 of Immigration Act 1999 by a person (details supplied); and if he will make a statement on the matter. [15858/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question, who claims to be an Afghani national, arrived in the State on 29 March 2000 and claimed asylum. The Office of the Refugee Applications Commissioner recommended that he should not be declared as a refugee and he was notified of this recommendation on 10 October 2000. The person in question appealed this recommendation to the Refugee Appeals Tribunal. Following an oral hearing, the original recommendation was affirmed and he was informed of this decision on 28 September 2001.

In accordance with section 3 of the Immigration Act 1999, the person concerned was informed on 5 November 2001 that it was proposed to make a deportation order in his case. He was given the options of making representations within 15 working days setting out the reasons as to why he should not be deported, that is, be allowed to remain temporarily in the State; leaving the State voluntarily before the order was made; or consenting to the making of a deportation order.

Representations have been received on behalf of the person concerned. This person's case file will be considered under a range of factors as set out in section 3(6) of the Immigration Act 1999 and section 5 of the Refugee Act 1996, prohibition of *refoulement*. In this latter respect, *refoulement* has been an issue in respect of Afghanistan and consideration of the file has been postponed pending developments in this regard. It is noted that the situation in the country

has improved and I expect his case file to be submitted to me for consideration shortly.

Registration of Title.

205. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform the position regarding the dealings for a person (details supplied) in County Mayo. [15862/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that these applications refer to an application for transmission which was lodged on 21 January 2004 and to two applications for copy instruments which were lodged on 7 April 2004. Dealing number D2004SM000580C and application numbers C2004SM001387T and C2004SM001388U refer.

I am further informed that queries issued to the lodging solicitors regarding dealing number D2004SM000580C on 22 March 2004 and that the application cannot proceed until these queries have been satisfactorily resolved. However, I can assure the Deputy that on receipt of a satisfactory reply, the matter will receive further attention in the Land Registry. I am also informed that application numbers C2004SM001387T and C2004SM001388U are receiving attention in the Land Registry and will be completed this week.

Abolition of Ground Rents.

206. **Mr. Morgan** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question Nos. 174 of the 12 May 2004 and 195 of 19 May 2004, if the implication of his replies are that the system of compensation to be paid by the State upon the abolition of ground rents would mirror the system used to determine the purchase price for the acquisition of the fee simple in dwelling houses as contained in the Landlord and Tenant (Ground Rents)(No. 2) Act 1978 and the Landlord and Tenant (Amendment) Act 1984; and if he will make a statement on the matter. [15863/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): No decisions have been taken about these matters. The recommendation of the Oireachtas All-Party Committee on the Constitution in its ninth progress report regarding adequate compensation for ground rent landlords will be examined in the context of the Bill to abolish ground rents.

Question No. 207 answered with Question No. 203.

Direct Provision for Asylum Seekers.

208. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform his views on the accommodation situation of a person (details supplied) in Dublin 8. [15865/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Reception and Integration Agency, RIA, is responsible for meeting the accommodation needs of asylum seekers under the system of dispersal and direct provision. The individual referred to in this question is neither an asylum seeker nor a person who has been granted refugee status or leave to remain and, therefore, his accommodation needs are not the responsibility of the agency.

State Agencies.

209. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government the reason the logo for Dúchas changed; the cost of the change to Dúchas; and if he will make a statement on the matter. [15835/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): As I indicated in reply to previous questions, I announced on 16 April 2003 that as part of the changes in the distribution of heritage responsibilities within the Governmental system, the Dúchas brand was being discontinued. In parallel, my Department was re-titled the Department of the Environment, Heritage and Local Government. Following on these changes, my Department now has responsibility for policy in respect of the built heritage and for both policy and operational matters relating to the natural heritage. The operational and management functions regarding the built heritage in State care transferred to the Office of Public Works at the beginning of this year. No significant expenditure or loss has arisen on the change of logo. Existing logos for the Department of the Environment, Heritage and Local Government and for OPW will be used in the future as appropriate.

Conservation Policy.

210. **Mr. Rabbitte** asked the Minister for the Environment, Heritage and Local Government if he will consider bringing into public ownership the lands behind and around the round tower in Clondalkin in Dublin in order to fully protect and preserve the round tower as a public heritage amenity for the area; and if he will make a statement on the matter. [15848/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I am advised that for the continued ground conservation of the round tower in Clondalkin, the acquisition of adjoining land is not necessary.

EU Presidency.

211. **Mr. O'Connor** asked the Minister for the Environment, Heritage and Local Government if he will report on his Department's endeavours in respect of Ireland's EU Presidency; and his plans for the remainder of the term. [15761/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): As indicated in reply to Question No. 929 of 27 January 2004, environmental priorities for our Presidency of the EU, have focused around three key areas: advancement of the EU's internal environment policy and legislation agenda; preparation of the environmental contribution to the annual review of the Lisbon Agenda by the European Council at its spring meeting; and effective participation by the EU in wider international fora. I am pleased that significant progress has been made in all three areas. Work on the environmental contribution to the annual review of the Lisbon Agenda, has been successfully completed and the Presidency has led to EU participation in a number of significant international meetings at UN and OECD levels.

Work on the internal policy and legislation agenda is ongoing, with a view to further progress at the next meeting of the Council of Environment Ministers on 28 June 2004. While the agenda for this meeting has not yet been finalised, items for discussion will include legislative proposals on shipments of waste, sulphur content of marine fuels, bathing water and chemicals, and policy issues towards an EU thematic strategy on preventing and recycling waste.

Election Management System.

212. **Mr. O'Connor** asked the Minister for the Environment, Heritage and Local Government his views on the trend towards erecting posters in public places far ahead of election dates; if he has satisfied himself with legislation in place in this regard; and if he will make a statement on the matter. [15832/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): The Litter Pollution Acts 1997 to 2003 recognise the particular circumstances associated with elections and referenda. Section 19 of the Litter Pollution Act 1997 makes it an offence to exhibit advertisements on property in or visible from a public place without the prior written authority of the relevant owner, occupier or person in charge of the property. An exemption is granted in section 19 (7) in respect of advertisements relating to elections or referenda, unless the advertisements have been in position for seven days or longer after the polling date. I am satisfied that these provisions address the main litter related problems associated with elections and referenda and it is not proposed to change the legislation in this regard.

Water and Sewerage Schemes.

213. **Mr. M. Moynihan** asked the Minister for the Environment, Heritage and Local Government when the construction of

Ballingeary sewerage treatment plant will commence. [15971/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The Ballingeary sewerage scheme is included in my Department's water services investment programme 2004-2006 as a scheme to complete planning. My Department is currently awaiting the submission of a preliminary report for the scheme by Cork County Council.

Voluntary Housing Schemes.

214. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government if a tenant who is housed under the voluntary housing association Respond can purchase their home; and if he will make a statement on the matter. [15972/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): There is no provision in my Department's voluntary housing capital assistance and capital loan and subsidy schemes for the purchase of individual houses by tenants and there are no plans to introduce such a provision. A tenant purchase scheme is not desirable at this stage of the development of the voluntary housing sector in this country, as the sale of individual housing units would undermine the capacity and resources of voluntary housing bodies to manage and maintain their estates and continue to provide further housing projects to meet pressing needs.

However, residents of more than one year's duration of houses provided under the scheme who wish to become owner occupiers may, on surrendering their house to the approved voluntary housing body, qualify for the following benefits: special mortgage allowance of €11,450 over five years for mortgages created on or after 1 January 2002 to assist with mortgage repayments; the shared ownership scheme without having to satisfy the income eligibility criteria; improvement works in lieu scheme in respect of the dwelling they are acquiring; low cost housing sites scheme and exemption from the income limits for local authority loans. Full details of these options are available from local authorities.

EU Presidency.

215. **Mr. O'Connor** asked the Minister for Community, Rural and Gaeltacht Affairs if he will report on his Department's endeavours in respect of Ireland's EU Presidency; and his plans for the remainder of the term. [15762/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): As I have informed the House on a number of occasions, most recently in my reply to Question No. 603 on 23 March

2004, my Department is organising three Presidency related events, namely, a conference on territorial cohesion, 25 to 27 May 2004, Na Forbacha; a conference on rural development, 30 to 31 May and 1 June 2004, in Westport; and a meeting of national drugs strategy co-ordinators, 15 June 2004, in Clontarf. I might take this opportunity to mention that the EU Presidency corner on my Department's website, www.pobail.ie, provides information about the three events.

216. **Mr. O'Connor** asked the Minister for Social and Family Affairs if she will report on her Department's endeavours in respect of Ireland's EU Presidency; and her plans for the remainder of the term. [15763/04]

Minister for Social and Family Affairs (Mary Coughlan): My overall focus for the Irish Presidency has been to advance the EU social policy agenda generally and, in particular, making progress in realising the ten year goals set by the Lisbon European Council in 2000. One of the goals of the Lisbon agenda is to achieve greater social cohesion. Based on an analysis of the second round national action plans on social inclusion, 2003-2005, a joint Council-Commission inclusion report was adopted by the Council of Ministers in March and reflected in a key message paper to the spring European Council on employment, social protection/inclusion and gender equality.

The four key social protection/inclusion messages relate to strengthening social inclusion, making work pay — which was the subject of our informal ministerial meeting in January — ensuring that pension systems support longer working lives, ensuring accessibility, sustainability and quality of health and long-term care for the elderly. The spring summit noted these and other key messages with approval and I was pleased to note that these messages were reflected throughout the spring Council conclusions.

One of the priorities of the Irish Presidency was to secure agreement with the European Parliament on the reform and simplification of Regulation 1408/71 which co-ordinates the social security systems of the member states so as to ensure that migrant workers or members of their families are facilitated in terms of social security when they exercise their right to free movement. I am pleased that, following acceptance by the European Parliament and Council agreement, the new regulation was adopted on 29 April. Following the accession of the ten new member states, we hosted a special conference in Budapest on 7 and 8 May, in co-operation with the Hungarian Government and the Commission. The conference addressed both the future implications of the new simplified regulation for all 25 states and the particular immediate

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challenges facing new member states in implementing the existing Regulation 1408/71.

The issue of migration has also been a priority for my Department during the Irish Presidency. On 1 and 2 April we hosted a conference on the theme of “Reconciling Mobility and Social Inclusion”. The main focus of the conference was on the role of social and employment policies in achieving social inclusion for people moving within the EU. In the area of family policy and to mark the tenth anniversary of the UN International Year of the Family, the Irish Presidency hosted a major international conference on the theme “Families, Change and

Social Policy in Europe”. The Irish Presidency will progress an initiative taken by previous Presidencies by hosting a third meeting of people experiencing poverty in Brussels at the end of this week. Our aim is to further develop ways of promoting participation by, and in consultation with, people experiencing poverty in the context of developing policies in this area.

I will update my EU colleagues on the outcome of the various conferences at the next meeting of the Employment, Social Policy, Health and Consumer Affairs Council which will take place early next week. In my view the successful outcome of this ambitious programme represents a significant contribution to advancing the EU social policy agenda.