



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 27 May 2004.

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DÁIL ÉIREANN

—————
Déardaoin, 27 Bealtaine 2004.
Thursday, 27 May 2004.
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Chuaigh an Ceann Comhairle i gceannas ar 10.30 a.m.

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Paidir.
Prayer.
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Request to move Adjournment of Dáil under Standing Order 31.

An Ceann Comhairle: Before coming to the Order of Business I propose to deal with a notice of a motion under Standing Order 31.

Mr. Sargent: I seek the adjournment of the Dáil under Standing Order 31 to allow the Government time to make the announcements promised before the end of this month, of which this is the last Dáil sitting day, regarding the locations and specific arrangements for the decentralisation of large sections of the Civil Service, and to require the Government to evaluate and take on board the impact of its non-consultative approach on the many staff involved, as well as the effect on the efficient workings of the Civil Service in general.

An Ceann Comhairle: Having considered the matter raised, it is not in order under Standing Order 31.

Order of Business.

The Tánaiste: The Order of Business today shall be as follows: No. *a4*, Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) (Amendment) Bill 2004 — Order for Second Stage and Second and Subsequent Stages; No. 19, International Development Association (Amendment) Bill 2003 — Second Stage (Resumed); Child Trafficking and Pornography (Amendment) Bill 2004 [*Seanad*] — Second and Subsequent Stages, to be circulated on a Supplementary Order Paper, to be taken at 1.30 p.m., and the order shall resume thereafter.

It is proposed, notwithstanding anything in Standing Orders, that the following arrangements shall apply in relation to No. *a4*. The proceedings on Second Stage shall, if not previously concluded, be brought to a conclusion after 90 minutes. The opening speech of a Minister or Minister of State and of the main spokespersons for the Fine Gael Party, the Labour Party and the

Technical Group, who shall be called upon in that order, shall not exceed 15 minutes in each case. The speech of each other Member called upon shall not exceed ten minutes in each case. Members may share time, and a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes.

The proceedings on Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion after 30 minutes or at 1.30 p.m., whichever is the earlier, by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Finance. In the event of the Child Trafficking and Pornography (Amendment) Bill 2004 being passed by the Seanad and transmitted to the Dáil for agreement, it shall be taken at 1.30 p.m., and the following arrangements shall apply. The proceedings on Second Stage shall, if not previously concluded, be brought to a conclusion after 90 minutes. The opening speech of a Minister or Minister of State and of the main spokespersons for the Fine Gael Party, the Labour Party and the Technical Group, who shall be called upon in that order, shall not exceed 15 minutes in each case. The speech of each other Member called upon shall not exceed ten minutes in each case. Members may share time, and a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes.

The proceedings on Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion after 30 minutes or at 3.30 p.m., whichever is the earlier, by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Justice, Equality and Law Reform.

An Ceann Comhairle: There are two proposals to put to the House. Is the proposal for dealing with No. *a4* agreed?

Mr. R. Bruton: I know the Tánaiste and the Government are anxious to act expeditiously on this matter, and Fine Gael does not wish to obstruct them. However, it seems the Government is moving very rapidly. We were informed a few days ago that there would be a motion and no legislation. Now we see that two Bills must be passed before a process can be put in place.

I would like to secure assurances from the Tánaiste that she is satisfied that what is being put in place is robust and that we will not find ourselves and the Houses of the Oireachtas in court needlessly trying to defend this process. I would like assurances that, despite the speed with which the Government is clearly acting, we are getting it right, and that the Oireachtas is not being brought into a process that will create

[Mr. R. Bruton.]
difficulties which might have been anticipated had more time been taken.

Mr. Quinn: The Labour Party shares some of the concerns expressed by Deputy Bruton. Perhaps the Tánaiste and the Minister of State might acknowledge the fact that, had it not been for the Labour Party's private consultations with the Government, the legislation, if passed in its original draft form, would have effectively been null and void for the purposes for which it has hastily been brought before this House. That simply proves the point that we have made repeatedly that rushed legislation is invariably bad legislation. Nothing could be more rushed than what we are doing today. Owing to the nature of the problem with which this legislation has been drafted to deal, we will, very reluctantly, consent to it, but only on a reasonable condition to which I now ask the Tánaiste to accede on behalf of the Government.

I draw attention to No. 92 on the legislative timetable, the judicial conduct and ethics Bill, which is due for publication later this year. It should be properly scrutinised by all Members of this House, including Government backbenchers, many of whom have very good legal expertise. I include Deputy Cassidy among their number, at least on the issue of copyright. The legislation should be dealt with by a committee of the House in a proper manner. That legislation which would deal with the matters to be addressed outside this House would, in effect, render redundant the legislation we are now going to put through in a belt and braces manner. We would have a safer and more secure Act.

We are dealing with a sensitive matter, namely, the relationship between the Houses of the Oireachtas and the Judiciary and the independence of that institution from this one. Therefore, we need to get it right. The big fear is we think we have got this one right, but we are not 100% sure. The second Bill, in our analysis, is necessarily belt and braces but no more than that. I am sorry for going on and I thank the Ceann Comhairle for his indulgence. I am not—

Mr. Ring: It is nice to make a comeback.

Mr. J. O'Keeffe: That sounds ominous.

Mr. Quinn: No, there is no vacancy and there is no candidate.

Mr. P. McGrath: Arise from the ashes.

Mr. Quinn: I invite the Tánaiste to give such an undertaking. She is not in a position to do it now, but perhaps she could do so some time during the course of today.

Mr. Sargent: The Green Party, Comhaontas Glas, appreciates the sensitivity and the unprecedented nature of the task before the

House. However, it is a matter of some regret that from the Technical Group's viewpoint, participation in the process is restricted to one Deputy, although the task is unenviable and hardly one where a large queue of people will seek to embroil themselves because of the complexity of the situation. There are two parties, as recognised under Standing Orders, with the Socialist Party and other Independents as well who must agree on just one spokesperson. I want to note that as a matter of regret, although we appreciate the issue has to be dealt with in as unified a way as possible from the House's point of view, having regard to the need to be objective and thorough. We must avoid getting embroiled in legal problems later which we have been warned about and we need reassurance on this issue.

The issue of judicial behaviour is being discussed. It is important that we do not revisit this situation unwittingly by overlooking the important issue of judicial appointments. It is a matter that needs to be included in some way within the terms of reference, although not perhaps during the strict task ahead of us. It must be taken into account, however, because we do not want to be coming back to this situation again.

The Tánaiste: I thank the Opposition parties for their co-operation and support as regards these matters. I accept what they have said, namely, that because of the sensitivity and the difficulty surrounding Judge Curtin, they were prepared to agree to the timeframe imposed by the Government and that is greatly appreciated. Obviously, these are uncharted waters. We have never gone down this road before. One can never be 100% certain when doing something for the first time and clearly all legislation is open to legal challenge.

Mr. J. Higgins: That is wrong. The Government knew it could come at any time.

An Ceann Comhairle: The Deputy should allow the Tánaiste to speak without interruption.

Mr. J. Higgins: The Government should not have waited. It did nothing. Now we are back—

An Ceann Comhairle: I would ask the Deputy to allow the Tánaiste to speak without interruption.

Mr. J. Higgins: The Sheedy affair was already there as a precedent.

An Ceann Comhairle: The Deputy is out of order and he knows it.

Mr. J. Higgins: It is ridiculous that Standing Orders cannot facilitate me like other Deputies.

The Tánaiste: The Attorney General and his office have spent a considerable amount of time

over the past few weeks looking at all of the legal issues surrounding this whole matter. We are satisfied the legislation being put forward is sound from that perspective. As regards Deputy Quinn's point, the Government's intention is to bring in this legislation later this year. I will refer to him later as regards the timeframe for that, but it is the intention to have that legislation produced later this year.

On Deputy Sargent's point, the motion for the committee will be at a later stage, next week.

An Ceann Comhairle: Is the proposal for dealing with No. a4 agreed? Agreed. Is the proposal for dealing with all Stages of the Child Trafficking and Pornography (Amendment) Bill 2004 agreed, in the event of the Bill being passed by the Seanad?

Mr. R. Bruton: I am glad to hear the Attorney General is satisfied that this is robust. I share the Tánaiste's concern that we are entering into uncharted waters. I also share the sentiment expressed by Deputy Joe Higgins to the effect that we would not be in this situation if the Government had anticipated these sorts of problems, as it had outlined in its programme on legislation. However, I presume the issues such as admissibility of evidence relating to this pornography issue will be properly thought through. Considerable concern has been expressed over the flawed warrants in this case. This is the evidence that will now be reviewed by the committee. I presume that has also been seriously addressed.

An Ceann Comhairle: Is the proposal for dealing with the conclusion of the Second Stage agreed? Agreed.

Mr. R. Bruton: I seek the Chair's advice with regard to a matter. Article 28.4.1° of the Constitution states that the Government is responsible to the Dáil. However, yesterday the Joint Committee on Finance and the Public Service voted down by a Government majority the right of the Oireachtas to hold hearings on and scrutinise the Government's programme on decentralisation. This is a programme on which there has been no debate in the Dáil, no vote in the Dáil, no Government memorandum presented, no strategic policy paper presented, and no assessment on how it fits into the spatial strategy. Some 10,000 public servants are being asked to move out of Dublin without having any view of the options they will have for the future. A question arises as to what rights the Oireachtas has to scrutinise proposals, albeit ones on which the Government has made a decision. We nonetheless have the right to scrutinise that decision, to ensure the best thinking has gone into it. If there are lessons and modifications that need to be made, the Oireachtas should have the opportunity to suggest them and have the case heard.

I seek the Chair's guidance as to how the rights of Members may be exercised as regards this important strategic decision for the future of the public service. The location of the public service should not be decided by the Government on a political whim for electoral reasons. I seek the Chair's guidance on how we are going to do this, because we have been obstructed in the one way—

An Ceann Comhairle: It is a matter for the committee, as the Deputy knows.

Mr. R. Bruton: It is not a matter for the committee, where there is a majority voting—

An Ceann Comhairle: It is a matter for the committee. On matters of accountability generally where the Chair might have responsibility, it would have to be given notice of such matters. The House will hear Deputies Quinn and Sargent, briefly, but this is a matter for the committee.

Mr. Quinn: On the same topic, this matter was discussed yesterday evening at the committee to which Deputy Bruton has referred. The Chairman of that committee, Deputy Fleming, agreed to the proposal that such a session would take place allowing a structured debate in a manner acceptable to all. However, he then got instructions from somewhere else in this House—

Mr. Ring: As usual.

Mr. Quinn: —to reverse that decision. Among the Chair's many duties is one to protect the interests of all Members of this House. Can the Chair indicate if such a reversal of a procedure is in accordance with the rules of the House? I do not think it is.

An Ceann Comhairle: The Chair has already pointed out that it would need to have notice. The Chair cannot adjudicate *ad hoc* on the floor of the House and would not even attempt to do so.

Mr. Quinn: The Chair will be given written notice.

Mr. Sargent: I sought to have this matter debated by way of Standing Order 31. Will the Chair now give some consideration to this issue? I make the point, not just because it may be related to promised legislation but because the end of May was given as the date for civil servants to hear about the arrangements. There is a widespread view, which is understandable, that it is not now going to be announced until after the local and European elections. I would ask that this be clarified because if the end of May was given as the date by which announcements would be made, the Oireachtas needs to debate it today. This is the last sitting day before the elections.

[Mr. Sargent.]

Will the Tánaiste say whether there has been a shifting of sands and if the date has been put back until after the local and European elections, for obvious electoral reasons?

The Tánaiste: The Fine Gael Party put down a motion on this matter a year ago in the Dáil, calling for 10,000 civil servants to be relocated from Dublin. In the course of that debate Deputy Kenny said he felt the number could be 18,000 who wanted to move out of Dublin. I do not know why Fine Gael is suddenly taking a different view of this.

Mr. R. Bruton: On a point of order, this is a question of whether the Oireachtas has an entitlement to scrutinise Government decisions that could have an enormous impact on the delivery of public services.

An Ceann Comhairle: The Deputy has made that point. We are not having a debate on it.

Mr. R. Bruton: This political slur that the Tánaiste has learnt from her Fianna Fáil colleagues does her no justice.

Mr. J. O’Keeffe: This is a typical diversionary tactic.

Mr. Cassidy: The Deputy was not even there.

An Ceann Comhairle: The Chair cannot involve himself in the issue the Deputy raised first unless there is a report to the House from the committee. On another issue, Deputy Ring is to speak.

Mr. Sargent: The Tánaiste has not finished responding.

Mr. Ring: Why was it necessary for the Minister for Environment, Heritage and Local Government two days before the closing date for nominations for the local authority elections—

An Ceann Comhairle: Deputy Ring should know that does not arise. It is not Question Time it is the Order of Business.

Mr. Ring: This is a question on second rate legislation.

An Ceann Comhairle: The Deputy must tell us the legislation on which he wants to ask a question.

Mr. Ring: It is on the Local Government Act.

An Ceann Comhairle: The Tánaiste to respond on the Local Government Act.

Mr. Ring: The Ceann Comhairle should give me an opportunity to ask the question. When I

ask it he can rule me in or out but he should at least let me ask.

An Ceann Comhairle: It should be an appropriate question.

Mr. Ring: Why, two days before the nomination—

An Ceann Comhairle: That is out of order. Two days has nothing to do with legislation coming before the House.

Mr. Ring: The Minister for Environment, Heritage and Local Government signed an order to allow family members of Oireachtas Members who were members of local authorities to stand for the local election. He signed it two days before the nominations closed. The Tánaiste stood over that and allowed it to happen. This is hypocrisy at its worst. What will the Tánaiste do about it? Will the Minister come in and explain why he signed that order two days before the closing date for the nominations? It is an abuse of ministerial office. Will the Tánaiste respond?

Mr. Roche: Look at all the Fine Gael family members in public office.

Mary Coughlan: There is nothing wrong with that.

The Tánaiste: The Deputy is talking about regulations that the Minister signed as a result of the passing of the recent Bill in this House which provides for—

Mr. Ring: It is a measure to allow family members of Fianna Fáil to stand for the local authorities.

Mary Coughlan: What is Deputy Ring going on about?

Mr. Ring: Why did they not do it when they were already members of local authorities? It is outrageous. It is Fianna Fáil abuse at its worst and the Tánaiste allowed it to happen.

Mr. Roche: That is rubbish as always. They are citizens. Fine Gael’s fascism is coming to the fore.

Mr. Ring: Deputy Roche put his wife on to a council.

Mr. Roche: Yes, and she was the best councillor Wicklow ever saw.

Mr. Ring: When the Deputy was in the backbenches he said he disagreed with the legislation. He is a hypocrite.

Mary Coughlan: It is only democracy.

Mr. Roche: The Fine Gael fascism is coming out.

An Ceann Comhairle: The Chair must take more appropriate action if Deputies Coughlan, Roche and Ring continue to interrupt.

Mr. Ring: It is an abuse of ministerial office.

The Tánaiste: The regulations allow certain categories of workers in local authorities to stand for local elections.

Mr. P. McGrath: It allows the family members stand for local authorities illegally.

Mr. Roche: Deputy Ring's wife could stand.

Ms Burton: We have been talking about political sewage but is the Tánaiste aware of the real sewage crisis in James Connolly Memorial Hospital in Dublin?

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

Ms Burton: This Government has spent €105 million on a hospital with sewage coming up through the floorboards. Where is the accountability from the Tánaiste and the Progressive Democrats for a hospital that is closed?

An Ceann Comhairle: I suggest the Deputy submit a question to the appropriate Minister.

Ms Burton: They will not allow us to discuss decentralisation, or sewage in a hospital.

An Ceann Comhairle: The Deputy should resume her seat.

Mr. Costello: In view of the legislation programme for summer 2004, the pink pages, 19 Bills were promised before the summer recess. It seems very few if any of those Bills have been published. Can we get a list of the Bills that are published and how many more will come before the summer recess?

The Tánaiste: Yes. We can provide a list and many of the Bills promised will be published before the recess.

Mr. Costello: This is promised legislation. We will sit for only another week before going into a recess and then for a couple more weeks after that.

The Tánaiste: In my Department there are two Bills — the health and safety at work Bill which has been circulated to the Departments, and a work permit Bill. In the six weeks of sittings we have left there will be many more.

Mr. Boyle: Does the promised announcement by the end of May on decentralisation and relocation of civil servants require a specific Government regulation? Will such a regulation

be laid before the House and will it be made, as promised, before the end of May? I take it that it will not happen before the end of May.

Mr. R. Bruton: Does the Government have plans to introduce any legislation to deal with an issue that arose yesterday in the courts in Northern Ireland, namely, the proscription of the IRA as an illegal organisation. Our law does not provide for that and it remains to be tested in the Supreme Court whether it is necessary to take a case to court. Is the Government considering legislation in the light of that ruling?

The Tánaiste: If there was a vacuum in the legislation we would amend the law but I am not in a position to say whether that is planned at the moment. I doubt the Minister has considered that.

Aengus Ó Snodaigh: In the announcement of the legislative programme on 26 April the Government said it remained committed to bringing an amended disability Bill through the Oireachtas at the earliest possible date. We have not seen that Bill so it has not fulfilled that promise. Will the Tánaiste give a commitment even at this late stage to having the Bill published before the conclusion of Report Stage of the Education for Persons with Disabilities Bill? There is an opportunity this week and next, before the local elections, to enable people to see what exactly is included in the disability Bill and whether it is rights based.

The Tánaiste: I am not in a position to give that commitment.

Mr. M. Higgins: Now that the Aer Rianta distraction Bill has been postponed until after the local elections on what other legislation has a similar logic been brought to bear and been deferred until after the election date?

Ms Burton: Hanly.

Mr. Quinn: The disability legislation, Hanly one, Hanly two, Hanly three.

Mr. O'Dowd: We had a debate here some months ago in Private Member's time on the Criminal Assets Bureau and its money when the Government undertook to review the situation regarding the funding which was in the bureau's possession. It said it would be ring-fenced for community purposes particularly to fight the drug problem in Dublin and other urban areas. What proposals does the Government have now to legislate for that to ring-fence the money subsequent to that debate?

The Tánaiste: I am not aware of any legislative commitment in that area but I can check the matter for the Deputy.

Mr. J. Higgins: Due to the unpredictability of Government policy, Pier D at Dublin Airport is not going ahead so there is a danger that €7 million——

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

Mr. J. Higgins: Yes, this is on legislation and it is very appropriate too. The €7 million spent at Dublin Airport is to follow the €52 million spent on electronic voting and the tens of millions at Abbottstown.

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

Mr. J. Higgins: I am referring to the legislation unfortunately promised in regard to Aer Rianta. Will the Tánaiste clarify once again——

An Ceann Comhairle: That has been dealt with already this morning.

Mr. J. Higgins: Does the Government intend to bring this in before the summer recess? Perhaps it will rethink and abandon this ill-thought out and right wing proposal.

The Tánaiste: The sensible policy of the Government to give autonomy to Shannon and Cork Airports will be passed before the summer recess.

Mr. Durkan: Speaking of millions, a Minister spent €52 million, as my colleague mentioned——

An Ceann Comhairle: Is the Deputy's question on legislation? We cannot spend the whole morning on this.

Mr. Durkan: I want to give the Minister an opportunity to atone for his crimes. When will the crimes Bill come to the House?

An Ceann Comhairle: We are moving on to the next business. Message from select committee——

Mr. Durkan: My question is on proposed legislation. When will the crimes Bill come to the House? The Ceann Comhairle interrupted me.

An Ceann Comhairle: I am sorry, Deputy. The Chair is obliged to move on to the next business at some stage.

Mr. Durkan: I am entitled to ask when the crimes Bill will come to the House.

The Tánaiste: It is not possible to say at this stage.

Mr. Durkan: It is not possible to say, but it was promised. It is not possible to say where the money is gone either.

Estimates for Public Services 2004: Message from Select Committee.

An Ceann Comhairle: The Select Committee on Justice, Equality, Defence and Women's Rights has completed its consideration of Votes 36 and 37 for the year ending 31 December 2004.

Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) (Amendment) Bill 2004: Order for Second Stage.

Bill entitled an Act to amend the Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) Act 1997 and to provide for related matters.

Minister of State at the Department of the Taoiseach (Ms Hanafin): I move: "That Second Stage be taken now."

Question put and agreed to.

Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) (Amendment) Bill 2004: Second Stage.

Minister of State at the Department of the Taoiseach (Ms Hanafin): I move: "That the Bill be now read a Second Time."

As Members will be aware this House will be asked shortly to initiate a process to deal with a matter of the highest national importance. I refer to the solemn responsibility placed by the Constitution on Dáil Éireann and Seanad Éireann in regard to the possibility of the removal of a judge from office in accordance with Article 35.4 of the Constitution. It is proposed that motions to initiate that process will be brought forward next week. In the meantime, the Government, acting on its legal advice, has introduced this Bill to facilitate whatever procedures the Houses decide to put in place to enable them to discharge that responsibility.

This Bill provides a power that will be available on any future occasion that the Houses of the Oireachtas may be called upon to contemplate the removal of a judge, of which I hope there will not be many.

Mr. J. O'Keeffe: Hear, hear.

Ms Hanafin: Under its provisions, a judge may be compelled to appear before and provide evidence to any committee of the Houses of the Oireachtas that may be set up in connection with the exercise by the Houses of the power provided

in Article 35.4 of the Constitution. Mindful of the importance of preserving the independence of the Judiciary, the power to compel a judge proposed by this Bill is framed very narrowly and specifically.

It relates only to circumstances where the removal of a judge, pursuant to Article 35.4 of the Constitution, is being contemplated. It also relates only to a judge who is the subject of such a process. It is inconceivable that the Houses of the Oireachtas should embark on such a solemn process without having the capacity to require the judge to assist them in that process. In all other circumstances, the exemption from compellability for judges in their capacity as judges will remain. The independence of judges in the exercise of their judicial functions is not compromised by this measure.

It is proposed to amend the Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) Act 1997 by inserting a new section, section 3A, after section 3 of that Act. Paragraph (a) of the new section 3A provides that section 3 of the 1997 Act shall, notwithstanding section 3 (4) and (11) of the 1997 Act, apply to a judge where a committee is established for the purpose of a matter arising under: (i) section 4 of Article 35 of the Constitution; (ii) section 39 of the Courts of Justice Act 1924; or (iii) section 20 of the Courts of Justice (District Court) Act 1946.

Paragraph (b) of the new section 3A clarifies that a "committee", as defined in the 1997 Act, which is established in connection with the behaviour or capacity of a judge, means a committee established before or after the enactment of the Bill. The paragraph also clarifies that such a committee may deal with the behaviour or capacity of a judge whether the behaviour or capacity in question occurred or occurs before or after the enactment of this Bill.

When the Bill is enacted, a committee, established to consider the possible removal from office of a judge, will have the power to direct a judge to attend before it, to give evidence and to produce any document in his or her possession or power as directed by the committee.

This is merely an enabling power. It is a matter for decision by any such committee as to whether it wishes to invoke the power, following the procedures laid down in the 1997 Act, which requires among other matters, the prior consent of the appropriate subcommittee.

Deputies will also be aware that the "appropriate subcommittee" referred to in section 3A is defined in the 1997 Act. Where a committee appointed by either House of the Oireachtas or a subcommittee of such a committee is seeking powers of compellability, the necessary consent is given by a subcommittee of the Committee on Procedure and Privileges of that House. Where the committee in question is appointed jointly by both Houses of the Oireachtas, the consent must be given by a subcommittee appointed jointly by the

Committee on Procedure and Privileges of each House.

Under the existing legislation, a committee already has these powers in respect of other potential witnesses. The issue of compellability is only one component, but an essential one, of a framework in which a committee of the Oireachtas can effectively carry out its functions in regard to a process of this kind.

I commend the Bill as an essential component in a framework under which the Oireachtas can, when necessary, effectively discharge its duty on foot of Article 35.4 of the Constitution, by providing it with the power to call all witnesses who have pertinent information, and also to obtain all relevant documentation and material.

Mr. J. O'Keefe: My focus and that of the Fine Gael Party since the Judge Curtin controversy blew up, has been twofold; first, to ensure confidence is retained in the Judiciary and, second, to ensure fair process will apply in any dealings with Judge Curtin, or any judge facing removal under Article 35 of the Constitution.

In addressing the legislation before the House, to some extent we have to take the Government at face value. It now says an amendment to the compellability legislation is required in the context of the Oireachtas discharging its functions under section 35 of the Constitution.

I do not oppose the legislation on the basis that the Government, which has unlimited legal resources, knows exactly what it is doing and has thought through the process. I also accept it on the basis that the Government must accept full and complete responsibility for the process it has initiated and the legislative and other procedures now proposed.

Two points arise in connection with the timing. It was clear when the Judge Curtin controversy blew up that we were operating in a legislative and procedural vacuum. We must ask why? The Sheedy case occurred five years ago. This problem was recognised by the Government on its formation two years ago, when it gave a solemn commitment to legislate to provide effective remedies for complaints about judicial misbehaviour. Nothing has been done due to incompetence on the part of the Government. This is all the more serious in view of the weighty constitutional matter of how to deal with the Judiciary.

We are being asked today to rush two legislative measures through both Houses of the Oireachtas. What is the rush? I thought there would be an explanation for this. I spent two hours with the Attorney General on Wednesday, 19 May. I raised with him the question of the need for legislation and was assured it was not necessary; that what was proposed was a motion to be put before the House under Article 35 of the Constitution. On Tuesday of this week I was advised by the Minister for Justice, Equality and Law Reform, Deputy McDowell, that one item of legislation would be required in addition to two

[Mr. J. O’Keeffe.]

motions. Yesterday at 5 p.m., the Minister of State, Deputy Hanafin, informed me that a second item of legislation would be required. In seven days we went from no legislation and one motion to two items of legislation and two motions. There is an old saying, “More haste, less speed”, in the part of the country I represent.

In many ways the Government reminds me of a group that embarked on a journey while, in political terms, trying to give an impression of strength and assertiveness. It embarked on the journey in a rusty old van without checking whether there was enough fuel in the tank, whether there were headlamps to illuminate the darkness and, apparently, without brakes to enable it to slow down or stop when required. There have already been two breakdowns or pitstops to make emergency repairs. My view, which I hope is constructive, on behalf of the main Opposition party, in dealing with matters of such grave constitutional import, is that it is better to do it right than to do it quickly. I know of no reason for this rush to judgment.

I said that I will not oppose the legislation. However, I have considerable concerns about it. These concerns are in no way assuaged by the record of the Government to date in dealing with this issue in general and in dealing with the controversy since it erupted some weeks ago. Essentially, the substance of the legislation is that it will make a judge, about whom a removal motion is tabled under Article 35, amenable to a committee of the Oireachtas. That judge will be compelled to attend before the Oireachtas. Under the section, it is not just a question of attending before the Oireachtas because the committee will be able to direct in writing a person’s attendance and it will also be able to direct that person to produce to it any documents in his or her possession. In addition, it will be able to issue such further directions it considers reasonable in the circumstances.

Will a question not arise as to why a judge should be required to produce documents or other evidence? Will the judge not ask how such a request stands with the issue of self-incrimination or what consideration has been given to the right to silence? Under our law, a person cannot be forced to answer questions which could lead to self-incrimination. The American equivalent is the fifth amendment. That a person cannot be placed in a position to incriminate himself or herself is one of the unenumerated fundamental rights that exists under our Constitution. Irish law is clear in this regard. Have matters been fully teased out in what the Government is proposing in this rushed legislation?

There are precedents in cases under the European Convention on Human Rights. I refer to the Saunders case in the UK, involving an employee of Guinness, the Quinn case in Ireland, taken under the Offences against the State Act, and the Fulk case in Austria. Have these

authorities been checked in terms of what is being proposed here?

There is also the question as to whether one can confer powers which enable compellability to be exercised in respect of actions or events which preceded the existence of the power to compel. I refer here to retrospection. Is it possible to provide or exercise new powers in respect of events which occurred in the past? Has this matter been considered and, if so, what is the position in respect of it?

Are we, in effect, changing the conditions of employment of judges? Has this matter been looked at? Under the Constitution, security of tenure is provided and goes to the basis of the independence of the Judiciary. Are we now providing a power to a committee of the Oireachtas that will change those conditions? Will it apply to existing judges or only to new judges? Does a question mark hang over matters in this regard?

There is also the matter of privilege. I would have thought that this would also have been dealt with. What is the position regarding the privilege of the judge? As I understand it, under the 1997 Act there is a difference between a person voluntarily attending and a person compelled to attend. Is it because of that distinction that we are dealing with this legislation or is it because of questions raised about the admissibility of certain evidence to be brought before the committee?

The House deserves a more detailed explanation with regard to this legislation. I am not pointing the finger of blame at the Minister of State, Deputy Hanafin. This matter is the responsibility of the Taoiseach, the Minister for Justice, Equality and Law Reform and the Attorney General. The House deserves more than having an item of legislation put before it without answers to the questions I have raised being provided. The public also deserves more. We are dealing with such fundamental issues, as far as the Constitution is concerned, that the wisdom of this unseemly haste must be questioned. I do not believe the Government is taking a wise approach. I would have much preferred to see a full Bill dealing, as promised, with the issue of misbehaviour by judges and judges in general come before the House. I would also have preferred to see such legislation emerge without the current controversy intruding upon it.

Has full consideration been given to all the issues? In the past seven days the Government has lurched from one crisis to another and, as a consequence, we are being presented with legislation on the hoof. My experience is that such legislation generally tends to be bad legislation.

The purpose of the Bill appears to be to place a member of the Judiciary in the same position as any other citizen as regards attendance before a committee. It can, in one sense, be presented in that fashion but I am not sure it will achieve that purpose. In effect, we are talking about putting a judge in a situation only when he is facing a

charge or a situation where removal under Article 35 is under consideration. If, under the 1997 Act, that judge fails to comply with a direction under Article 3 in this situation, he or she is guilty of an offence. Such an offence gives rise to a situation where, on summary conviction, the judge can be fined up to £1,500 or imprisoned for 12 months. On indictment, the fine rises to £20,000 or a term of imprisonment not exceeding two years. That is a serious power we are invoking, in statutory terms, and it requires further consideration. No other person would be placed in that position because there is no other person against or about whom a removal motion can be tabled under Article 35.4 of the Constitution.

I will conclude as I began by saying that I am not opposing the legislation because the Government is seeking it on the basis that the Oireachtas needs it. However, I have major concerns about some of the provisions it contains and some of the consequences to which it might give rise. I am also concerned about other aspects of this matter, such as those relating to the admissibility of evidence, in general, to any committee that we might establish. It is not in the interests of the people, the House or justice that we should rush with unseemly haste to place a bung in the hole as soon as we see it without recognising what could be the consequences and that further damage could be caused.

It is with reluctance that I go along with what is proposed today. I do so on the basis that the Government must accept complete responsibility for the consequences of its actions here and for any difficulties that may arise as a result of its hasty actions and legislation.

Mr. Costello: I will start at the point where Deputy O'Keeffe ended regarding the manner with which we are dealing with the issues today. It is always unsatisfactory to deal with legislation in a restricted period of time. It is particularly careless to deal with all Stages of two such Bills on the same day in both Houses of the Oireachtas.

I hope the legislation being put through today will be without flaw and will stand the test of time. However, the track record is that difficulties arise in such instances. This legislation has not had a great preamble. Initially we were told all that was required to deal with the matter was a single motion. Then we were told we needed two motions and following this that we would need some form of enabling legislation. We have gone from one motion to two motions and from no Bill to one and then two Bills.

The proposed method of dealing with the issue has been very much something of an *ad hoc* process over recent weeks. If this type of stumbling approach pertains, flaws none of us has perceived may still remain. In her reply the Minister of State should give us the benefit of her thoughts on why this legislation must be put through so quickly without opportunity for

reflection between the different Stages or the different Bills.

However, this Bill is welcome as a desirable general measure which is not limited to a particular case. It fills the gap in the Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) Act 1997. That Act had a general exemption for judges which was far too wide. In cases of impeachment there should be provision for compellability of judges. We should acknowledge also that privilege is an interesting follow on of compellability.

Although the process has been flawed to date, I welcome the opportunity it provided for consultation in drafting legislation, an opportunity the Labour Party availed of. Our concern was that the original draft applied only to removal of a judge under Article 35.4 of the Constitution, which only applies to High Court and Supreme Court judges. We suggested to the Government that the legislation be extended to cover the Courts of Justice Act 1924, which covers Circuit Court judges, and to the legislation which applies to District Court judges, the Courts of Justice (District Court) Act 1946. After the extensive consultation yesterday between the Labour Party and the Government we welcome the Government's acceptance of our point and its adjustment of the draft of the Bill to include the statutory provisions relating to Circuit Court and District Court judges. It would cause considerable embarrassment if the only reference in this legislation was to Article 35.4 of the Constitution, particularly as the specific purpose of this legislation, as well as its general intent, is to cover a measure relating to a judge of a lower court.

We note that the judges of the Special Criminal Court are not covered by this legislation. I presume that is because they are removed in such circumstances by Government decision and not by the Oireachtas. There is therefore no necessity for a committee of inquiry in such a situation. However, this is another example of the distinctions that exist between statutory provisions, the constitutional provision and the entitlement of the Government to act in the removal in a particular category.

We are also conscious that notwithstanding this Bill some exemptions as to compellability will remain in law, particularly the exemption for the Attorney General and the Director of Public Prosecutions. In the event of any motion of impeachment being proposed and a committee being established, it would be vital that the Attorney General and the Director of Public Prosecutions provide full co-operation to the committee so that the absence of compellability would not arise as a problem. This is a considerable concern.

The Minister of State towards the end of her address said:

I commend the Bill as an essential component in a framework under which the Oireachtas can, when necessary, effectively

[Mr. Costello.]

discharge its duty on foot of Article 35.4 of the Constitution, by providing it with the power to call all witnesses who have pertinent information, and also to obtain all relevant documentation and material.

This is the intent of the Bill. However, a situation might arise where it would be pertinent to call the Attorney General and the Director of Public Prosecutions as witnesses. It would be expected that they would come voluntarily, nevertheless we should reserve the entitlement to return and amend the legislation in this respect. I hope, this is a problem that will not arise. However, if it does, it must be addressed. Nobody can be above the law.

It is also important that any committee dealing with impeachment should keep the scope of its compellability powers under review so that in the event of a problem arising the matter would return to the Oireachtas for consideration as to whether further amending legislation was required. In this area the draft motion, as envisaged, could be amended to ensure that if an issue, obstacle or problem arises which needs addressing by legislation, the committee can return the legislation to the Dáil or Seanad for amendment. It would be appropriate to deal with this issue also.

Let us examine the various methods by which impeachment can take place. The constitutional entitlement to impeach refers only to High Court and Supreme Court judges. The 1924 Act refers to Circuit Court judges and the 1946 Act refers to District Court judges. We also have the authority of the Government to remove Special Criminal Court judges. These various methods cause something of an anomaly and confusion on how to deal with what might be regarded as gross misbehaviour on the bench.

It is time to consolidate the legislation into some Act which will cover the scope of what is required. This would mean we would probably need separate legislation from the proposed judicial conduct and ethics Bill. We are not just talking about the normal range of misconduct and guidelines for ethics etc, but about an impeachment process. We are therefore talking about two Bills which need to be put in place in the near future. I hope legislation which will incorporate all levels of the Judiciary will be put in place at an early stage.

The judicial conduct and ethics Bill, to which Deputy Quinn referred on the Order of Business, was promised for this year.

I will refer to what has been promised regarding that Bill and to its purpose. I was glad to hear the Tánaiste say she envisaged it would be published in 2004, but from memory I recall it was promised in 2003 and in 2002. We remember the debacle in 2001 when the botched constitutional referendum was introduced by the then Minister responsible, Deputy O'Donoghue, which clouded the scene. I hope there is an intent in respect of that Bill to address this area. There

has always been a reluctance on the part of the Executive to engage in any fashion with the Judiciary in terms of procedures in legislation that would direct and regulate the behaviour of the Judiciary because of the separation of powers. It is time to grasp that particular nettle. This Bill proposes to provide effective remedies for complaints about judicial misbehaviour, including lay participation in the investigation of the complaints.

All of us will be aware that from time to time judicial behaviour can be something of an embarrassment in terms of remarks made by judges. There are no guidelines, structures or induction process for a person who becomes a judge. A person who sits in the Bar Library or a legal practitioner in the Law Library may suddenly be appointed to the Bench. Such a person would move from a position where he or she pleads a case for or against a client in a manner that advocates as strongly as possible a particular position, to suddenly becoming like Solomon sitting on the Bench and operating in an impartial fashion. There are no rules laid down for that and there is no induction process. We cannot accept any longer that we can operate in this fashion without professional standards and regulations and a code of conduct clearly outlined as to how we will move from the point of appointing a judge to that judge operating in the fairest and best way possible. From that point of view, the introduction of the judicial conduct and ethics Bill is most important.

Together with that legislation, we also require the putting in place of procedures on judicial appointments, in respect of which I do not know if legislation will be required. There is an anomaly whereby, on the one hand, there is a separation of powers among the Executive, the Houses of the Oireachtas and the Judiciary and, on the other, there is a cosy arrangement whereby virtually all those appointed to the Judiciary are members of one political party or another.

Mr. F. McGrath: Including the Deputy's party.

Mr. Costello: Including all parties. There is no doubt there is a certain political element to judicial appointments. We all hear of cases of lobbying in the Bar and so on. If there is to be a proper separation of powers, we must have an independent judicial appointments structure. A Government should not appoint a person to the Judiciary on the basis of what seems to be a political capacity. I have no doubt that judicial appointments in the vast majority of cases are persons of the highest calibre. Nevertheless, all practices should be transparent and we should put in place the necessary structures to ensure they are because currently that is not the case.

In terms of this legislation, no citizen is above the law. If we are to promote justice in a meaningful fashion, nobody should have the right to choose to appear before a tribunal or in this

case, impeachment proceedings, on a voluntary basis. Justice and the issues involved are too important for us not to have in place procedures on compellability that ensure every citizen is treated equally before the law in that regard.

Mr. Connolly: I wish to share my time with Deputies Boyle and Ó Snodaigh.

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

Mr. Connolly: As members of the Technical Group we are a little disorganised and have not yet quite sorted ourselves out, a little like this legislation, which we welcome. I received this Bill this morning and have had little chance to look at it. I am informed it must be passed by 1.30 p.m. The Bill deals with a serious issue which must be addressed. Members of the public must be placated to some extent regarding this issue. We have extended the sittings in a week by a day on numerous occasions during the lifetime of this Dáil. I would have thought this would be a suitable occasion to devote a full day to debating this Bill tomorrow and not to have to rush it through today. We have to quickly put forward our views on it and it is likely to be subject to some form of constitutional challenge. We are expected to give in a matter of minutes expert opinion on it. We only received the Bill this morning and it is dangerous to rush it through these Houses.

Members of the public are outraged that the case against Judge Curtin was lost on a technicality. It appears there was a good deal of bungling in that regard. Effectively, in the eyes of members of the public, Judge Curtin is still innocent. I did not see Judge Curtin specifically mentioned in the Bill, therefore it will apply to people across the board. It will apply to gardaí and to people who are innocent who can be brought before committees of the Oireachtas. We are threading a fine line in terms of impinging on people's constitutional rights and as to whether an innocent person should be brought before an Oireachtas committee. It would be much more preferable to allow time for reflection and proper debate on this Bill by extending the sittings this week by one day. Members of the public will not be pleased when they learn Members were presented with the Bill this morning, that they have had only a few minutes to look at it — I do not fully understand it — and are being asked to pass intelligent comment on it. It is quite difficult to do so.

The Bill provides that the Oireachtas may direct any person to attend before a committee. That is a wide-ranging and dangerous provision. Everyone knows the reason we are passing this legislation at this point in time. It has to do with the Judge Curtin case. The Bill also provides that the Oireachtas may direct a person in attendance before a committee to produce to the committee any document. It is desirable in the case in

question that people can be compelled to produce documents. People will link this legislation to the Judge Curtin case. At this point such a provision is desirable, but in the long term and when the Judge Curtin case is long past, I do not know how desirable it will be to have such a provision inserted in legislation.

The Bill provides that the Oireachtas may also direct in writing any person to send to the committee any document in his or her possession. This is a serious provision. There is no difficulty with linking that provision to the case in question. Everybody would want legislation rushed through to deal with a difficult position but in the longer term such legislation could have dangerous consequences. The Bill also provides that the Oireachtas may direct in writing any person to make discovery on oath of any documents that are or have been in that person's possession. This provision is highly desirable at this point in time but in the long term it could have severe implications for people's constitutional rights

Section 3(1) of the 1997 Act states that a committee may "give any other directions for the purpose of the proceedings concerned that appear to the committee to be reasonable and just." We know what we consider to be "reasonable and just", but a committee may have a different interpretation. This is what happens when laws are rushed through. When this case has been dealt with, we will have to consider the future implications of the legislation.

Mr. Boyle: We are told that hard cases lead to bad law, but there is a danger today that the House will create bad law to justify hard cases. Such a danger always exists when legislation is rushed in reaction to specific instances. Emergency legislation has been introduced half a dozen times in this Dáil in a political response to various court decisions and other activities outside the House. Such legislation could and should have been the subject of more consideration. The Green Party will not oppose this Bill, although our instinct is to oppose it because of our belief in certain principles. Not only are we opposed to the haste with which the Bill is being brought forward, but we have concerns about the fact that an important issue is once more being addressed in a piecemeal fashion with a Bill that needs wider consideration and amendment.

Although issues of judicial misconduct and incapacity have existed since the Sheedy case, the House has failed to introduce legislation to address properly such problems. The power of Oireachtas committees to act effectively in respect of compellability has been compromised since the court decision on the Abbeylara sub-committee, but no legislation has been proposed for the consideration and approval of the House. The Government's failure of management has to be seen as a factor in the way we are rushing this Bill and the Bill we will consider this afternoon. It is only fair, therefore, to state the Green Party's

[Mr. Boyle.]

concerns and fears that such an approach will not be successful in the end. As regards the wider issues of judicial misconduct and incapacity, the House has yet to debate in detail the crying need for legislation to address areas such as induction and ongoing training of the Judiciary.

The principle of separation of the Government, the Legislature and the Judiciary is a sound one in any democracy, and we should be slow to allow it to be compromised in any way. As we embark on an unnecessary and dangerous constitutional referendum on citizenship, we need to ask why a more important and necessary constitutional consideration — the relationship between the Judiciary and the political system — has not been addressed. My party argues that the constitutional provision being discussed with this Bill should continue to apply to judges and justices of the High Court and the Supreme Court. If we have a proper Bill and a proper constitutional amendment, it will be much easier to deal with future cases involving District Court and Circuit Court judges. We should examine the constitutional implications of such a measure. We are choosing not to pursue such a consideration because we prefer to proceed in such a rushed manner.

The power of the House to address public interest issues would be taken more seriously if political responsibility were removed from the compromising manner in which people are appointed to the Judiciary. I do not doubt for a moment the independence of such people, following their appointment to the Judiciary. One's previous track record and associations remain too large a factor in determining how and when one becomes a member of the Judiciary. The failure of the House to address that issue will continue to put a mark on the degree of independence that should exist in the judicial system. A young barrister approached me several years ago to ask to join my political party. His logic for wanting to join my party was that a judicial position would be influenced in his favour at some future time.

Ms Enright: He had great faith in the Deputy.

Mr. Boyle: He did not join my party.

Mr. J. O'Keeffe: Tíocfaidh ár lá.

Ms Hanafin: He should have concentrated on his practice.

Mr. Boyle: That such thinking persists does not do the political system credit. We should engage in a wide-ranging and in-depth examination of the relationship between the political system and the Judiciary to ensure that events of this type do not happen again. I refer to the introduction of legislation in this way.

Aengus Ó Snodaigh: Tacaím leis an leasú seo in ainneoin na buartha atá orm agus ar Shinn

Féin mar gheall ar an deifir atá romhainn an Bille a rith tríd an Teach inniu. Is trua é nach bhfuil tuilleadh ama againn agus leagan amach an sórt ama agus an sórt próiséis gur chóir go mbeadh ann i leith reachtaíochta sa doiciméad “Regulating Better”. Leagann an doiciméad amach faoi reachtaíocht ar dtús go mbeadh “draft heads” foilsithe roimh ré agus ansin “regulatory impact analysis” foilsithe chomh maith. An rud atá i gceist ansin, bheadh freagraí ar fáil do cheisteanna an Teachta O’Keeffe dá mbeadh sé seo déanta mar, i “Regulating Better” deir sé “regulatory impact analysis is a policy tool designed to identify and quantify, where possible, the impact of new regulations.” Níl sé sin déanta go hiomlán sa chás seo.

Tuigeann gach duine a labhair go dtí seo cén fáth go bhfuil seo á dhéanamh. Tá an Freasúra ar fad sásta glacadh leis agus tacú leis tríd an Teach de réir an chuma ar an scéal go dtí seo ach tá buairt orainn mar gheall ar an deifir. An fhadhb leis an deifir ná go bhfuil an judicial conduct and ethics Bill fós ar an gclár, mar a luaigh roinnt de na Teachtaí cheana. Ba chóir dúinn a bheith ag deileáil leis an mBille sin inniu mar is léir dom ó bhí mise sa Teach seo gur féidir leo siúd a chuireann reachtaíocht le chéile reachtaíocht a chur le chéile faoi deifir agus ansin gur féidir linn treabhadh tríd agus déileáil leis focal ar fhocal. Ní gá gur é an reachtaíocht is fearr é nuair a dhéantar deifir. B’fhearr liom go mbeadh níos mó ama againn go mbeimis in ann suí síos agus dul tríd seo pointe ar phointe agus ansin teacht go dtí staid gur féidir linn ar fad glacadh leis agus go bhfuil na freagraí do na ceisteanna ar fad atá luaite cheana féin ar fáil.

Leagann an Rialtas amach an am-chlár. B’fhéidir gur chóir go nglacadh sé leis go bhfuil freagracht áirithe aige, toisc go bhfuil sé ag déanamh na deifre seo. Níl a fhios agam an mbeadh mórán difríocht dá bhfanfaimis seachtain nó dhá sheachtain eile chun deise a thabhairt don bhFreasúra, ach go háirithe, comhairle dhlí cheart a fháil air seo. Ní bhfuair mé an deis dul i dteagmháil le dlíodóirí nó abhcóidí chun treabhadh tríd an mBille ina hiomlán agus féachaint an bhfuil aon mhór-cheisteanna ann. Caithfidh mé glacadh le meon an chuid eile den bhFreasúra agus an méid a luaigh an tArd-Aighne ar an gceist seo go dtí seo. Is trua sin mar b’fhearr liom an rud a chíoradh i gceart mé féin.

Beidh orainn, dár ndóigh, mar a luaigh an Tánaiste níos luaithe, teacht ar ais chuig an cheist seo nuair atá muid ag déileáil leis an judicial conduct and ethics Bill. Tá súil agam ansin, má tá aon mhion-bhotúin nó mór-bhotúin sa reachtaíocht seo, go ndéanfaimid é seo a athrú chomh tapaidh agus is féidir. Tá sé ceart go leor an t-athrú seo a dhéanamh mar tá sé gafa go díreach leis an cheist áirithe seo, an cheist faoi compellability, agus nach bhfuil ach i gceist breitheamh a bheith cúisithe nó a chaithfidh freagra a thabhairt mar gheall ar cheist Alt 35.4 den Bhunreacht. Sin an t-aon bhealach ba chóir go mbeimis ag déileáil leis seo. Glacaim leis an

mBille agus tacaím leis in ainneoin na buartha atá orm.

Ms Enright: The Tánaiste put her finger on it this morning when she said we are dealing with uncharted waters, which is certainly the case. I have a difficulty with the fact that we are dealing with emergency legislation in a rushed manner. I saw a copy of the Bill late last night that Deputy Jim O’Keeffe furnished to me. However, we are elected to enact good legislation and therefore we need time to consider the legislation that comes before us. I appreciate this is not the longest Bill ever published and, effectively, only runs to three pages. Since its potential ramifications for the future are quite substantial, it is regrettable to deal with it so quickly. I do not understand the urgency. Some years ago, during the Sheedy case, all these matters were discussed and legislation may even have been published to deal with this issue, yet nothing happened in the interim.

The two Bills before us do not, in any sense, refer to why we are here, which is because of what has happened in the Curtin case. We are expected to put those facts to the back of our minds and examine the legislation as if it did not refer to anyone specifically — and it is not supposed to — yet we cannot do that. We are here because of that case. We must accept that the legislation is coming about because of what happened in that case and because the Government intends to proceed under Article 35.4 of the Constitution.

During my short time in the House, I have seen difficulties arising with rushed legislation on a few occasions concerning immigration, radar guns and alcolysers used by the Garda Síochána. We have seen court judgments on such legislation, which amounts to giving Members of the Oireachtas a rap on the knuckles for having passed legislation that turned out to be flawed. I am concerned that at some future date we will find ourselves re-examining this legislation since I have little doubt it will end up before the Supreme Court whose judges may take issue with it.

I wish to pose a number of questions because, like previous speakers, I am not sure of the answers. It is a pity we do not have answers to some of the issues that have been raised concerning this legislation. The first issue is that of retrospection. Neither the House nor an Oireachtas committee will be dealing with criminal proceedings when the matter comes before it; the criminal aspect of the Curtin case was dispensed with. We are not dealing with civil proceedings either, so in dealing with this matter we are very much in virgin territory.

Under section 1(3A)(b) we are establishing a committee, “for the purposes of, or in connection with, the behaviour or capacity of a judge whether occurring or first arising before or after such passing.” I see potential difficulties in that because we are enacting legislation to deal with something that has already happened. We do not

know what will happen to anyone, particularly this judge, who will be compelled to attend before the committee. I do not know if the serious ramifications that could arise have been examined sufficiently. Adopting retrospective legislation for actions that occurred previously is a new departure and one about which I have a great deal of concern. I accept what the Minister of State, Deputy Hanafin, said earlier, that it would be inconceivable for the House to commence such a solemn process without having the capacity to require the judge to assist it in that process. However, it is a serious issue to ask somebody to attend a committee and, effectively, lose his or her right to silence, which is what may be happening here.

The purpose of the Bill is to put a member of the Judiciary in the same position as any other citizen as regards attendance before an Oireachtas committee. I do not know, however, if we are really putting that person in the same position as any other citizen because, in some ways, we are placing a different obligation on him or her, compared with other citizens.

If one is satisfied the evidence acquired under the warrant is admissible in any hearing pursuant to Article 35.4, why are powers of compellability required? If the evidence can be used anyway, I do not see where the compellability issue arises. If a person is compelled to attend, the rule against self-incrimination may prevent his or her answers being used to support any contention of stated misbehaviour. That question needs to be answered before we go any further. Another question that needs to be answered is where the power of compellability will sit *vis-à-vis* a person’s right to remain silent.

It is a pity we are considering this legislation in such a rushed manner. I note there is not a queue of Deputies, either on the Opposition or Government benches, waiting to speak on the legislation, which, in itself, says something. It would be better to have a proper allocation of time in which to tease out the legislation before us. What is said during this debate may be re-examined in the future and we may all be questioned about it.

Mr. Durkan: In common with other speakers, I am concerned that we are debating this legislation in a hurry. It is said that rushed legislation does not make for good law and we should have learned that over the years. If the Legislature finds itself in a difficulty, the answer is not to introduce legislation in a hurry in the hope that it will meet some future contingencies. Past experience has shown that is not the correct route to take, so I am concerned about the speed with which the legislation is being debated.

I recall that, not so many years ago, when the original Bill was passed, it was said it would mark the end of all squabbles in that context, and that no unforeseen difficulties could arise in undertaking inquiries or investigations under that

[Mr. Durkan.]

legislation. Apparently, however, that is not the case. It seems odd that we should now proceed to pass legislation under duress, as it were. The most worrying aspect is that on countless occasions in the past, we have done the same thing. We have passed legislation in a hurry and then found it did not meet the requirements, so we had to return to deal with the issues again.

I am also aware there are other items of comprehensive legislation that could have the same effect as the Bill before us and which could have been brought before the House during the last two years but were not, for some unknown reason. One can speculate as to why that did not happen but I have heard no argument from the Government side as to why certain legislation was not introduced in the House. It could be introduced now and be passed through the House in the next week or so, achieving what it is intended to achieve with this amendment Bill. However, that was not done presumably because it might be deemed to have been rushed in attempting to legislate for past events which, as Deputies stated, is not such a good idea. For whatever reason it did not happen, even though it is on the legislative schedule which has been circulated to us during the life of this Government. There are problems which could well surface again. As the Minister of State knows, like other speakers, I am concerned that we might find ourselves in a cul-de-sac in three or four months' time. I wonder how we will then be able to look back on the passing of this Bill and its purpose.

Whatever difficulties are likely to arise or have arisen, we need to be extremely careful not to bring ourselves into disrepute by running hither and tither to shore up positions willy nilly in regard to which comprehensive legislation could and should have been introduced and which would have dealt with the matter in its entirety.

Minister of State at the Department of the Taoiseach (Ms Hanafin): I thank the Opposition parties for their co-operation in progressing this legislation. I accept it is unusual to introduce legislation to go through all Stages in the House at once. However, whereas this Bill has general applicability, the House is about to embark on a specific process. Article 35.4 of the Constitution gives the Houses of the Oireachtas the power to remove a judge for stated misbehaviour or incapacity but it does not give us the procedures by which this can be done. We all accept that it would be very dangerous to embark on a process without having all the necessary pillars, procedures and frameworks in place before we do so. This Bill is part of that framework to enable the Houses of the Oireachtas to discharge its duties in fulfilling our constitutional role.

Different views were expressed as to whether this Bill is necessary, as was evident from the briefing which was attended by the Opposition parties. However, it was felt that to bring clarity

to the matter, it was advisable to proceed with it. Deputy Jim O'Keeffe raised a number of questions as to how this Bill would affect judges. In the first instance, this measure will in no way affect the independence of judges. It is very specific in its application because it refers only to judges who would be the subject of a process which would be initiated by the Houses of the Oireachtas under Article 35.4 of the Constitution. Arising out of those consultations, the Bill before us is clearer and I thank Members for their input.

Deputy Jim O'Keeffe raised the issues of attendance, documents and material, all of which are provided for in the existing Act for everyone except judges. This limited amendment will bring judges into the same position for one purpose only. Therefore, it in no way compromises them in their capacity as judges or their independence in carrying out their functions. Security of tenure of judges was also raised, which issue is set out in the constitutional framework, part of which is Article 35.4, therefore, there will be no change in that regard.

In regard to the appointment of judges, Members will be aware that the Judicial Appointments Advisory Board was established by the Government under the Courts and Court Officers Act 1995. It is a high level board comprising the Chief Justice of the Supreme Court, the Presidents of the High Court, Circuit Court and District Court, the Attorney General, two representatives of the legal profession and up to three representatives of public interest. The board assesses suitability under a number of different headings set out in the legislation and the Government then chooses from the recommended people.

This Bill is very confined. It is an enabling power under the constitutional right which the committee may or may not need to use. The question of privilege was raised and it is important to point out that it is envisaged that the procedures, to be put in place to manage a process under Article 35.4, which would be applicable in any circumstances where a committee would have to gather evidence, would be *in camera*. Therefore, that is not an issue. More importantly, persons who are required to attend under compellability enjoy the same privilege as a witness before the High Court — that security is there for people.

Members raised the haste with which this Bill has been introduced. It is a general Bill with general applicability but we are about to separately engage in a process. It is true to state that the issue was raised a number of years ago, but it was difficult at that time to get all-party agreement when the proposed constitutional framework on the matter of judicial oversight was set out. Therefore, we were not able to progress the matter at that time. An Agreed Programme for Government states that we would progress legislation in this area and, as Deputy Durkan more than anyone knows, the Government has passed more than 80 items of legislation since

June 2002. Therefore, it is not as if we are slack in passing Bills.

Careful consideration has been given to this Bill in the past few weeks, including by the Attorney General. The reality is that there is a current issue which has given rise to public disquiet and a lack of public confidence. In that context, we want to move without delay to try to resolve the issue. In doing so, we need to put in place the procedures which will enable us to fulfil our constitutional duty, procedures which will guarantee fairness and ensure that proper rights are given to everyone involved and to allow us to discharge our duties as Members of the Oireachtas. Other legislation will be introduced later in the year, including a Bill on judicial conduct and an ethics Bill.

However, in the meantime, we believe this amendment is necessary. Questions were asked about the procedures which do not refer to this Bill but will be dealt with by the CPP and, in the particular circumstances of this one case, by motions which will come before the House next week. I thank the Opposition for its careful consideration and for allowing the Houses of the Oireachtas to discharge our duty.

Question put and agreed to.

**Committees of the Houses of the Oireachtas
(Compellability, Privileges and Immunities of
Witnesses) (Amendment) Bill 2004: Committee
Stage.**

SECTION 1.

Question proposed: "That section 1 stand part of the Bill."

Mr. J. O'Keeffe: It is not possible in the timeframe available to consider amendments. Therefore, I will raise some issues to tease out some aspects of the section a little further. The most serious question which worries me about this legislation, and on which I would like as much assurance as possible, is the basic issue of how the power of compellability sits with the right to silence. In light of the Abbeylara inquiry, there must be a question over whether a committee can use powers under the 1997 Act in a manner which might oblige someone to incriminate himself or herself. This is a general issue. In this Bill, we are dealing with judges. We must address the rationale for the change. Judges are exempt from the powers of compellability under section 3 of the 1997 Act. What has not been highlighted is that they are only exempt when, as the 1997 Bill states, one is referring to a person who holds or held that office in his or her capacity as such holder. That fits in with the independence of the Judiciary — that its members would not be compellable in any way in relation to the functions exercised by a judge in his or her capacity as a holder of that office.

I raise the question of whether there is a need for legislation at all, because the issue before us does not relate to any judicial decisions of Judge Curtin. It therefore appears that effectively that judge is in the same position as anyone else from the point of view of compellability except in relation to the exercise of his judicial function and we are not inquiring into the exercise of that function. That issue has not been teased out.

There is also a question mark about the general right to silence and whether anyone coming before the committee would be obliged to incriminate themselves, which arises in the post-Abbeylara context. I am also concerned by the new power being rushed in. I do not know if that is needed, but it is my job to raise these issues. I would have preferred a more reflective approach.

If we are putting a judge appearing before a committee for reasons other than his or her judicial functions in the same position as everyone else, then I return to the point that nobody else can be in the same position because nobody other than a judge can have an Article 35 motion tabled about them in the Oireachtas. We are not putting a judge in the same position as an ordinary person and we cannot do so.

The Minister of State said that it was inconceivable that the Houses of the Oireachtas should embark on such a solemn process under Article 35 without having the capacity to require the judge to assist them in that process. Let us reflect on that. Are we saying we must have the power to require a judge to assist in a process leading to his or her removal? I wonder about that broad statement.

I emphasise that my searching comments are designed to be constructive and to try to ensure that the process we end up with is a sound and valid one which will survive judicial scrutiny. The best way to do so is to be absolutely sure that the process is fair and in accordance with natural justice at all times. That is the thinking behind my fundamental questions about this process.

We should go back to Deputy Enright's point about whether compellability is the right approach for the committee, in directing attendance and production of documents. Under the definition of the 1997 Act a document is any class or description of document and also includes a "thing". Are we talking about a computer? I do not know. If we are directing someone appearing before the committee to produce documents and things and to make discovery on oath then one must go back to the purpose for which the committee was set up — to investigate certain matters which may, under Article 35, lead to the removal of that person. That is my concern.

Deputy Enright dealt with admissibility at greater length in her contribution than I did. If these documents and things, computers or otherwise, are admissible, despite the fact that they were held to be constitutionally tainted at the criminal trial, then the issue of compellability may not arise. I do not know. Has that been thought through? That is my concern.

[Mr. J. O’Keeffe.]

Admissibility is central to what we are discussing. Is this approach a fall-back if the admissibility approach fails?

An Leas-Cheann Comhairle: I remind the House that this Stage and remaining Stages must be completed by 12.38 p.m.

Mr. Costello: The difficulty we face in dealing with the Judiciary is that its members are responsible for presiding over the administration of the law and these Houses make the law. In some senses the Judiciary is seen to be above the law and its members are not expected to abuse the law in any sense. However, every citizen is equal before the law and is subject to the law. Principles relating to compellability and immunity which apply to other citizens mean that the promotion of justice in serious matters of concern cannot be followed if a key witness has the right to choose whether or not to attend a committee. We are in uncharted constitutional waters when it comes to procedures, but what about our powers? Those must also be looked at to ensure that any procedure will use due process, will be comprehensive and will fulfil its functions properly.

There should be no exemptions in the legislation. I would go a step further: the legislation would be better if we ended the exemptions of the Director of Public Prosecutions and the Attorney General. Why should they be exempt under the 1997 legislation? They remain the only two citizens who are exempt from being compelled to come before an Oireachtas committee and such compellability may be relevant.

Mr. J. O’Keeffe: The President is exempt.

Mr. Costello: The President is also exempt, though we could deal with that at a later stage.

Will the Minister of State address this matter? To what extent was this considered by the Attorney General? Did he give advice about his position or was legal advice given by other counsel retained either by the Attorney General or the Government?

The other point is whether we should have to revisit section 1.3A under which the two points arise concerning the Special Criminal Court. We have now extended the competence of this section to deal with judges of the High Court, the Supreme Court, the District Court and the Circuit Court but a judge of the Special Criminal Court is not covered under the legislation. Surely the entire Judiciary should be put within the remit of the legislation. I do not say this is a flaw in the legislation in terms of what we are trying to do. Given that we are passing legislation would it not be better to have it encompass the entire Judiciary in order that we do not have to come back with an amendment?

Section 1.3A(b) provides that, “ ‘committee’ means a committee established, whether before or after the passing of this legislation.” Why was it deemed necessary to include “before” rather than “subsequent” to the passage of the legislation?

Mr. Boyle: On Committee Stage we can use whatever opportunity we have to question some of the wording in the Bill and highlight the fact that it is being debated in a vacuum. That we are referring to Acts of 1924 and 1946 shows the lack of consolidation in this area and the large job of work that has to be done to put this in order.

Given that we are dealing with compellability, privileges and immunities, an issue we have failed to address is how we as individual Members use our own privilege, not only within the House but in committees of the House. If we are to embark upon a process on foot of this legislation, whatever motions are likely to be put before the House, I would have liked some indication from legal officers of the State and of the House to indicate to what extent privilege can and should be used. Have statements been made by individuals that have compromised the process that may take place? While we have privilege as Members and can say things without the laws of libel coming into play, if a process is initiated under Article 35 which at the end of the day requires a full vote of this and the other House, we need answers to those questions before embarking on such a process. Has that privilege already been compromised? Are their individual Members who have said things that should not have been said and, if so, should the House decide what course of action should be open to them in terms of participating in a vote. Should we as a House decide what course of action should be open to them in terms of participating in a vote, abstaining from a vote and participating in whatever committee the House establishes to exercise its power under Article 35?

On the central principle of whether the House should exercise its power under Article 35 I do not think there is any dissension. While we have a duty as legislators to give living example to the principle of who judges the judges, we are also guided by the principles of natural justice. The procedures we are about to put in place and see through to a conclusion have to be guided by those principles. While we are judging judges we should ensure we are not a judge in our own court. All the principles of natural justice that apply to any other citizen of the State should apply to anyone who comes under the process we are trying to put in place through this legislation and whatever motions are put before the House.

When the issue at hand has been dealt with, I hope, given the Tánaiste’s commitment on the Order of Business today, there will be a wide ranging and detailed examination of the legislation that needs to be put in place and the constitutional provisions that need to be examined and, if necessary, changed and put in

place. This matter continues to be a constitutional and legal mess. It does no credit to any of us involved in the political process, or those who enact the legislation through decisions of the judicial process on a daily basis, that we allow this situation to continue. I hope there is a collective will to use the time of the House in a better and more comprehensive way to ensure Bills of this type are not put before us in this way for consideration in the future.

Minister of State at the Department of the Taoiseach (Ms Hanafin): I shall take the questions in reverse order. Deputy Boyle's questions related to process. We have to ensure there are fair procedures and that natural justice is observed. Much discussion has taken place during the past week or so — and will continue over the next few days — to ensure the process, the motions we pass and any committee set up for a specific investigation, fulfil all those criteria. We look forward to continuing to work with the Opposition parties in that area. That is the situation regarding a specific case.

I do not accept Deputy Costello's view that the Director of Public Prosecutions and the Attorney General are the only people exempt. All judges are still exempt from this except if they are the subject of a process to have them removed from office under Article 35.4 of the Constitution. It is only in those very limited circumstances that the Bill would allow for a judge to be called. I would not envisage a committee inquiring into other circumstances in respect of the activities of a Director of Public Prosecutions or an Attorney General. It would only gather evidence in regard to the potential removal from office of a judge. Deputy Costello asked also about members of the Special Criminal Court. Judges of the Special Criminal Court are members of the Judiciary in the first instance and are then appointed to serve on the Special Criminal Court, so they are covered by this legislation.

Deputies Jim O'Keeffe and Costello asked about compelling a judge in his or her capacity as a judge. This was the question asked during the past week or so. There were different legal opinions as to whether this legislation is needed because activities might relate to a person outside his or her role as a judge. For example, as Deputy O'Keeffe indicated, a decision of the court is not something one would be looking at. This Bill will apply to extra-judicial conduct but only in the context of an inquiry arising out of that person's capacity as a judge. Given that it will be in the context of our constitutional power under Article 35.4, the possible end game of that inquiry would affect that person in his or her role as a judge because it would seek to remove him or her from his or her role as a judge. For that reason we sought to bring about the legislation.

Deputy Jim O'Keeffe asked about the committee requiring a person to come before it. There is every possibility in the event of people going down this road that a person in question,

or a judge, would come before a committee voluntarily to give information. That is allowed for. This is an enabling power. It allows the committee to have the power to call in the person who is the subject of the investigation and to get all the information from that person. It will be a different committee from the committee inquiring into the events at Abbeylara. The Abbeylara committee was set up by a rule of the House whereas in setting up any committee for this process we will be exercising our constitutional power, which gives it a different status.

Deputy Jim O'Keeffe asked about the right to silence. As he is well aware the right to silence is a feature of the criminal law. Section 12 of 1997 Act provides for the non-admissibility in criminal proceedings of evidence given under direction. That should cover that issue. A judge is *autre fois* *acquis*, a criminal law principle that he cannot be put in jeopardy in a criminal case a second time for the same offence, in the event of that arising in any process.

On the question of retrospection, this Bill relates to the process and it will apply prospectively in that it will be applicable any time after its enactment where the matter of invoking compellability arises. The purpose of this provision is to ensure that the prospective application of the power cannot be questioned solely on the grounds that a committee seeking to exercise it came into being before the measure was enacted. It is a matter of prudent precaution. It also clarifies that power to invoke compellability prospectively cannot be challenged on the grounds that the relevant behaviour occurred or capacity arose before the measure was enacted. That is the reason for introducing this. I hope I have addressed some of the issues raised.

Mr. J. O'Keeffe: I thank the Minister for her response. I do not think she is a lawyer but she seems to have grasped the principles in very short order, and has been put in a position to lead for the Government.

Ms Hanafin: I am a senior counsel by osmosis.

Mr. J. O'Keeffe: If I were to make a prediction, the Minister of State will be fully qualified by the time we are through this process.

Let us confront the issues head on. The bottom line is whether the evidence in the upcoming case is tainted by unconstitutionality and can be made available to a committee set up by this House. I understand there are conflicting views on that. The Minister for Justice, Equality and Law Reform seems to be very firm that there will be no difficulty in this regard and he told me he would do a paper on it. This is central to the situation. Before the matter comes before the House again in the form of a motion or otherwise, I urge that this issue be fully clarified by the Government.

[Mr. J. O’Keeffe.]

The Minister of State referred to conflicting legal advice. It would be helpful if copies of such advice were made available to the Opposition, which is trying to deal with this issue in a constructive manner. While the Minister has batted well for the Government, I do not think the issue of compellability has been or is capable of being teased out in this short time. The issue of compellability for anybody post-Abbeylara is open to argument. Following from that, there are still open questions if we are talking about a judge being compelled to come before a committee where it involves giving evidence, producing documents and being liable for an offence for failure to do so, where the evidence and the documents could effectively incriminate him or her. I am concerned about the issue of due process. As far as I am concerned, judges should not be above the law or below the law. I accept their special position of judicial independence because of the separation of powers. However, in fundamental constitutional rights, a judge is not a lesser being than any other citizen of this country.

Acting Chairman (Mr. Carey): I am sure Members are aware that we must conclude the debate at 12.38 p.m.

Mr. Costello: To finish Deputy O’Keeffe’s sentence, a judge is not a lesser being than any citizen but he is not a greater being either. Due process applies equally to everybody.

I accept the comment from the Minister of State on the Special Criminal Court. On the issue of the compellability, the Minister of State stated that compellability of judges only applies in relation to an issue of impeachment, as outlined in Article 35.4.1°. We probably do not need this legislation, because presumably a judge will volunteer to come forward. One is only compelled when one does not come forward voluntarily. On an issue such as this, justice cannot be promoted properly when the key witnesses can choose how they wish to deal with a committee of the Oireachtas. What is the position, should the committee decide that it wishes the Attorney General or and the Director of Public Prosecutions to attend and they say no, because they are not bound by the legislation?

Ms Hanafin: There were different views as to whether it was necessary, but it brings certainty and clarity to a process which may have to be undertaken. The admissibility of evidence for the committee would obviously be a matter for the committee. In the event of such a committee being established, the committee would have its own legal advice, and it would be inappropriate to comment outside that. It will not be possible for the committee to compel either the DPP or the Attorney General because they are specifically exempted, as are all judges except those who are the subject of such a process. It would be hard to envisage a situation where they

would be needed to be compelled. Deputy Costello is right, a judge who is the subject of a process may well want to come in voluntarily before an investigation committee and he would not be required to do so before he would be given an opportunity to do so. This is only an enabling power for the committee to enable the Oireachtas to carry out its duties more effectively.

Question put and agreed to.

Acting Chairman: I am now required to put the following question in accordance with an order of the Dáil of this day: “That, in respect of each of the sections undisposed of, the sections are hereby agreed to in committee, the Title is hereby agreed to, the Bill is accordingly reported to the House without amendment, Fourth Stage is hereby completed and the Bill is hereby passed.”

Question put and agreed to.

**International Development Association
(Amendment) Bill 2003: Second Stage
(Resumed).**

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

Ms F. O’Malley: Ireland can be justifiably proud of its international reputation as one of the most generous supporters of overseas development aid in the world. Currently, we are the seventh largest donor in percentage terms and well ahead of the EU average.

The mission of the International Development Association, IDA, is to support efficient and effective programmes to reduce poverty and improve the quality of life in the poorest member countries. The International Development Association helps build the human capital, policies, institutions and physical infrastructures needed to bring about equitable and sustainable growth. Its goal is to reduce the disparities across and within countries, to bring more people into the economic mainstream and to promote equitable access to the benefits of development, all highly laudable ambitions. The IDA is among a group of institutions specifically charged with responsibility for poverty reduction and promotion of growth and development. Today, nearly 3 billion people live on less than \$2 a day and 1.1 billion live on less than €1 a day.

Recently, as part of an international delegation of the parliamentary network of the World Bank, I visited the Yemen to witness poverty reduction strategies in action and to offer advice on our experience there of the operation of the poverty reduction strategy to the World Bank and the Yemeni Government. We visited two schemes — a water project and a health centre. These schemes had received these soft loans for which this Bill provides. The delegation was highly impressed by the two schemes largely because relatively small amounts of money were involved. I think the amount for both did not exceed

\$29,000, but they had a considerable effect on the population there. They were small measures — providing clean water and small outreach health centre. They were particularly effective because the local population was required to have an input into them. The local population raised money and learned skills. It was not only a question of getting a hand out but more of a hand up. This Bill is designed to assist this type of initiative. It was self-evident how important and positive ownership of both projects by the local population was. We need to expand and extend this partnership approach.

To this end, the EU faces an enormous challenge. The European Union is possibly the largest single donor in the world but to have an effect in the long term, radical change is needed to EU policy in dealing with the developing world. Trade policies and trade liberalisation are the key. This presents a particular challenge to agriculture policies but we must redress the imbalance that exists in the world where 1.1 billion people live on less than \$1 a day. It is this area of trade and EU trade policy that we need to change. The average EU cow enjoys a subsidy of approximately €1 a day which is much more than is given in development and to human beings. We need to look at that issue. It is not a sustainable position that cows are valued more highly than people.

Change is coming but it is far too slow. As Kofi Annan said, the poor in the world are poor not because there is too much globalisation but rather because there is not enough. This Bill enables the Government to continue its generous support for overseas development aid and to further the steps along the road to reach its stated commitment of 0.7% of GDP by 2007. I commend the Bill to the House.

Mr. Eamon Ryan: This Bill was first in the House approximately five months ago. I was about to speak on it but the debate was adjourned. I had a speech prepared on how we should use our EU Presidency as an opportunity to promote a development agenda. Five months later, I am finally getting to speak on the Bill but, unfortunately, our EU Presidency is drawing to a close. Some of the comments I might have made are no longer appropriate.

To a certain extent, we have missed an opportunity in our Presidency of the European Union. Deputy Fiona O'Malley is correct in that we have a reputation for being internationally generous having worked in many areas of the Third World. Our reputation is particularly high at the moment because the Taoiseach has given an absolute commitment that this country will reach 0.7% of GNP in terms of development aid. If we are to do that and if an absolute commitment means anything, we must start now; we cannot wait for the final year of such a programme. For that money to be used effectively, it must be planned in a three or five

year budgetary process so that if we give money, we can ensure it is spent properly.

I am deeply concerned that the absolute commitment given by the Taoiseach does not seem to be bearing out in reality. Perhaps the Minister for Finance does not share that commitment because our budget does not show a gradual increase in the level of development aid to the international development aid programme in a manner which would indicate that we are serious about fulfilling that absolute commitment. It is a lost opportunity and about which I am critical of the Government. While I welcome this Bill and our allocation of moneys to this thirteenth funding allocation to the International Development Association, we must ask the bigger questions, what will we do and what is our role in international society in this regard?

Our EU Presidency is a failed one as result of not taking on this agenda. We heard much about competitiveness in the Lisbon agenda but we have not put at the core of our message the achievement of the millennium goals which should have been the focus our Presidency because coming from this country, it would have been noticed. We have a unique international position. While being part of the developed and wealthy western world, we are seen internationally as having an independent voice and as being a country which recognises the true sense of globalisation — that we are living in one world and that it is not a world of two halves, as Jim Wolfensohn, the head of the World Bank, said.

I refer to the current debate surrounding globalisation. We tend to see people from parties such as mine as being anti-globalisation. I would dispute that and agree with Deputy Fiona O'Malley that we need more globalisation and not less. The real question is, what type of globalisation? People say the anti-globalisation movement says this, that and the other but it may be better termed as the movement for globalised justice because we are looking for justice in globalisation. To achieve justice in globalisation, the first step must be to address the institutions which administer and manage some of the forums of globalised commerce, trade and development aid. In that regard, we are particularly critical of the structures within the World Bank and the International Monetary Fund which, critics of the existing globalisation system rightly point out, are part of the problem rather than part of the solution in this area.

I regret the European Union — maybe we could have taken a lead on this — does not take a strong or a united stance in regard to the management and future structures of the World Bank and the International Monetary Fund, in particular. The EU has a strong common position in World Trade Organisation negotiations but there is not the same sense of exactly what the European Union position is in regard to the development of the IMF and the World Bank which need to be reformed. It is 60 years since the

[Mr. Eamon Ryan.]

Bretton Woods institutions, including the World Bank, were set up. Anyone with a fair mind would not argue that the decision making structures within those two organisations are fair and treat the developing world in the correct fashion. Some might ask what that has to do with people here and that these are lofty aspirations and this is idealistic talk. Since we live in a globalised, connected, united and monetary world, it is in our interests, as much as that of the developing areas, to get those institutions right and to get them working in a just, fair and efficient manner.

I will give an example of how the incompetence in the management and administration of these institutions is having an effect on us. We are seeing a world monetary system with a significant debt problem. That debt problem is not what the public might see it as, namely, Third World developing countries with huge debts, which they do, but rather that the largest debt in the world is that of the US Government. It is currently running a massive budget deficit which it is funding through the issuing of bonds which are largely bought by the poorest developing countries in the world because the US dollar is held as a reserve currency.

We should listen to people who are critics of this international system because they may see behind some of the great bravado or confidence in the international capitalist market system and see the flaws, which are increasingly evident. At present the great debt issue is really that of massive US debt in the form of US bonds held by developing countries as their only reserve currency, since they cannot hold gold or other reserves. They get a small amount of interest from them but borrow significant amounts at a much higher rate from independent banks. At the same time they are paying interest rates of 15% to 18% on loans they have taken out with international banks, while their yield on US bonds is 3% to 5%. That is one of the realities in the current global capitalist system and it is an extremely dangerous situation. The US Government is borrowing from the rest of the world to pay for its population's present consumption patterns. That will surely come to an end, and when that happens, we will see a decline in the value of the US dollar. We may already have started to see the early stages of it.

People will realise that those bonds are not worth what they thought they were. US interest rates will rise to try to maintain that flow of revenue into the United States of America to pay for its consumption patterns. In our globalised world, after the next election there will be a US Government which has a massive budget deficit. We always start considering financial prudence after an election. It will have to cut back its budget deficit. Some time in the middle of next year, we may be facing a situation where there is a declining dollar, increasing interest rates and a deficit coming through. We live in a globalised

market and follow what happens on Wall Street just as surely as we used to follow what happened in London. That sets the tone for us and the international markets. In such a situation, there would be a deflationary world economy, with less investment coming into Ireland, higher interest rates and an Irish economy which has borrowed massively. Irish citizens on the streets, who might then be in a contracting economy with rising interest rates, would be caught.

If we examine development issues and how we structure international financial institutions, it is not merely for the sake of the poor of the world. We all live in the same world, and having a stable, efficient, fair and just monetary system is part of that. At present, institutions such as the World Bank are not fair in the way they make decisions. They are dominated by what is known as "Washington consensus" thinking and people who believe the same as George Bush — that their market values will dominate for ever and a day. I do not believe they are right and we should start listening to some of the critics of that system who can point out the flaws to those who have faith in it. I hope I am wrong in that prognosis but it is worth discussing.

I wish we had more debates on that global vision and perspective. I could speak for longer but I am keen to share my time with Deputy Cowley. Like Deputy Fiona O'Malley, I commend this Bill to the House. It is certainly welcome that we are putting this money into an international institution for use as loans. Poor and developing countries may now be able to replace some of those US bond or merchant bank borrowings. This House must direct far more attention and debate on what is really happening in the global financial markets and what we should be doing to send a message of how the world should be governed and managed. The current situation in the IMF and the World Bank is not one with which we are happy on this side of the House.

Dr. Cowley: I come here to talk about problems in my own area and those of the people who elected me to Dáil Éireann. We have major problems, but we must also view matters in a more global context. Before coming here, I was on Radio Waterford talking about the lack of a radiotherapy unit there. The interviewer said to me that there were no votes in it and asked me why I was doing it. I said to her that I was doing it because I believed in it and because it was very important. The Minister was supposed to come in this morning to talk to us about the radiotherapy report, but he did not turn up, since he has gone to the Continent. His job is at home in Ireland and he should look after Ireland first. He promised to attend but did not do so.

Having said that, on some occasions we must take a broader view. I am very proud to stand here and talk about this Bill, since it is doing something that we should be doing. I know we have made certain commitments, along with

many other nations. By 2007, we are supposed to be dedicating 0.7% of our GNP to overseas aid. That is a very important and laudable thing and we should be doing it. Other countries may not have been as good as us, though, even donating 0.4% of GNP, we are not as good as we should be. At the same time, we are making an effort. However, there has been a freeze on that money and that is both lamentable and regrettable. The Government should get on track.

In Ireland, the island of saints and scholars, we always had something for someone else. In my area of the country, it is called a meitheal. There was always something there for the neighbour. Though times were hard, people helped each other by sharing what they had, even though it was very little. In our economy, now the fourth richest in the world, if we do not have money for our less well-off brethren, who does? That is something that we should be proud to do, and that is why I am very happy to speak on this Bill.

There are other issues surrounding this Bill. It may be seen as a hand-out encouraging the wrong mentality, with the result that people feel it is better to give something requiring repayments. That is part of the equation and it is part of the work of the IDA to give money, but with a repayment commitment. That allows it to give even more, since the money comes back again, and it is very important that that happens. However, AIDS and some other transmittable diseases are not a problem for us compared with Africa, where AIDS is the biggest killer. To people there, HIV-AIDS is extremely important, and it must be addressed. We know what is going on, so we have an obligation to try to help out in that regard.

When one thinks about it, the world is a small place and travel has made it smaller still. People go to bed hungry and die of TB and AIDS. Millions die of malaria, polio and so on, while others lack basic social services and adequate running water. Money is available for international help but the completely preventable war in Iraq, which should not have happened, has meant there are competing needs for funds, such as the rebuilding of that country. We have got things very wrong regarding what we should be doing. Ireland has a great opportunity as holder of the EU Presidency to give some direction in all this. "Make love, not war" was the catchphrase in the old San Francisco days, but perhaps that should have been remembered in this House when we aided and abetted the USA in going into Iraq and doing such damage.

We have a very proud record of helping one another and that is why I support this Bill. We are doing something of which we can be proud. Let us consider the terrible problems. I mentioned the idea of a grant versus a loan. The old saying is that, if one gives a man a fish, one feeds him for a day, but if one teaches him to fish, one feeds him for life. That is very much taken on board. There has been a debate about whether this money should be used for public projects

such as social services, AIDS prevention and so on, or to give a hand-up to small companies which could boost their economies by being viable themselves. When one considers the number of people living on less than \$1 a day in the world, it seems ludicrous that some countries have so much while others have so little. The World Bank has 184 member nations and they should be able to contribute globally to much greater effect than at present. There were 98 new cases of polio in 2002. Nigeria is the most polio-endemic country in Africa. These diseases should not be found in those countries. If the world was right all these diseases would be eliminated because the means exist to tackle them. I know there is major support for education.

Education is very important, and almost half of the children in Africa and one quarter of those in south and west Asia are not in education. If people do not have a basic education, where can they go? These are all major problems that require proper solutions.

The AIDS problem in Africa has to be considered. In the 19th century the means were not available to deal with those diseases. Nothing could be done about them. Science and knowledge were inadequate and this prevented lives from being saved. However, now that the necessary science and technology exist, we must face the reality that we do not care enough. There is a major input to be made. While there is as yet no vaccine for AIDS, one might well be developed. Extra expenditure on vaccines in general, however, could save an extra two million lives a year.

It must be remembered that these are people like ourselves, with needs, who go to bed hungry at night and die of these diseases. Think of the life expectancy for the AIDS victim and the problems people have. Is it right that their problems are so acute? In sub-Saharan Africa life expectancy peaked at 49 years in the 1980s and is projected to fall to just under 46 years by 2005. Everyone in this Chamber would be dead if they lived in sub-Saharan Africa, such is the life expectancy there. That is shocking.

An estimated 2.2 million HIV positive women give birth every year. There are currently about 14 million HIV-AIDS orphans in the world, most of them in Africa, and that figure is expected to reach 25 million by 2010. By then up to 25% of the children in some sub-Saharan countries will be orphans. Think about it. Prophylactic treatment and anti-retrovirals in combination with other interventions have almost entirely eliminated HIV infection in infants in industrialised countries. In other words, we can reverse all this. We can virtually eliminate this in our own country with money, but when it is not there, people just die.

The risk of HIV transmission in infants in developing countries where breast feeding is the norm can be reduced by more than 50% in mothers receiving short courses of anti-retroviral therapy. Almost six million people in developing

[Dr. Cowley.]

countries need anti-retroviral therapy, but only about 400,000 of them received it in 2003. It is obvious that there is much to be done in light of these statistics, and it is possible. Early intervention can solve the problem. There is a great lesson in that for Africa. Senegal, for instance, began its anti-AIDS programme in 1986 before the virus had got a proper grip on the population, and it has managed to keep its infection rate below 2%. Uganda began its programme early in the 1990s when 40% of the adult population was already infected. Now that figure is down to 8% and falling. The disease has been stopped in its tracks in those countries.

In other countries, however, such as Botswana, the incidence is extremely high, with 38.8% of the population infected with HIV-AIDS. When one thinks of it like that one realises there are so many problems and so much to be done. I welcome this Bill. It is a step in the right direction, but we should be doing much more.

Mr. Murphy: I would like to share my time with Deputy Paul McGrath.

Fine Gael welcomes the Bill. Any provision that channels €50 million to the poorest nations and peoples in the world must be welcomed in principle. There has been considerable debate over a number of years on how this money is being spent. A visible split exists between the United States and Europe over the question of loans or grant aid. This argument is futile as the countries who receive this money are the poorest in the world and the difference between loans and grants is minimal in most cases.

Many countries and aid organisations have questioned the way this money is disposed of. In many instances it is difficult to see real and concrete results. The fact that this fund is controlled by the World Bank means that from time to time its disposal is unduly influenced by powerful industrial countries such as the United States, particularly under George Bush and an extremely conservative Republican party. This is in spite of the fact that the US contributes less of its GDP than most other developed countries.

Ireland has changed the emphasis of its overseas aid budget since 1998. This was a direct result of a change in policy by the Minister for Finance, Deputy McCreevy, when his officials pledged £20 million to the International Development Association, IDA. The Irish pledge in Copenhagen at that time played a major part in encouraging other countries to make generous offers and marked a major shift in Irish policy. At the same time the Minister was planning cuts in our overseas budget for traditional aid agencies. Even the then Progressive Democrats Minister of State at the Department of Foreign Affairs, Deputy O'Donnell, who was in charge of overseas aid, threatened to resign at that time if more funds were not made available for State-

run Irish aid projects and programmes run by aid agencies, NGOs and missionaries.

Recent Ministers of State in charge of overseas aid are to be complimented on doing an excellent job to encourage and assist NGOs and missionaries to achieve valuable results from Irish-run programmes — Deputies O'Donnell and the Minister of State, Deputy Kitt, are highly regarded by Irish aid agencies, NGOs and missionaries. However, I am concerned about the change in emphasis being pursued by the current Minister for Finance. This Minister, as we know, likes to associate and play along with his conservative friends in the US and other right wing Governments. It is unfortunate that aid given by the developed nations will have little impact unless some basic and fundamental changes are made. All the cards are stacked against the developing countries — political instability and in particular lack of educational opportunities.

In that context when the current round of funding to the IDA was agreed, the most significant long-term breakthrough was the pledge at Halifax to support those developing countries in particular with credible education plans and strong policy commitments. The first steps are at least being taken towards an international budget to help fast-track primary education. Education is the best anti-poverty panacea and social and economic development strategy. It is fundamental for strengthening political structures and achieving sustained growth. Some 113 million in the world do not have access to education of any description. Almost half the children in Africa and one quarter of those in Asia are totally deprived of proper fundamental education.

The developing countries have signed up to the United Nations' millennium development goal which provides that every child will have a chance to go to school, by 2015. If this goal is to be achieved the international community must raise its financial contribution for education in the poorest countries. As well as aid, whether in loans or grants, there must be a major change in the attitude of developed countries towards trade talks. This issue was discussed at length in this House before the world trade talks in Cancún. The last round of international trade negotiations left the 40 poorest countries €600 million a year worse off. Grant aid or loans are of little benefit if this is the payback demanded by the world trade talks.

Any contribution to the World Bank raises questions about the policies this agency pursues in developing countries. In the past, the bank, dominated by the influence of mostly conservative industrial nations had a simplistic blind faith in free market economy which may have helped countries with good infrastructure but was of little good in the poorest of countries where the most basic facilities are not available. It is dangerous, however, to run hard on issues such as privatisation, opting immediately for a

market-based pricing without any real regard for its effect on that society. The ideological stance of the World Bank, driven by the US pushing for a capital market and a free market liberalisation at a furious pace, is at least questionable.

Many NGOs blame the World Bank to a large extent for perpetuating poverty in underdeveloped countries. Imposing an economic model based on Western developmental thinking on those countries was in many cases totally unsuitable. Developing countries must decide for themselves what best suits their needs regardless of outside influence from the World Bank and its policy makers and the highly developed western economies can cause some damage in this context. Poor countries must be represented and given some clout at the WTO talks. While international aid is vital, an even playing pitch for trade is needed. In the long term it is in everyone's interest to build a more stable world with less poverty. This stability must be built on everybody having a stake in the success of world economics and social development. There is clear evidence that in the past two years global determination to address global poverty has declined. Billions of dollars have been spent on wars and fighting terrorism yet until recently many world leaders did not see that poverty breeds discontent and educational disadvantage gives opportunities to terrorist organisations to recruit. Despite these facts the United States has only recently begun to realise the connection but its Government's message still emphasises free trade even more than the aid that is required.

This is a small move in the right direction and there is no doubt that the rich countries' millennium pledge to halve extreme poverty levels by 2015 has been given new impetus by the terrorist attack on the World Trade Centre on 11 September 2001. This brought home, not least to the United States, the link between poverty and terrorism which is so easily bred by economic and social despair. Even President Bush acknowledges that the stakes could not be higher. Poverty, hopelessness, lack of education and failed governments often allow conditions for terrorism to flourish. I hope there is the realisation that global security depends on bringing relief to the 1.2 billion people who live in what is officially defined as extreme poverty, on \$1 a day or less. Wages must be tackled. Most of us are aware of the new Olympic campaign launched to emphasise the difference in wages between third world countries and the developing countries. Sportswear produced for €8 in developing countries is sold for up to €200 in shops in the West. Some equality must be introduced in the wage market, and the wage structure throughout the world must be revolutionised. The new global economy allows multinationals to move operations overnight to cheaper economies where they can exploit a very vulnerable work force, at the same time rendering unemployed many low-paid workers in developing countries. Some kind of tax

equalisation system must be introduced to deal with this.

There has been a significant change in Irish Government policy in recent years. A great deal of work is required to persuade the World Bank and the World Trade Organisation that there must be a change of emphasis. We cannot always look for a pay-off for the grants or concessions we give to the third world countries and if in our capacity as President of the European Community we cannot convey that message strongly and effectively to the rest of the developed countries we should re-assess how we distribute our aid. Maybe we should look again at giving this money to our NGOs and our projects abroad rather than pour it into the World Bank which is over-influenced by ideological considerations.

Mr. P. McGrath: I welcome the opportunity to address the House on the International Development Association (Amendment) Bill. Like the other speakers I welcome the Bill but find it strange that it was introduced in December 2003 and Second Stage commenced then yet there has been no rush to bring it through since then. The Explanatory Memorandum circulated with this Bill indicated that it was intended that the money be paid over to this organisation by the end of 2003. If that is the case why has it taken a further six months to resume Second Stage? Why did it not come forward earlier and why was the money not paid over? If there was an urgency on it in December why was that not carried through?

I sometimes question this Government's commitment to overseas aid. We heard a great deal of fancy talk about what it would do and it gave a firm commitment in the programme for Government that by 2007 it would reach the target contribution of 0.7% of gross national product which seemed a very commendable aim. However, we see what has happened in the meantime, since the Government set out on this road. In 1998 it contributed 0.27% of GNP to overseas aid. That increased by 0.04% the following year but the year after that it dipped. Between 1999 and 2000 the percentage of aid dropped by 0.02%. Then it increased by 0.04% but that did not make up the 0.04% that it had lost. The then Minister of State at the Department of Foreign Affairs, Deputy O'Donnell, kicked up a row about the level of development aid contributed by the Government and rightly set a marker in the sand demanding that the money be put back on stream again. Unfortunately, she is not a part of this Government and is not in a position to put down a marker again. Maybe the Minister of State at the Department of Finance, Deputy Parlon, who is with us today will kick up a rumpus about this to achieve the target 0.7% of GNP set by this partnership when it went into Government. To do that the Government must take dramatic steps over the next two years because it is now at

[Mr. P. McGrath.]

0.41% having risen over five years from 0.27%. I am not sure that this Government is committed to achieving this.

Mr. Parlon: It has gone up a long way since Fine Gael was in government.

Mr. P. McGrath: It has gone up a long way since we were in government because it is so long since we were in government.

Mr. Durkan: It will not be long before we are there again.

Mr. P. McGrath: At that time the Minister of State worked in another capacity, wearing a different hat and kicking with a different foot.

Mr. Durkan: Absolutely.

Mr. P. McGrath: He was setting out agendas and so on and being very critical.

Mr. Durkan: He was confusing himself.

Mr. P. McGrath: As appears to be the case with overseas aid, he seems to have put all of that on the back burner and forgotten the commitments, pledges and apparent goals he was targeting at that time. Is it any wonder people become cynical regarding politicians?

The Taoiseach gave a marvellous speech at the world conference on development aid about the importance of giving a commitment to increase the level of funding for this area. What he did not say was that he was not doing it, that Ireland was not abiding by the targets set.

Mr. Durkan: That is right.

Mr. P. McGrath: However, the rest of the world should do it. We are great at saying: "Would you not think somebody would do something about...?" The Taoiseach told the world to do something about this problem but he does not want to do it himself.

Mr. Parlon: We are on target to carry out our commitments.

Mr. P. McGrath: I am glad to hear that.

Mr. Durkan: That is a rarity.

Mr. P. McGrath: I hope it will be on the record of the House that the Minister of State said he is on target. If he is not, I will come back and remind him of this day.

Mr. Durkan: Absolutely.

Mr. P. McGrath: Three billion people in the world live on less than \$2 a day. That figure is almost seven or eight times the total population of the European Union. A total of 1.1 billion

people live on less than \$1 dollar a day. We need to give money to poorer countries and help them in whatever way we can. I re-echo what was said by my colleague, Deputy Murphy, that we should pour money into the tried and tested systems of NGOs and missionaries. I had the privilege of visiting a family member in a missionary country a number of years ago where impressive work had been done in developing schools and so on in small villages with little aid from this part of the world. We should direct far more of our overseas aid to those agencies, rather than employing people to assess such projects on the ground at great cost due to the level of bureaucracy involved.

In view of the upcoming trade talks I wish to focus on the Fair Trade organisation which was set up by the Christian churches. It endorses products where a fair price is paid for a fair day's work in poorer countries. It is shocking to think that if one has a cappuccino downtown at a cost of €2.50, only 3 cent of the price goes to the producer of the coffee beans. There is a significant discrepancy in the price paid to producers and that paid by consumers. We should educate people about Fair Trade practices and encourage people to buy Fair Trade products. In purchasing them, we send additional help back to the communities producing these goods. It is a fair way of doing business.

I urge the Minister of State to bring this matter to the attention of Government. Perhaps he can also promote the use of Fair Trade products in the Office of Public Works, for example, in the choice of tea and coffee used. If we all did that, it would be a way of contributing additional aid to those poorer countries. I commend the Fair Trade organisation for its work in raising awareness. I hope the Government will take note of what it is doing and encourage people to follow suit.

Aengus Ó Snodaigh: I support the Bill, although I am not uncritical of the international financial institutions, especially their undemocratic and unrepresentative nature and the ways in which they replicate the present global imbalance. In keeping with our commitment to fully inclusive fora, we support the proposition that the UN Economic and Social Council should be strengthened so it can have a greater role in global economic governance and in democratising the fundamentally unjust global economic order.

Sinn Féin seeks to build a united Ireland that would commit itself to achieving greater global, political and economic equality. We are also committed to fully-inclusive international fora that are animated by the principles of openness and respect. It is clear the IMF and the World Bank do not have those characteristics. While we support the passage of the Bill and do not wish to hold it up, we are not uncritical.

At the Sinn Féin Ard-Fheis earlier this year, a motion which I sponsored was adopted that asserted the achievement of the UN millennium

development goals for 2015 must be brought to the top of the international agenda, as a necessary step towards a more equitable and just global social order. The Ard-Fheis also recognised that, as the largest trade and aid bloc in the world, the EU is a key player in meeting the millennium development goals. We called on the Government, not only to fulfil its responsibilities in this regard by fully implementing the Barcelona commitments towards meeting the millennium development goals at home, but also to actively persuade its EU partners to make this a top priority. This should have been one of the top priorities for the Irish Presidency of the European Union. Although only one month of the Presidency remains, I repeat the call to place the issue at the top of the agenda. We can also influence the next Presidency, that of the Netherlands, in the Troika. I appeal to the Government, even at this late stage, to ensure this becomes one of the primary items on the agenda of the EU for the coming years.

At successive Ard-Fheiseanna over the past decade, Sinn Féin has repeatedly called for complete debt cancellation in the developing world as the only means of facilitating greater economic equality and growth for developing countries. We strongly reiterate that demand and call on the Government to promote this policy domestically and internationally. We are not seeking a moratorium, we advocate total and complete debt cancellation. That is the only way to address the major inequity in the world. During our Presidency of the EU, the Government should have used its influence to ensure the current commitments to debt cancellation were matched by its EU partners, in particular the creditor countries.

The Twenty-six Counties State is now the fourth wealthiest in the world and several of our European neighbours have met or exceeded the official UN development assistance target of 0.7% of GNP. Sinn Féin reiterates its urgent call on the Government to make a multiannual commitment to incremental annual ODA increases in order to meet its commitment to reach the UN target by 2007. Sinn Féin endorses the Dóchas and Development Co-operation Ireland recommendation to ring-fence ODA increases in the following increments: 0.48% in 2004, which I do not think we will achieve; 0.5% in 2005; 0.62% in 2006; and 0.7% in 2007. As one of the world's wealthiest nations, that is the least that can be expected of Ireland.

Debate adjourned.

**Child Trafficking and Pornography
(Amendment) Bill 2004 [*Seanad*]: Second Stage.**

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

Minister of State at the Department of Justice, Equality and Law Reform (Mr. B. Lenihan): The

Child Trafficking and Pornography Act 1998 has proven to be one of the most effective measures against the sexual exploitation of children in Europe in recent years. It has been widely studied by Members of Parliaments in other jurisdictions as a model law in child protection.

We must be particularly sensitive to issues surrounding child pornography. For that reason, the intricacies of the 1998 Act have come under closer scrutiny than ever before. One of the concerns that exists about the Act is that it might have the effect of constraining — or even rendering criminal — legitimate investigations by committees of the Oireachtas into matters relating to child pornography. It might also have the effect of restricting the level of co-operation between Houses of the Oireachtas, or committees thereof, and persons from whom co-operation is desired.

In this regard, concern arises in the first instance because possession of child pornography is one of the criminal offences established by the Act. This would mean that, on the face of it, anyone who comes into possession of child pornography for the purposes of legitimate inquiry or investigation would themselves be guilty of that same offence. The Oireachtas, in its wisdom, anticipated this problem and avoided it in most circumstances by providing, at section 6(2) of the 1998 Act, that the Act does not apply to persons who possess child pornography: in the exercise of functions under the Censorship of Films Acts, the Censorship of Publications Acts and the Video Recordings Acts; or for the purpose of the prevention, investigation of prosecution of offences under the Act. This means, for example, that members of the Garda Síochána who may be investigating child pornography offences can take possession of child pornography without fear of themselves being guilty of an offence.

As the law now stands, no exemption of this nature extends to Members of the Oireachtas who may come into possession of child pornography as a consequence of carrying out their proper functions. This creates the anomalous situation that, should a House of the Oireachtas, or any committee thereof, desire to gather evidence in respect of any matter relating to child pornography, any Member who came into possession of such pornography might technically be committing a criminal offence. Any civil servant or legal adviser assisting in such an investigation would similarly be committing an offence if they came into possession of child pornography in the course of their legitimate functions.

Similar concerns would arise in regard to the offences of publication or printing of child pornography, which might theoretically expose to prosecution a person who only published or printed the material in question in the course of legitimately carrying out a function of the Oireachtas. Clearly this would not be a tolerable

[Mr. B. Lenihan.]
position in which to place any Deputy, Senator or official.

A further difficulty stems from section 5 of the 1998 Act, which makes it an offence to distribute child pornography. At section 5(2), distribution is defined as including the parting of possession with child pornography. This would lead to a situation where a person, who is or might be in possession of child pornography, might refuse to hand over to the Oireachtas either the child pornography itself or computers on which the child pornography is or may be stored. Such a person might possess the material innocently. If, for example, he or she owned a computer on to which some third party had downloaded child pornography. Such a person might not even be certain that the material in question is child pornography at all within the legal meaning of that phrase. However, regardless of whether he or she possessed the pornography innocently or otherwise, that person might well refuse to co-operate with an investigation or inquiry by the Oireachtas because, in doing so, he or she might run the risk of committing a criminal offence.

The solution we propose for this problem is to insert a new section 13 into the 1998 Act which will ensure that nothing in that Act shall prevent either: the making or compliance with a direction under section 3 of the Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) Act 1997, as amended: or the possession, distribution, printing or publication by either House of the Oireachtas, a committee — within the meaning of that Act — or any person of child pornography for the purposes of, or in connection with, the performance of any function conferred by the Constitution or by law on those Houses or conferred by a resolution of either of those Houses or resolutions of both of them on such a committee.

The Bill will permit Members of the Houses of the Oireachtas, together with any appropriate officials and advisers, to carry out their appropriate functions in circumstances where issues relating to child pornography might be involved. It will also clear the way for third parties to hand over relevant evidence without fear of being prosecuted merely for giving the material over and it will prevent such third parties from relying on the provisions of the 1998 Act in order to refuse to co-operate with the Houses of the Oireachtas or any committee thereof.

This is a simple and straightforward measure and I commend it to the House.

Mr. J. O’Keeffe: This legislation had not even been mentioned until last evening as being part of the process being put in place in respect of the current controversy about Judge Curtin. I had a full meeting with the Attorney General last week and this legislation was not mentioned. I had a full meeting with the Minister for Justice, Equality and Law Reform on Tuesday night last

and it was not mentioned. The first I heard about this proposal was at 5 p.m. yesterday. This is no way to deal with legislation and it is a recipe for making bad legislation.

I would love to be in a position to give a considered view on the legislation but unfortunately I cannot do so. I have only just read the legislation having earlier today been involved in the debate on the other item of rushed legislation. What is the rush? Why not deal with the legislation next week, by which time Members would have had time for some considered reflection on it? I raised this issue earlier and I was not given a reasonable response other than that there is a job to be done. What is the nature of that job? It is to deal with a particular individual in what should be a calm, reflective way. I question the basis on which it has been dealt with by the Government. This is “ad hockery” at its worst.

The Government’s culpability in not putting in place measures during the past five years, long before this issue arose, is further heightened by its rushing the Bill through and not giving the Oireachtas, which the legislation is supposed to serve and help, sufficient time to adequately reflect on the consequences involved. That is the wrong way to deal with legislation and it is a recipe for difficulty and possible failure. If such an eventuality comes to pass, it will be sole responsibility of the Government which has been utterly incompetent in dealing with this issue in general and which is guilty of the most gross “ad hockery” regarding the way in which the legislation is being dealt with.

As spokesperson for the main Opposition party, Fine Gael, I committed myself to co-operate with the Government in terms of trying to ensure that proper steps would be taken. From that point of view, I do not feel the legislation can be opposed at this stage. However, my lack of opposition to it is solely based on the fast and full responsibility of the Government for it, the Bill taken earlier and all aspects of the procedure proposed in respect of the current controversy about Judge Curtin.

As regards its substance, the legislation is designed for a particular purpose which cannot be avoided, namely, to ensure that members of a committee proposed to be established by the Houses to deal with the issue under Article 35 will, without fear of prosecution in carrying out their duties on such committee, be able to view certain items of child pornography.

Let us be blunt, about what child pornography are we talking? We are discussing child pornography in respect of which major issues of admissibility arise. In discussing the question of admissibility, the Government should have taken the opportunity to deal with the issues of admissibility relating to that particular child pornography. The committee will not be able to see it unless it is admissible and huge issues have been raised with regard to its admissibility on the basis that it is constitutionally tainted. I merely

make the point at this stage as this is not an issue which will be resolved now. It will be the responsibility of the Government before this process is completed to clarify and deal with those issues about which, I am sure, there are conflicting legal opinions. Basically, what we are talking about with regard to this Bill cannot arise unless the evidence is admissible.

Some questions I would like to raise might be more appropriate to Committee Stage of the Bill. However, I will raise them with the Minister of State now. Is the Bill as proposed sufficiently clear to cover the position not just of members of the committee but of all those associated with it? These could include legal advisers, staff and experts called in to advise the committee. This is an issue that should be clarified. It is an issue which caught my eye on first glance at the Bill. Perhaps the reference to "or any person" may cover these people. The issue should be clarified.

Defects in the Child Trafficking and Pornography Act 1998 were signalled long ago. Section 3 of the Bill leaves a wide open loophole with regard to the offence known as "grooming". The Act was enacted before the practice of Internet grooming became as widespread as it is today and was not specifically designed to cover that dreadful practice. As it stands, section 3 makes it an offence for an adult to arrange for a child to travel for the purpose of sexual exploitation. The Act was specifically drafted to deal with child trafficking and does not cover a situation where a child is not coerced into meeting a predatory adult. In legal terms, under the existing Act coercion of the child is a necessary element to make exploitation an offence. It is unacceptable for us as a society to leave this loophole as it is. There have been some high profile cases on this issue in the United Kingdom recently. As it stands section 3 of the Act is outdated and does not adequately cover the practice of Internet grooming.

I raise this issue because we are dealing as a matter of urgency with an issue under the Child Trafficking and Pornography Act 1998. We are amending that Act. Why then do we not deal with the obvious loophole in it, which has been drawn to the Government's attention on a number of occasions? Why is the opportunity not taken to close that loophole? It would be simple to do so. If the Minister of State was willing to accept an amendment, I would propose one. A further indication of the unholy rush involved is that an obvious loophole, to which attention has been drawn, is being left open while we rush through all Stages of a Bill that deals with this Act. If I had been given the opportunity to discuss the Bill in detail before it was circulated — that would probably have to have been before dawn this morning — I would have suggested that we should deal with this Bill next week and use the opportunity, in the interest of children, to close the loophole to which I referred. This is another example of the downside to rushing through legislation. This example is of omission from the

proposed Bill of an area with which we could and should have dealt.

I am not certain the provision before the House deals with the problem arising from the current controversy. I have not had sufficient opportunity to give careful reflection to the Bill or to take advice on it. Therefore I will not give it my full approval but put my concerns on the record of the House. This Bill is just one part of the rushed strategy being put in place, for which the Government must take full and complete responsibility, and on the basis it does so, I will not oppose the Bill.

Mr. Costello: I welcome the Minister of State to the House. I reiterate, as I did with the previous legislation, that the Labour Party is unhappy with the manner in which both items of legislation are being rushed through both Houses. It is unusual to put emergency legislation through both Houses on one day and highly unusual that two items of legislation are being dealt with in that way. Nobody, not even the most optimistic Minister, could suggest that this provides adequate time for scrutiny of the possible implications and intricacies that bedevil legislation. Even if these Bills are only short amending Bills, they have far-flung consequences and implications.

There was no need to rush this legislation as it is not necessary for it to go through at this time. It is the type of belt and braces legislation that is probably unnecessary. The Minister of State said in his address that members might be technically deemed to be committing a criminal offence but once they are acting in a legal capacity and for a legal purpose, they will be excused as the exemption is likely to apply. As far as I can gather that is the legal advice.

Therefore, this Bill is merely precautionary legislation that may or may not come into play with regard to matters to be dealt with in due course. For that reason it should not be before us today. It should be left for another day to give us adequate time to scrutinise it, to allow us time for reflection and proper analysis of the parent legislation it amends, the 1997 Act, and to see its implications. When an amendment is grafted on to legislation — this one is substantial — it can affect the balance of the legislation. We do not know for sure whether that is the case and the Minister of State might elaborate on how the entirety of the legislation, as amended, will operate. We are processing this legislation at the wrong time and we may not even need to do so. Perhaps we could get a further statement on the necessity for its introduction at short notice or for its introduction at all. The purpose of the Bill is to allow for the possession, distribution, printing, publication or showing of child pornography to a committee or a person for constitutional purposes and it applies not only to Members of the two Houses but also to the officials who may be engaged with the committees.

[Mr. Costello.]

The question must be asked as to why this legislation is before us. What are the circumstances in which a committee of the Houses is likely to peruse material of this nature? Is there a current situation that is pertinent to our discussions? It is intended that a specific committee will be established under a number of motions, which we have been given to understand will be presented to both Houses next week, and a particular course of action will be embarked upon.

One of the points made, to which I would like the Minister of State to respond, is the admissibility of material declared inadmissible in a court of law. Is the view of the Government, the Attorney General and the Minister that evidence ruled out by a court of law because it was deemed to have been unconstitutionally obtained can nonetheless be deemed admissible in an Oireachtas hearing? Is it central to the Government's case that evidence thrown out of court on the basis that it was secured on a foot of a spent warrant could be presented to a committee of the Houses behind closed doors? If that evidence is not admissible before a committee, is a central plank of the case against a named judge on grounds of misbehaviour likely to be removed? That will be a matter for the proposed committee, when established — I am sure it will have legal advice available to it — and it will decide whether it believes the evidence obtained in those circumstances is admissible. That would be a decision of each member of the committee. Prior to getting that far down the road, it would be relevant for the House to hear the views of the Government on this matter. If it is envisaged that a committee will hear evidence of this nature, we would like to hear how the Government intends to disport itself in regard to that evidence.

As Deputy Jim O'Keeffe said, the principal Act even in the short space of time it has been in existence, some six years, is somewhat outdated. It does not seem to have envisaged the operation of the Internet, chat rooms or the extent to which the Internet is and can be used for the distribution, availability and accessibility of pornography, including child pornography. That is an area that could also be addressed. While this is a short and precise Bill for a particular purpose, it could have been an opportunity to address the parent legislation so it conformed to current needs to ensure it would be realistic, appropriate and pertinent.

I am not in any way opposing the legislation, but I would like to hear proper justification from the Minister of State as to why it is before us, the reason it is necessary to pass it and whether there is full agreement by the Government advisers on the necessity for it.

Mr. F. McGrath: I would like to share my time with Deputies Cuffe and Connolly.

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

Mr. F. McGrath: I welcome the opportunity to speak to this important legislation. Before I go into the details of the Bill, it is important that all Members keep a clear head, deal with the facts and seriously consider the problem of child trafficking and child pornography. I express concern about any legislation that is rushed through this House. We are entering a legal minefield on these issues and that is why I raise these concerns. We all want our justice system to work. We all want fairness and due process. We are all against the abuse of children and child pornography. We all want well thought out legislation. I have concerns about the proposed legislation. Making it up as we go along should never be an option. I raise these issues to ensure that the Houses of the Oireachtas are not undermined in any way.

When dealing with the nightmare of child pornography and the sexual exploitation of children, a tough and determined position must be taken. These children are human beings; they are somebody's son or daughter whose innocence has been shattered and ruined forever by child pornography. This type of violence against children is their worst nightmare. It is an attack on their dignity, human rights and their right to live out their full lives as children. It is appropriate that the Minister of State with responsibility for children is present.

A society that stays silent on child pornography or condones child trafficking loses its heart, soul and in the end that society falls apart. We should also remind ourselves that there would be no child pornography industry if it were not for adults. Adults generate the market and develop the abuse. This is a reality to which we must wake up. Internationally, millions of children are being sexually exploited each day. The sad aspect about many of the cases is that the children concerned come from very poor backgrounds or very poor countries or sadly in the case of the EU, including Ireland, they often come from chaotic and dysfunctional families. That is a reality with which we have to deal. Some children in this State who come from violent dysfunctional families end up on the streets involved in child prostitution and also find themselves at risk in other situations. That is happening in this State and is something to which we must waken up.

We must ensure this legislation is tight and legally sound. Its purpose is to insert a new section into the 1998 Act. Section 1 amends the 1998 Act by inserting a new section. The purpose of the amendment is to ensure that nothing in the 1998 Act shall prevent the giving of a direction by a committee of either or both of the Houses of the Oireachtas under section 3 of the Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) Act, or compliance with such a direction, or the possession, distributing, printing,

publication or showing by either House, a committee or any person, of child pornography in connection with the performance of the functions conferred on those Houses by the Constitution or by law, or on a committee by resolution of those Houses or a resolution of either House. These are the core issues in the legislation.

Regarding our judicial systems and how we ensure justice is done, we will have to revisit the appointment procedures for judges. All political parties are deeply involved in this process and the public are extremely concerned about the jobs for the boys and girls syndrome. One should be appointed as a judge on merit, ability and integrity, not because one hangs out in the right political circles or supports the right political party. We have to face up to this reality, which is relevant to this debate. Since I was elected two years ago, I have been questioned on many occasions by citizens and taxpayers who have a lack of confidence in the level of justice in society. Many people feel alienated as a result of the perceived lack of justice.

I wish to speak about the broader issue of child pornography. It is important that we bear in mind that there are other forms of pornography, such as so-called "soft porn" and lap-dancing clubs in which people are exploited. Regardless of the terms that are used to dress it up or make it sound reasonable, it is sexual exploitation. The fact that children are involved makes it more sinister. Belgium was ripped apart by a recent case on this issue. I call for a measured debate on the Bill.

I would like to refer briefly to the recognition of the Independent group in the Dáil. Independent Members, who were democratically elected by the people, should be involved in all Oireachtas committees. We are members of the Technical Group but we should also be recognised in our own right. Recent opinion polls in Connacht and Munster have shown clearly that Independent candidates represent between 10% and 16% of the people. This mandate should be respected in the House and elsewhere. I criticise political commentators. The major parties should accept reality. When the membership of committees is being decided, Independent Members should be included in our own right. People must recognise that as Ireland develops, its political landscape continues to change.

I support the Bill, but I urge people to listen to the concerns I have raised during today's debate. It is important that they do so. The Minister of State mentioned in his speech that the Child Trafficking and Pornography Act 1998 has proven to be one of the most effective measures taken in Europe in recent years as part of the struggle against the sexual exploitation of children. I welcome the Minister of State's correct assertion that the Act has been widely studied by politicians in Parliaments in other countries as a model of child protection. While it is important to have examples of good legislative practice to combat child pornography, it is also important to

implement legislation and to ascertain whether it has delivered for children. That is the real test of quality legislation.

We have to do something about the fact that the abuse is continuing. I have received many complaints from parents in recent weeks about television programmes, some of which are broadcast seven nights a week, that are not suitable for children. We have to examine such issues. The Minister of State rightly raises the possibility that a person might possess the material innocently, for example if a third party downloads child pornography on to his or her computer. We have to be vigilant about such cases.

I disagree with the Minister of State's assertion that the Bill he is commending to the House is simple and straightforward. It is not as simple and straightforward as many people think. It is crucial that we have a cool, measured and calm debate on this matter. We should respond as legislators in a strong manner. I will support the Bill because we have to deal with the problem. We have a duty to ensure that the legislation we pass is of the highest class. We will not do victims any favours if the Bill is not of best quality and we will not do the judicial system any favours if we do not get this right. While I support this legislation, I ask the Minister of State to take on board my concerns about it.

Mr. Cuffe: The abuse of the most vulnerable people is at the heart of this issue. We do not know enough, however, about many complex matters that are relevant to it. As Members of the Oireachtas, it is difficult for us to deal with such unknown matters. We do not know enough about individuals, information technology and financial transactions. Such subjects will have to be revisited at a future date. The Bill before the House is the subject of considerable unease, which primarily relates to the haste with which this legislation is proceeding. I received a draft copy of the Bill last night with hand-written amendments. I am worried when legislation is rushed.

I have many questions about the Bill. I am not sure that Members of the Oireachtas should view the material mentioned in the legislation. I wonder if we could allow such viewing to be done by a third party, such as an expert witness who has an educational background with suitable qualifications that enable him or her to comment on such material. I am not sure whether Members of the Oireachtas are the best qualified people in that regard. If Members view such material, I hope they will be given expert advice in advance. When one considers the concerns that exist about the kind of material under discussion, it is possible that they may need counselling.

There are complexities about the discussions on the material, how it will be transmitted electronically and how it might be paid for by financial transactions. We will need to get solid expert advice to comment or reach judgment on

[Mr. Cuffe.]

such issues. Expert witnesses will be required. We should consider ensuring that the proceedings will be held *in camera*. I wonder whether we might make reference to that in the Bill under consideration. It seems that any discussion of the material, as mentioned in the Bill, should take place in private. That issue needs to be considered. I am concerned about the issues that have been raised by the Bill. There may be a compelling case to move the legislation along swiftly, but I have yet to see evidence of the need to move as rapidly as we appear to be moving on this issue.

I wish to address the wider issue of the appointment of people to positions of authority. The issue was raised by my colleague, Deputy Finian McGrath, who spoke about appointments to the Judiciary. The appointment of judges needs to be completely depoliticised. We have to ensure that judges receive adequate training. We should ensure that an adequate system of penalties is in place for members of the Judiciary who engage in behaviour that is unfitting of their office. I make these remarks in response to the points made by Deputy McGrath.

I am concerned by the haste with which the Bill is being pursued. We should make some reference to the viewing of such material *in camera*. I am not convinced that Members of the Oireachtas should view such material directly. I hope it might be possible for expert witnesses with a professional background in this area to give us their views on such material.

Aengus Ó Snodaigh: Tacaím leis an Bhille leasaithe seo. Mar a dúirt mé níos luaithe faoin reachtaíocht eile atáimid ag deifriú tríd an Teach inniu, is oth liom go bhfuil gá deifir a dhéanamh faoi reachtaíocht den sórt seo. Tá impleachtaí ann agus beidh impleachtaí ann nach bhfuilimid in ann déileáil leo i gceart i leathuair a chloig nó uair go leith. Is trua é sin. Dá mbeadh deis níos faide againn déileáil leis seo, b'fhéidir go n-aithneomis rud nó dhó eile a d'fhéadaimis athrú ag an am céanna.

Ins an Páipéar Bán a d'fhoilsigh Roinn an Taoisigh níos luaithe i mbliana, *Regulating Better* — a Government White Paper setting out six principles of better regulation — luaitear gur chóir i gcónaí deis cheart a ghlacadh sula ritear reachtaíocht. Deirtear gur cheart cinn Bhille, mar shampla, a fhoilsiú i bhfad roimhré agus go ndéanfaí “regulatory impact analysis” ar gach Bhille. Is é atá i gceist ansin go ndíreofaí isteach ar an tionchar a bheadh ag Bille ar bith.

Tá sé molta ag Teachtaí áirithe nár cheart do Theachtaí a bheith ag féachaint ar an ábhar gránna seo. Mhol an Teachta Cuffe, mar shampla, gurb fhearr finnétithe saineolacha a úsáid. Ní rachainn chomh fada sin, ach ba chóir dúinn féachaint níos géire ar an tionchar a bheadh ag an ábhar seo ar Theachtaí amach anseo. Ar ghá do Theachtaí dul faoi bhráid chomhairleoirí má tá an t-ábhar chomh dona sin?

Níl mé i gcoinne na reachtaíochta ach táim ag iarraidh go gcaithfear níos mó ama ag déileáil leis an gceist ar fad. Tacaím leis an reachtaíocht seo agus leis an mBille a bhí os comhair an Tí ar maidin. Ach ní chóir go mbeadh an oiread seo sodar fúinn ag déileáil leis an gceist. Ní dhéanfadh sé mórán difríochta dá gcaithfimis cúpla seachtain breise ag díriú isteach ar na Billí agus b'fhéidir go mbeadh reachtaíocht níos fearr againn ina dhiaidh sin.

Minister of State at the Department of Justice, Equality and Law Reform (Mr. B. Lenihan):

A number of points have been raised on Second Stage and it is important to note that the Attorney General advised the Government, as a matter of prudence, that this step should be taken. Deputy Jim O’Keeffe was concerned about the speed with which this legislation is being enacted. His concerns were echoed by Deputies Costello and Ó Snodaigh. The speed with which this matter is being dealt with is entirely connected with the fact that another step is imminent concerning a matter about which the Government has been in correspondence with a judge of the Circuit Court. The Attorney General has advised the Government that this measure is essential if the Oireachtas is to be in a position to exercise properly its functions and powers under constitutional and statute law. That is the reason for the rush. It is not a question of waiting for another few weeks to speculate on matters because the confidence that must exist in the Judiciary is one of the cornerstones of our democratic system. Throughout this episode, the Taoiseach and the Government have been most anxious to maintain the public confidence that must exist in the Judiciary, and to ensure that the Government wastes no time in taking the essential steps needed to advance the matter, which has been the subject of correspondence between the Government and the relevant Circuit Court judge.

The legislation is drafted in abstract form and is of general application. It does not apply in any singular sense to the matter which we may have to consider in the weeks ahead. It seeks, rather, as a matter of general principle, to protect the position of the Houses, their committees and persons working on their behalf. That issue was raised in the course of Deputy Jim O’Keeffe’s contribution and it is quite clear the proposed section covers persons working on our behalf as well. The purpose of that is to ensure that the powers of the Houses, which are clearly delineated in the Constitution and in statute law, can be exercised if required.

I appreciate the fact, to which Deputy Jim O’Keeffe and Deputy Cuffe referred, that notice of this measure has been very late, but I am sure Deputies will appreciate that the Attorney General has had to undertake a wide series of consultations in order to gather a great deal of advice. While similar motions have been introduced in the House before now, this is the

first time since 1922 that we may be in the position of facing a contested motion. Therefore, legal advice has to be sought, the ground must be cleared and the legislative scaffolding must be in place so that the House can exercise its functions.

I welcome the fact that there was very little criticism of the substance of the measure, which is straightforward. The Government will assist the Dáil and Seanad in every way it can as regards the question of culpability, which was raised by Deputy Jim O'Keeffe. If we have to exercise our responsibilities in this area, we will have to do so collectively because a collective decision and judgment of each House will determine the issues involved. In that sense, it is not a Government measure but the Government must heed the legal advice it obtains, act on it and give the benefit of that advice to the Houses.

Deputy Costello posed a sequence of questions about the admissibility of evidence in connection with this matter, and Deputy Jim O'Keeffe also touched upon it. As regards the material the Oireachtas may use, view, inspect or act upon, it is a matter for the members of the relevant committee, in the first instance — and guided, as they please, by their legal advisers — to make a determination on this issue. Neither the Houses of the Oireachtas nor their committees are courts of law, and they do not necessarily act on the standards of proof that obtain in courts of law. It is not for me to advise it, but clearly if a committee is established, it can take advice on the matter and decide what is the appropriate course of action relating to any material it may wish to see or act upon, or whether it is constrained as regards such material. That is a matter for the committee. It is not a matter for the Government to tell the committee what to do about the admissibility of evidence because the Houses have a collective responsibility under the Constitution and statute law. The committee will also have a collective responsibility.

An important issue relating to the whole subject was touched upon by Deputy Finian McGrath who said the mandate and rights of Independent Deputies should be respected in the composition of any committee. However, we are not sitting on this committee as members of parties, although we would all like to see a fair balance of representation from all the parties. We are sitting, first and foremost, on a serious public issue that requires a collective approach from the Houses.

To revert to the question of admissibility, that is as far as I can clarify matters for Deputy Costello. The rules relating to the admissibility of evidence before the courts relate primarily to sworn proceedings which are conducted under oath. Many of the stricter rules relating to admissibility were devised in the context of trials of offenders. The House is not trying an offence in this matter. I can say no more on the subject of admissibility.

Deputy Jim O'Keeffe and Deputy Costello raised the question of grooming and whether we

could have included other provisions in the legislation. Given the expedition required in this matter, it would have been undesirable to introduce other provisions into this measure, however worthy they may be. The measure before the House is straightforward. Apart from the recitals and citations, the substance of the Bill is in one section. To enter into other matters would complicate the issues. The question of grooming is being examined in the context of preparing a trafficking and child exploitation Bill. Much thought is being given to the question of how grooming can be tackled.

I wish to correct Deputy Costello on one matter. The 1998 Act does deal with the question of child pornography on the Internet. The legislation that is being prepared on trafficking and child exploitation may also tackle the issue of grooming.

Deputy Finian McGrath suggested the Government was making it up as it went along. That is an unfair comment because the Government has a clear and obvious strategy in regard to the matters which have been the subject of correspondence with the Circuit Court judge. The House must heed the Attorney General's views on a matter like this. There are arguments that the constitutional position of the Houses both in respect of their powers and privileges means we do not necessarily need this legislation. However, the Attorney General has advised us as a matter of prudence that we should so provide. We are best to be guided by him on that issue. The whole question of advisers and persons must be dealt with expressly in the legislation, as Deputy Jim O'Keeffe pointed out.

Deputy Cuffe expressed concern about whether Members could view such material on the assumption that the Houses' committees have the power to view the material, as appropriate. He stated that he did not think Oireachtas Members were the best qualified for this job. However, the people elect us to do a job and have provided in their Constitution that we are the people who must make these particular decisions. We cannot shut things out of our minds. We must make judgments and that is the position we have been put in by the people. We cannot shirk our responsibilities by stating that we would like an expert to tell us what we should think about something. At the end of the day, we must decide what is right in this particular matter, which is the responsibility imposed on us.

Deputy Cuffe was anxious for expert assistance. If a committee is established, expert assistance is a matter which the committee can consider. He rightly stated that there is a need for solid expert advice which is something a committee of the Houses collectively can make a determination on if matters proceed by way of motion and investigation. We are not yet at that stage but it can all happen. It is very much for the committee to decide these matters. I think I have dealt with most of the points raised directly on the legislation.

[Mr. B. Lenihan.]

I appreciate the co-operative spirit with which Members addressed the issues, some of which are very difficult — there is no point pretending that is not the case. Deputy Costello was anxious to be reassured that there was a proper justification for this measure, which is the advice of the Attorney General to the Government that it would be prudent to adopt the measure. At face value it is an unexceptional measure. It is an insertion into the section of the 1998 Act which provides for exemption from the legislation. Clearly, the parliamentary draftspersons of the 1998 Act did not consider the position of the Oireachtas embarking on an inquiry under Article 34 or under the courts of justice legislation. The measure is drafted in such a way that it can only be used for the purposes of, or in connection with, the performance of any function conferred by the Constitution or by law on those Houses, or conferred by a resolution of either of those Houses or resolutions of both of them on such a committee.

For example, to take Deputy Cuffe's point about child pornography and the obvious distaste he has for viewing such material, which I can readily understand, the position is that Members of the Houses of the Oireachtas, in carrying out a general inquiry on the subject of child pornography under this legislation, would be allowed to view this material. They might prefer to act on expert advice in a matter of that kind but the position of Parliament is carefully protected by the section which we are proposing to insert into the 1998 Act. It is important that, before we go any further in regard to the matter which has been the subject of correspondence between the Government and the relevant judge, we make sure our position is clear cut as far as legislation is concerned.

Wider questions were raised about the appointment and removal of judges. Deputy Jim O'Keeffe and I produced a report on this subject called the Fourth Progress Report of the All-Party Oireachtas Committee on the Constitution. The Government brought forward proposals on that measure but Deputy O'Keeffe and I ceased to be principals when the proposals arrived on the floor of the House and wiser, or perhaps unwise, persons decided there was no all-party agreement on the matter.

Mr. J. O'Keeffe: That was the case at that time.

Mr. B. Lenihan: The matter went to Second Stage in Dáil Éireann, which I recall well because the Government decided to withdraw the Bill after the Second Stage debate because it did not want the Judiciary to be the subject of a contentious referendum. It is not a subject which would have lent itself to a public debate in the nation because the Government was anxious to foster the respect which we want to have for the Judiciary. The Government decided not to have a referendum on the subject at the time and not

to proceed with its proposals in the absence of all-party agreement.

It reminds us of how important it is in this very sensitive area into which we are entering to try to secure all-party agreement as far as we can. In that context, I appreciate the constructive spirit in which the Opposition parties addressed the issues this afternoon. No Deputy can be content with legislation which is produced in the morning and passed in the late afternoon.

Question put and agreed to.

Child Trafficking and Pornography (Amendment) Bill 2004 [Seanad]: Committee and Remaining Stages.

SECTION 1.

Question proposed: "That section 1 stand part of the Bill."

Mr. J. O'Keeffe: There are a number of issues on which I wish to touch. As usual, the Minister of State, Deputy Brian Lenihan, has confidently and capably dealt with the points raised here. However, a number of issues are still outstanding.

Should the advice, which was made available to the Government, be also made available to Members of the Oireachtas? To a degree we are in the dark because the advice was made available to the Government in respect of this Bill and the other one this morning. Without having had the benefit of that advice, particularly in the short time available, the Opposition is not in a position to come to a reasoned conclusion as to whether the correct approach is being followed or not. We are flying blind to a degree. The same issue will arise in respect of the other procedures on which the Government will embark next week. I suggest it would be a useful initiative for the Government to make available such advice to Opposition spokespersons.

The approach to this issue can only be described as "ad hocery". The views presented to us have changed by the day and there are reasonable grounds for suggesting that an *ad hoc* approach is being followed. That concerns me less that the fact that if all these changes have taken place in the past seven days, what will happen in the next seven days? Have all the angles been covered? Are we clear if the function we are embarked on is to ensure that confidence is maintained in the Judiciary while on the other hand we have fair procedures for a member of the Judiciary whom it is proposed to deal with under Article 35? We need that reflective approach. One of my major concerns is just that, which feeds into the Bills with which we are dealing today as well as the major issues underlying those Bills, namely, the admissibility of possibly constitutionally tainted evidence, questions of compellability generally and the question of self-incrimination.

I also refer to the Minister of State's response in respect of grooming and I am glad to note he recognises the problem I raised is a genuine one. Children are not adequately protected from predatory Internet users under our existing law. We may state that dealing with Judge Curtin or any other member of the Judiciary is a matter of urgency. However, it is far more urgent to deal with a situation in which the children of the nation are not adequately protected from paedophiles.

I do not understand the Minister's reasoning. There is urgency in getting through a Bill today which deals with a member of the Judiciary, yet there is no urgency when it comes to children who are vulnerable under the existing law. I reject that reasoning and I suggest that some urgency could be injected into the Government's approach to the problems I have highlighted.

On the specifics of the Bill, I am unable to table amendments in the short time available. Nothing occurs to me immediately though on Second Stage I asked if all advisers and so on will be covered under the legislation. I accept that the reference to "or any person" probably covers any person associated with the Houses or the committee who might have to deal with the material covered by the Bill. I hope we can establish some procedure through which we will not have to force everyone to look at such images, though that raises another, broader issue. If both Houses are to be involved in the Article 35 process, is there an obligation on all Members who are voting to see and hear all the evidence? That is another issue which has not been dealt with in detail so far. There may be a legal basis for suggesting that someone voting on such a motion might have to see all the evidence, on the basis of natural justice, before fairly and properly casting a vote. That is yet another issue that has not been teased out adequately due to the unseemly haste in dealing with this matter.

On that haste, I have no notion of holding up proceedings but I go back to the point I made this morning: we would be better off carrying this process out well rather than quickly. There is an internal conflict in a rushed situation, as almost inevitably one does not do the job well. That is a continuing concern of mine.

We are dealing with two Bills today, the Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) (Amendment) Bill 2004 and the Child Trafficking and Pornography (Amendment) Bill 2004 [Seanad]. Which Bill will go through first? They are both being run simultaneously through the Dáil and Seanad. The compellability legislation is going through the Seanad and may have passed at this point. There are strict time limits involved but a minor point arises. Section 13, as drafted, provides that nothing will prevent the giving of or compliance with the direction under section 3 of the 1997 compellability legislation. There is no reference to the other amending Bill, the legislation under which such a

direction will be given if we are dealing with a judge. If the other Bill goes through first and we then pass this Bill, we are making no provision for the issuing of a direction under the other Bill, therefore an exemption provided for under this Bill would be defective. I accept this may be legalistic but let us get our procedures right. I raise the issue to make a constructive point. Basically, we will not be issuing a directive under the 1997 Act; we will be issuing directives under the 2004 Act.

Mr. Costello: Deputy O'Keeffe has raised some pertinent questions, particularly about having adequate time to tease out this measure and his last point is very valid. Section 13(a) refers exclusively to the original, parent legislation, the 1997 Act, with no reference to the amending Bill we passed a couple of hours ago, the Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) (Amendment) Bill 2004. This flaw may be similar to that corrected by the Labour Party last night in Article 35.4. That Article refers directly to the Supreme and High Courts. The enabling legislation for the Circuit Court, the 1924 Act, was omitted, which would have been a fatal flaw in the legislation if it had gone through in that form. That may well be the case here and the Minister should probably accept an amendment to deal with it. Deputy O'Keeffe probably thought of that on his feet but there was not enough time to peruse the legislation adequately.

Section 13(b) contains a list of exemptions for members of the committee in the possession, publication, distribution, printing or showing of material. How comprehensive is that list? What about the process of obtaining material on one hand or viewing material on the other hand? What about disposal or retention of the material? The wrong word, "showing", is used here. If we could have the Minister of State's attention it would be useful.

Minister of State at the Department of Justice, Equality and Law Reform (Mr. B. Lenihan): The Deputy has my attention.

Mr. Costello: "Showing" is the wrong word because one shows something to someone else. "Viewing" would be the appropriate word in the case but it is omitted from the list applying to any Member or official carrying out their duties and functions for the committee. The question of whether the full wording is adequate needs to be addressed. It comes back to the old point, if we had the time we could have teased out all these issues and the Minister of State could have presented more concise legislation.

I referred earlier to the question of inadmissibility. There is a presumption in the Bill that the members of a committee will view material which is pornographic, will have it in their possession or will distribute it. From that point of view it would be preferable, prior to

[Mr. Costello.]
 enacting the Bill, if Members had the advice of the Attorney General on all these matters because these matters apply on a specific as well as on a general base. This legislation refers to general as well as specific matters. They are not prompted totally in a vacuum. It would certainly have been important to all of us to have had the legal advice that the Attorney General has had for the Government or has engaged through senior counsel to advise him.

It was good to hear the Minister of State say that Europe and other countries see our Child Trafficking and Pornography Act 1998 as the model law in child protection. Even a model law, however, can have its loopholes. There are areas that are not up to date and perhaps this is the impetus to ensure that legislation is reviewed and adapted to deal with new areas, such as the ruling to which he referred, and that whatever amendment is required will be put in place. There is no greater crime than the abuse of vulnerable children. Given that the matter has been brought to our attention, the legislation should be reviewed and amended, if necessary.

Mr. B. Lenihan: A number of matters have been raised. I had understood the Attorney General and the Minister were available to brief the Opposition.

Mr. J. O’Keeffe: We were briefed by the Attorney General that no legislation was necessary and subsequently that one item of legislation was necessary. What I am talking about is the written advice available to the Attorney General and the Minister, in particular the written advice which gave rise to the change of heart in regard to the legislation and the motions.

Mr. Costello: May I add to that? The advice the Attorney General received was specifically requested and specifically refused.

Mr. B. Lenihan: The Attorney General is in a difficult position here. Like any lawyer who is advising his client, there are other parties involved here who have lawyers and clients as well. I presume that is part of the thinking. I give an undertaking to the two Deputies to see what consultations can be arranged to ensure they are briefed on these matters, because they are serious matters.

On the point raised by Deputy Jim O’Keeffe about the section and section 3 of the 1997 Act, and that the parallel measure today amends the 1997 Act, I have looked at that question in some detail and taken legal advice on it. The position is that the direction is made under section 3 of the 1997 Act. The legislation which went through the House this morning does not affect the direction provision in section 3 of the 1997 Act, hence the reference is correct as stated in the new section 1.13(a). In other words, the direction is

made under section 3 of the 1997 Act. That is what the measure refers to. No direction is being made under the 2004 amending Bill which passed through this House this morning. If one examines the 2004 Bill, it is clear it does not deal with a direction under section 3, hence the statutory reference is correct. I am glad the Deputy raised the issue because it has given us an opportunity to tease it out.

Mr. J. O’Keeffe: I was genuinely worried about the issue. The Bills are parallel at present but which of them goes through first? In the earlier Bill, we inserted a new section after section 3 to deal with the position in regard to compellability. I see some substance in the point raised by the Minister that one is still issuing the direction under section 3. However, the Bill before the House refers to a direction issued under section 3 of the 1997 Act but effectively it will be under the 1997 Act, as amended.

I wonder whether there is a legal point here that one would be tied into a position where it would apply only to a direction issued under the earlier legislation. Should something be done to clarify which of the Bills goes through first and, if so, is there need for a reference to the Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) Act 1997, as amended. I cannot bring it any further but in the short time available to me it is a point that occurs to me. It could take a day or two in the Supreme Court to resolve this but I would prefer to see it resolved here.

Mr. B. Lenihan: It would not help because the direction is made under section 3 of the 1997 Act. Section 1.3A is an entirely new section inserted by the 2004 Bill and does not refer to the direction. The direction is in section 3 of the 1997 Act. The power which the Oireachtas committee has is dealt with in that section, hence, the reason this is used in cross-reference in the Child Trafficking and Pornography (Amendment) Bill.

Mr. J. O’Keeffe: Section 1.3A permits such a direction to be issued to a judge who is the subject of proceedings under Article 35.

Mr. B. Lenihan: Yes, but it does not of itself create the power to give the direction. I will not elaborate on the point further.

Mr. Costello: There is a question mark here because the amendment to section 3A obviously includes section 3 which states: “Section 3, in so far as it relates to a committee established for the purposes of ... under section 4 of Article 35 of the Constitution or ... the Courts of Justice Act 1924 or ... the Courts of Justice (District Court) Act 1946, shall, ... apply to a judge of a court ...” The Bill before the House simply refers to section 3 of the 1997 Act, but it should contemplate the amendments introduced at an earlier stage to have the fullness of authority. If we are going on

the principle that neither item of legislation is strictly necessary, compellability may not be necessary as an individual may turn up voluntarily, and in the other case no material may be presented to the committee. Nevertheless, it is a belt and braces effort to ensure precautionary steps are taken. It seems appropriate at this stage to include the reference to the new legislation which has extended the remit of the 1997 legislation.

Mr. J. O’Keeffe: I accept the direction is issued under section 3. If it is issued under section 3 of the 1997 Act before it is amended, apparently the direction cannot be issued to a judge. We are talking about the question of proceedings or a matter arising in regard to judges under Article 35 of the Constitution. Therefore, if a direction is being issued it has to take into account the fact that it is capable of being issued under the Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) Act 1997, as amended, by the compellability legislation before the House. Will that end up as a separate section? This morning the 1997 Act was amended by inserting a section after section 3 which was referred to as section 3A. I wish to draw attention to an apparent defect in the legislation as it is currently before us.

Mr. B. Lenihan: We have checked the matter with the Parliamentary Counsel who drafted the measure and he is satisfied this is the correct drafting approach. It is a question of drafting. Let me reiterate the position. The power to issue directions are vested in these committees under section 3(1) of the 1997 Act. The measure which came before the House this morning did not affect that power in any way because the expressed power derives from the 1997 Act.

Mr. J. O’Keeffe: Did it not broaden the power?

Mr. B. Lenihan: A subsequent subsection of the 1997 Act, section 3(4), precluded the issuing of directions to the named judicial personages. That subsection has effectively been restricted in the circumstances envisaged in the 2004 Bill, but that does not affect the power. No additional power has been conferred by the Bill this morning.

Mr. J. O’Keeffe: Does it not remove a restriction on that power?

Mr. B. Lenihan: It is a restriction of the scope of the power but the actual power to issue the direction is still in the 1997 Act. That is the fundamental point. The 2004 Bill does not confer such power as the actual direction is made pursuant to section 3(1) of the 1997 Act. In referring to the 1997 Act, we are right in stating that the direction stems from that legislation. That is as far as I can assist the House on that point.

Mr. J. O’Keeffe: I will not press the matter, I have done my duty in raising the issue. It is a valid point. I hope the Minister is correct but this is an example of what can arise when legislation is rushed, as there is not adequate opportunity to tease it out.

Mr. Costello: Will the Minister of State comment on members of the committee viewing pornographic material?

Mr. B. Lenihan: Viewing was raised by Deputy Costello. Viewing was not part of the 1998 Act and it would not have been appropriate to introduce it here. The Child Trafficking and Pornography Act 1998 does not include viewing as a concept, hence we could not introduce it in this Bill when it was not in the original parent statute.

Mr. Costello: Are the members of the committee entitled to view material that may be pornographic?

Mr. B. Lenihan: Yes, the purpose of this Bill is to put that beyond any doubt.

Mr. Costello: Will the Minister of State outline the provision in the Bill that adequately covers the viewing of such pornographic material?

Mr. B. Lenihan: It is not an offence to view the material. Viewing is not captured by the primary legislation. The offence is to possess, distribute, print, publish or show.

Mr. Costello: Is there no offence of viewing?

Mr. B. Lenihan: There is no offence of viewing in the primary legislation. Deputy Costello suggested also that the Bill contains a presumption about a specific matter or about admissibility. I have to disagree with him on that point. It does not. That is a matter for the committee. This legislation is abstract in character. It contains no presumption about how the committee will decide that issue. If the committee were to so decide, it protects the position of the members of the committee and of the Houses subsequently.

Question put and agreed to.

Section 2 agreed to.

Title agreed to.

Bill reported without amendment, received for final consideration and passed.

Sitting suspended at 3 p.m. and resumed at 3.05 p.m.

**International Development Association
(Amendment) Bill 2003: Second Stage
(Resumed).**

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

Aengus Ó Snodaigh: I wish to share time with Deputy Sargent.

The point I was making before the debate on the Bill adjourned was that Ireland is the fourth wealthiest nation in the world. We have a responsibility and a duty to ensure we set a standard and, at the very least, that we achieve the target set by the UN of 0.7% of GDP in terms of development aid. We are not meeting that target or setting an example, which is a pity especially this year when we had the opportunity with the EU Presidency to set that example. Other countries in the EU have met and exceeded that target. We need to do so but, at the very least, we should achieve the target set by Dóchas and Development Co-operation Ireland. We call on the Government to end its totally unjustifiable three year freeze on overseas development aid spending levels and to immediately start to implement targets which have been agreed and which it stated it would achieve by 2007. We need a renewed commitment to achieve that target.

We live in a world in which 50 countries are poorer now than they were in 1990. That is an indictment of the western world in particular. We live in a world in which an elite few have more money than they can possibly spend in a lifetime, yet one in five people survive rather than live on less than €1 a day. In 20 countries, more than one person in four goes hungry, that is, one quarter of the population. In 700 other countries, one quarter of children do not live beyond the age of five. In nine countries in this small world, one person in four still does not have access to safe water.

It would cost \$100 billion to cut global poverty by half by 2015, the same amount spent by the United States on its war in Iraq. The war in Iraq is not over and the United States will continue to spend and waste more money instead of targeting global poverty. In 2002, indebted countries made a net transfer of twice that amount in payments to the wealthy nations. At present states spend only half the needed amount on development aid, preferring to lavish \$800 billion a year building and deploying their armies. That is a scandalous figure. In the modern western world, building and deploying armies around the world is more important than tackling poverty. Four years into the new millennium, military spending continues to dwarf spending on development aid at a global level and in the EU. Even in this State, whose Government prides itself on being a leading donor country, our military spending is increasing.

With the so-called "war on terror" and the plan to build an EU army, starting with a common armaments policy, we are pushing ever further in

that warped direction. We believe that the international community must get its priorities right. Up to now, it has got them dead wrong. What must guide international relations policy in the future united Ireland is the objective of achieving human security. That human security concept recognises that the most deadly weapons of mass destruction are hunger, poverty, disease, death, inequality, dependence, dominance, exploitation, dictatorship, state clientelism, torture, abuse and other systematic sources of suffering. Those are the real threats and sources of insecurity for the vast majority on the planet.

That is why we assert that the fulfilment of the UN millennium development goals, which aim to cut global poverty by half by 2015, should be elevated to a top international spending and policy priority. Their achievement will contribute more to global security than the so-called "war on terror" that is cannibalising budgets and resources internationally. We have long known the steps required. Now we have the millennium development goals, a set of eight concrete steps, shared goals and matching targets which we believe chart out our future progress and commitment. We must reach and exceed those goals.

I urge that, in the short time left of Ireland's EU Presidency, the Minister for Finance, Deputy McCreevy, and the Minister of State at the Department of Foreign Affairs with special responsibility for overseas development and human rights, Deputy Kitt, should report to this House and debate this State's implementation of the Barcelona commitments and the Government's plan to play its part in achieving the millennium development goals. Government time must also periodically be made available to allow Ministers to report to the full House on what is being done in the name of the Irish people at other international fora and financial institutions such as the World Trade Organisation. I ask the Minister to respond to that and I hope that we will have more regular debates on whether we are achieving those goals.

Mr. Sargent: Gabhaim mo bhuíochas leis an Teachta Ó Snodaigh as a chuid ama a roinnt liom. Tá sé an-suimiúil go bhfuil an Bille um Chomhlachas Forbartha Idirnáisiúnta (Leasú) 2003 ag féachaint ar mhéid mór airgid, ach deir sé sa chur síos a d'eisigh an Roinn Airgeadais: "IDA is the "soft" loan arm of the International Bank for Reconstruction and Development (The World Bank)." It is important that people know the context in which this development has taken place and that, when I meet ambassadors as party leader, very often on their agenda is the wish that Ireland make it clear that it will reach the 0.7% of GNP target for overseas development aid, as it committed itself to do at the United Nations. They are not convinced, by the manner in which the Government is acting, that it will be reached. The Government must take steps to ensure that it happens and that the slippage stops.

Given that the Minister of State, Deputy Parlon, is here, it is also important to recognise that farmers in the poorest countries very often have questions similar to those of farmers in our country about the system that keeps them in poverty. Constituents of mine who are at the pin of their collar trying to make a living from farming often ask me why imports that come from half way around the world are sold far more cheaply in local shops in north County Dublin and elsewhere than their food and produce, which they grow down the road. The same question is asked by farmers in poorer countries who may be living on €1 or €2 a day. Of course, they are in even more serious trouble.

It is important to bear in mind that there is a system of corporate-led development which must be analysed. The World Bank is part of it, as is the millennium round mentioned in the briefing from the Department of Finance. It stems from the fact that the global industrial food system arose in the context of the corporate-led global economy, employing taxpayers' money, a truth not often realised. At the behest of big business, Governments have funded many types of infrastructure that are not there to benefit the local economy, for example, motorways or even high-speed rail links on the Continent, tunnels, bridges and communications satellites. All those make it possible to sell food from the other side of the world at a lower price than local produce.

On top of that, taxpayers are subsidising aviation fuel and energy production, on which long-distance trade depends. Even the Kyoto protocol does not take into account international trade as a source of emissions. The continual expansion of that infrastructure and the resultant increased global trade leads to the breakdown of local and regional economies. That is behind much of the reason there is the poverty to which we are trying to commit €50 million, which is a drop in the ocean compared with overall needs but a great deal of money if one is in a local economy in Ireland.

Since the 1940s, international trade has dominated a growing number of national economies. In that period, world trade grew twelvefold. Imports and exports now make up a much larger proportion of economic activity than ever before. With international trade amounting to \$5.5 trillion annually, that explosive increase in global trade has fed the growth of the trading bodies, that is, the transnational corporations, many of which have more economic clout than entire nations. A comparison of national GDPs with the annual revenues of transnational corporations shows that half of the hundred largest economies in the world are now such corporations.

The outline of today's globalised economy was established at the 1944 Bretton Woods conference, where western leaders met to design a new financial architecture for the post-war period to keep the growth economy alive and prevent another depression. That was to be

accomplished by drawing more of the world's economies into the orbit of the consumer economy, thereby dramatically expanding the market for industrial goods while assuring unfettered access to the planet's natural resources. With that in mind, three supranational institutions were established, the first being the World Bank, which we are discussing today. The second was the International Monetary Fund and the third was the General Agreement on Tariffs and Trade, known as GATT.

In the Bretton Woods scheme, the World Bank would provide funding for major development projects, including huge centralised energy plants, long-distance transport networks and high-speed communications systems, thereby creating the physical infrastructure required by huge trading corporations. There is nothing wrong with those projects *per se*, but they were not built first and foremost to bolster local economies. They have been instrumental in undermining such economies, including our own, which we are now told is the most globalised in the world.

The IMF would work to impose a standardised economic architecture, with western-style consumer growth as the foundation, on every national economy. Strict structural adjustment policies would be imposed on borrowing countries that did not adhere to that plan. GATT, meanwhile, would serve to increase every nation's dependence on long-distance trade by keeping tariffs low, removing other perceived barriers to trade and turning ever more realms of life into globally tradable commodities. Further south — in the main, the poorer countries — that framework ushered in the era of what is often called "development", with goals and policies that followed seamlessly from the colonial era that preceded it.

Though ostensibly more noble in its aims, the results of that framework were strikingly similar. A northern economic model based on industrial production, trade and economic growth was to be systematically imposed throughout what was known — and still is, in many cases — as the Third World. As in the colonial period, a large portion of the south's production and resources would continue to flow northwards. In 1994 member nations of GATT created a new and powerful governing body known as the World Trade Organisation to set trade rules and settle disputes.

Countries which joined the WTO implicitly agreed to reorganise their national economies in ways that are more conducive to foreign trade and investment. This reorganisation includes the privatisation of industry and the dismantling of any social programme or labour, environmental or health regulation that could be interpreted as a non-tariff barrier to trade. We see that in this country when we try to promote reuse and recycling, for example. If it is against competition it cannot be done; we cannot reduce the waste. There are many knock-on effects. Of course, at Seattle in 1999 trade ministers were meeting to

[Mr. Sargent.]

negotiate rules for a new millennium round, as it was called, which would further eliminate hindrances to the speculative flow of capital and trade around the globe and place greater limitations on any government's ability to protect its citizens and the environment.

It is not just in the case of the food economy and meeting people's basic needs but overall that there is a particular drive afoot which will not be arrested, regardless of how many millions we put into the International Development Association, even if it is a zero interest arrangement. The pressure from the WTO to further dismantle whatever possibilities exist to develop local economies is extremely strong. From the viewpoint of conscience, whatever about policy or political choices, how is it that this country can stand over a system that impoverishes the poorest in the world and then blithely pretend we are doing fine and that we will help them as best we can? We have to realise that Irish farmers are suffering in the same way as their counterparts in the Third World because they are being forced to participate in a system which depends on long-distance transportation. Ultimately they are being made increasingly vulnerable. We should reflect on that rather than just count how much money we can afford to give this year or the next.

Mr. Hayes: I welcome the opportunity to say a few words on this important Bill. The figure of €50 million is the cornerstone of the Bill. While I welcome the fact that €50 million is being given to the developing world, as we all do, it needs to be seen in the context of where we are at, particularly in this country. Some 1.2 billion in the world people live on less than \$1 a day. These 1.2 billion people must eke out an existence on less than the price of a newspaper. They are living, or dying, on less money than is provided to the average unit of livestock in the European Union. Those figures and facts speak for themselves. We live in a country that has grown rapidly in the last ten to 15 years. Major changes have taken place in our lifestyle. Major changes have taken place right across Europe and in every aspect of the world in which we live.

When we consider that number of people starving across the world one wonders what we have been about. I question the fact that Europe and America cannot agree on a planned and structured way to help developing countries. We can talk about war and trouble in the world, but we must tackle the problem of providing the basic food people need in their daily lives. I cannot understand why superpowers such as America and an expanding European economy cannot combine to put in place a plan that would help those people. Most people in this House will recall collecting pennies in a box each week for the people of the Third World. It was known as "the penny for the black babies". At that stage, when we were a poor country we sent small amounts of money as children to those people in

the poorer world. I believe Ireland has a lead role to play when it comes to talks at EU level. The current EU Presidency gives us an opportunity to show leadership in this field. We have led in the past. Irish priests, nuns and lay missionaries have gone into various parts of the world and made their mark, in a poorer generation, one that came through hard times.

There is an onus on this generation of Irish people to show leadership in the ongoing saga of poverty in our world. It is a frightening statistic that 1.2 billion people are living on \$1 a day. It is something we must keep in mind every time we debate this issue. While we welcome the €50 million, it is seen in context when compared with the amount of money we recently spent on electronic voting. We are told that €52 million is the figure this country wasted on electronic voting and we are clapping ourselves on the back for giving €50 million to the world's poor. We must show some leadership as a country and as Europeans. We must force the agenda on the world stage and show we mean business as regards the Third World. If we do not, we will undermine our position as Europeans. People hope this country will develop and go from strength to strength yet the problems of the world's poor continue to fester.

Deputy Richard Bruton stated on Second Stage that the Government had set itself a development aid target of 0.7% of GNP by 2007. Can this be achieved? We should try to exceed that figure in every possible way as we examine budgets and wastage in our country. We would support that from this side of the House. We as parliamentarians in a country that is doing so well have a responsibility to address this problem and seek to increase the aid we give to those poor countries.

Debate adjourned.

Ceisteanna — Questions.

Priority Questions.

Future of Aer Rianta.

1. **Mr. P. Breen** asked the Minister for Transport the position regarding the break-up of Aer Rianta and Shannon Development and the ending of Shannon Airport's dual gateway status. [16011/04]

2. **Ms Shortall** asked the Minister for Transport if he will reconsider his plans for Aer Rianta in view of all of the expert advice available which suggests the airport charges will rise, that the future viability of Shannon and Cork will be jeopardised, and that Dublin Airport will be lumbered with significant debt which will prevent it from expanding its facilities as planned; and if he will make a statement on the matter. [16099/04]

167. **Mr. Naughten** asked the Minister for Transport if his Department has resolved the legal difficulties surrounding the break up of Aer Rianta; if he has satisfied himself that the three airports are commercially viable as stand alone entities; and if he will make a statement on the matter. [16014/04]

Minister for Transport (Mr. Brennan): I propose to take Questions Nos. 1, 2 and 167 together.

The work which has been done by my Department's advisers in co-operation with Aer Rianta management and its advisers has underscored the fact that there are some major challenges facing the State airports. These challenges need to be addressed.

In the context of the proposed amending legislation to give effect to the restructuring of Aer Rianta, I have had numerous Government discussions informing my Cabinet colleagues on the background issues as well as outlining the broad financial projections for each of the airports, compiled by PricewaterhouseCoopers. Some issues of both a legal and financial nature remain to be finalised and I will be returning to the Government shortly when these issues are clarified. It remains my intention that the amending legislation can be enacted before the summer recess.

The new arrangements are designed to strengthen and expand each of the three airports and to give Shannon and Cork a fresh start. Through more focused commercial operation, all three airports can perform better and each can play a greater role in stimulating and supporting regional and national economic activity to the benefit of their customers, both airlines and passengers, and of Irish tourism, trade and industry. I announced the boards-designate for Dublin and Shannon Airports which bring together people of the highest calibre and combine considerable international and national aviation expertise with proven financial and business acumen. I will announce the full membership of the new Cork Airport board-designate shortly.

It is general policy that the three State airports should be in a position to provide cost competitive and appropriate infrastructure and to operate on a sustainable commercial basis in meeting the current and prospective needs of users. In the case of Dublin Airport, passenger traffic is forecast to grow to 30 million passengers per annum by around 2020. The Dublin Airport Authority must ensure the provision of adequate and cost-effective infrastructure capacity to cater for this growth and to make the appropriate case to the independent aviation regulator for the financing of this investment in the context of the next determination of airport charges.

I have made clear on numerous occasions that with a fresh start both Shannon and Cork Airports will be a commercial success and each will maximise sustainable employment within the airport companies and in their catchment areas.

It is envisaged that the new airport authorities for Shannon and Cork will commence business free of legacy debt and this will have a major positive impact on the commercial viability of these two airports. It is proposed that those debts will remain with Dublin Airport which is effectively carrying the debts for the three airports. I have given repeated assurances to the ICTU and the Aer Rianta unions that there will be no diminution in the terms and conditions of employment of workers in the company on transfer to the new airport authorities. I have also made available key financial information on the three airports to the unions' financial advisers in the context of the current engagement process which is being facilitated by the Labour Relations Commission.

Responsibility for Shannon Development rests with my colleague, the Tánaiste and Minister for Enterprise, Trade and Employment, who is in contact with the board of that agency regarding its role in light of the forthcoming decentralisation of Enterprise Ireland to Shannon, and the advent of the new autonomous Shannon Airport authority. With regard to the dual gateway status at Shannon, my officials, at a meeting earlier this month in Washington with US officials, emphasised the importance of Shannon Airport for the economy of the west of Ireland, in particular in the context of Ireland's national spatial strategy which aims to counterbalance the growth of Dublin by focusing economic activity on a number of other locations. My officials also outlined the Irish Government's decision to separate Dublin, Shannon and Cork airports into autonomous airport authorities to enable them to maximise their potentials. In that context, they indicated that Shannon needs some years in which to transform its business plans and marketing strategies.

The eventual effect of an EU-US open-skies deal, should such a deal emerge, would be to leave the choice of airports with the airlines. In the absence of special bilateral arrangements between Ireland and the United States in such a case, there is a risk that the open-skies arrangement could mean a sudden end to the current Shannon stop requirement, which could have immediate negative impacts for Shannon. I met the US Secretary for Transportation, Norman Mineta, at a meeting of European Transport Ministers yesterday and I re-emphasised to him that an acceptable arrangement for Shannon must be reached before I will be in a position to agree to any EU-US aviation agreement that might be put to the Transport Council on 10 and 11 June next.

Ms Shortall: A Cheann Comhairle, how much time is allocated to these three questions?

An Ceann Comhairle: There is just 12 minutes. Two of them are oral questions, one is written.

Mr. P. Breen: I thank the Minister for his reply. He said that he has given assurances to the unions and he knows what is going on. Is he aware that over the past week while negotiations continue with Aer Lingus personnel over staff cuts in Shannon, Aer Lingus has removed ground-handling equipment from Shannon Airport? Is it not a disgrace that this is happening while these negotiations continue? Is there a five-year plan for the airport or has the Minister instructed Aer Lingus to submit a plan for it?

Is the Minister aware that Aer Lingus management has refused to handle Lufthansa Cargo's equipment although it flies into Shannon once a week, 52 weeks a year, in off-peak hours? Aer Lingus management has told Lufthansa to go to Servisair because it does not want to handle the equipment. What is going on? I believe that the Minister does not know what is happening there. This is the real picture. He said in his reply: "Shannon needs some years in which to transform its business plans and marketing strategies."

An Ceann Comhairle: That is not appropriate, the Deputy should confine himself to questions.

Mr. P. Breen: All right, I was just quoting what the Minister said. Is the Minister aware that Heathrow Airport authorities have asked for a derogation until 2015 for the open-skies agreement? How many years has the Minister asked for so that the bilateral agreement can stay in place? These are the important questions. Is it not irresponsible of the Minister to allow this to go on? Has he commissioned an impact study on the effect this would have on Shannon? The PricewaterhouseCoopers report shows that Shannon could lose up to €125 million by 2008. Does he have a management plan or impact study in place? In what direction does he feel the airport will go? What analysis has he done? With regard to the decentralisation of Enterprise Ireland to Shannon is it not a fact that only two staff have applied for transfer to Shannon? Will Enterprise Ireland consume Shannon Development's briefing although it has done good work in the region?

Mr. Brennan: I met the central representative council for all the trade unions in Aer Lingus which expressed concerns similar to those which the Deputy expressed today. I conveyed my view to the council, which I also conveyed to the board of Aer Lingus, that in the context of the future of Shannon Airport, Aer Lingus must do more and be more specific about precisely what it will do in an open-skies connection. It is a commercial organisation and I have no alternative but to let it make commercial decisions, which I have done consistently since I took this post, but I said that as we move to open skies and Shannon prepares for the future it needs to know clearly and crisply the best Aer Lingus can do in the couple of years from now in terms of numbers of transatlantic

flights available, to which destinations and their frequency.

In other words Aer Lingus needs to spell out its commitment to Shannon. I will encourage it to do that and I have asked it to let me and my Department know what its plans are as I negotiate the bilateral agreement, which we are negotiating, and as we negotiate the open-skies agreement, which as EU President we are involved in negotiating with the United States. As soon as I have definite information from Aer Lingus I will give it to the Deputy.

Ms Shortall: Eight minutes of our time has now gone. Will the Ceann Comhairle tell me whether I have six minutes to speak on my priority question?

An Ceann Comhairle: No.

Ms Shortall: I thought I was entitled to six minutes.

An Ceann Comhairle: There is 12 minutes allocated for the two questions.

Ms Shortall: It is the Ceann Comhairle's responsibility to ensure that is shared fairly.

An Ceann Comhairle: The Chair's responsibility is to make sure the question does not go beyond 12 minutes and I suggest that the Deputy submit questions to the Minister and not use up her time on this.

Ms Shortall: I will take it up with the Ceann Comhairle later because I do not want to waste any more time.

When the Minister announced his intention to break up Aer Rianta last summer, I forecast that there was no way he could meet the timetable he had set, and I am still of that view. In recent weeks we have seen further consultants' reports which confirm earlier reports that there is no business case for proceeding with the break-up of Aer Rianta. Arising out of those findings, will the Minister confirm that if he goes ahead with the break-up of Aer Rianta it will entail a substantial capital reduction to pay the dividend to the Minister for Finance and that will essentially devastate the Aer Rianta company as we know it? Does the Minister intend that if he goes ahead with these proposals it will entail Dublin Airport retaining a significant shareholding in Shannon which cannot survive on its own?

Has it been confirmed, and does the Minister accept, that Cork Airport cannot stand alone and that Dublin must remain as the landlord for Cork Airport which will become a subsidiary of Dublin Airport? Does the Minister accept that if he proceeds with his plans they will result in mass redundancies in Shannon Airport, and wage cuts? Does he also accept that if he proceeds with these plans, they will result in significant airport charges at all three airports, especially in Dublin where a 50% increase is forecast?

Mr. Brennan: The Government laid down a 12 month timetable for the completion of the process, from July 2003 to July 2004. It is May 2004 and I am still of the view that it can be completed within the 12 month schedule envisaged by the Government.

Regarding consultant's reports, the PricewaterhouseCoopers assessment is a series of working papers. I did not ask it to give me an assessment of whether restructuring was a good idea; I asked it to lay out on a factual basis the financial information available to it.

Ms Shortall: Does that mean there is no business case?

Mr. Brennan: It has done that.

Ms Shortall: Will the Minister explain——

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

Mr. Brennan: I want to make one issue clear. When the Government made this decision in July 2003, all the information that is now available was, in substance, available to it. There is nothing new in the reports of any of the consultants employed by the trade unions or in other financial analyses, either from the board, the new boards designate or from consultancy houses.

Ms Shortall: There is nothing about shedding assets.

Mr. Brennan: I want to answer the Deputy's questions. There is nothing new in any of it. All the financial information was put before the Government in July 2003 when the decision was taken. It was put before the Government again in October 2003 when the Government took the decision for the second time. The information that appears to be emerging selectively was available to the Government. There was nothing new in the information. The board of a public limited company like Aer Rianta, with its directors coming from different walks of life, including the trade union movement, would have been aware of the full financial position.

Ms Shortall: Why then did the Minister employ two consultants?

An Ceann Comhairle: The Minister should be aware that the time for this question has concluded.

Mr. Brennan: Regarding the dividend to the Minister for Finance, the Deputy is not correct. The dividend to the Minister for Finance this year was about €7 million out of profits of €20 million. This is a technically difficult area. The Deputy may be referring to the financial mechanism that has been recommended by solicitors to allow the revenue reserves in the plc to be of such a scale as to dividend out Shannon and Cork. For that to

happen, internal dividend movements would have to take place. We have engaged Matheson Ormsby Prentice, who for four months——

Ms Shortall: For capital reduction purposes.

Mr. Brennan: No, it is not.

An Ceann Comhairle: I ask the Minister to conclude. We cannot continue with interruptions. We have gone over seven minutes on this question.

Mr. Brennan: It is not a capital reduction. Since the beginning of this process I have been determined that, in future, the people of the Cork and Shannon regions will have the facility of autonomous airports. My faith in the people of those areas to develop those airports remains stronger than ever. I visited both facilities and met people there on several occasions.

Ms Shortall: Will Dublin still be a shareholder in Shannon, and still the landlord of Cork? Is that not right?

An Ceann Comhairle: Deputy Shortall, on a point of information——

Mr. Brennan: The answer is "No".

An Ceann Comhairle: There are four minutes for supplementary questions, not six.

Ms Shortall: What about the substantial number of redundancies at Shannon?

Mr. Brennan: If the Deputy wants a straight answer, it is "No". It will have an interest in the transition period.

Ms Shortall: The Minister should read his consultants' report.

An Ceann Comhairle: There are four minutes for supplementary questions, not six. Deputy Shortall appears to be under a misapprehension.

Ms Shortall: It is six minutes in total.

An Ceann Comhairle: It is the responsibility of the Chair to keep time and I ask Deputy Shortall to allow other Deputies who submitted questions to receive an answer from the Minister.

Public Transport.

3. **Mr. Crowe** asked the Minister for Transport his views on whether the privatisation of Dublin Bus will be likely to open the doors to transnational, foreign companies that will take over the market here; and the timeframe in which he will amend the Road Transport Act 1932 to introduce proper safety regulations for buses run by private companies. [16012/04]

Mr. Brennan: I set out my policy proposals for public transport reform in statements to the public transport partnership forum in November 2002 and the Oireachtas Joint Committee on Transport in June 2003.

The principal elements of my proposals are the establishment of an independent procurement and regulatory authority for transport on a national basis, and the introduction of controlled competition in the bus market in the Dublin area in the form of franchising as the primary means of procuring bus services. I have no plans to privatise Dublin Bus.

As I stated on a number of occasions before the House, I am firmly of the view that franchising is the most effective means of achieving genuine market opening in the Dublin market. I have formed this view on the basis of international experience and major independent studies carried out by bodies, including the European Commission and the public transport partnership forum, which have shown franchising to be the most efficient and effective way of procuring urban bus services. Franchising will allow for genuine market opening, with operators other than the existing State-owned companies having a role to play in the delivery of services.

Where markets are opened to competition, it is an important principle of European Union law that undertakings throughout the Union should be free to compete for the award of contracts. I have no plans to depart from that principle, which has been to Ireland's great benefit throughout the economy.

While recent public discussion on public transport reform has focused almost exclusively on organisational issues and public monopoly provider concerns, the focus of my reforms is primarily on delivering a better service to the customer and greater value for money to the taxpayer.

With regard to the issue of safety, all bus operators, both private and public, are subject to the same body of safety legislation and this position will continue in the reformed market. It remains my intention to proceed with legislation on public transport reform in 2004.

Mr. Crowe: It is interesting to note that a number of today's questions are on public service companies. We already discussed the situation in Aer Rianta and there is also a problem with CIE. Difficulties are also apparent in public transport in Dublin, especially in regard to Dublin Bus.

I accept that opening up the public transport market will give people choice, but people are concerned that if new companies come into the market, they will be operating on the same routes as Dublin Bus. How will that improve transport for people in these areas?

Another concern is that many private buses are not wheelchair accessible. We have seen the debacle with regard to taxi deregulation where we had an opportunity to ensure taxis would be more accessible to people with disabilities and so

on. Will new operators coming in to the bus market have to be accessible to people who are wheelchair-bound or have other disabilities?

Significant investment has been made in public transport. People do not understand why the services that have been built up by those companies are being opened up to private operators. It is not even the case that new routes are being opened up, the Minister intends tendering existing routes. Does he have proposals to open up new routes? We have heard of possible cutbacks in Dublin Bus routes rather than new services being on offer.

Mr. Brennan: The bus market in the Dublin area is growing dramatically. I hope to at least double the number of quality bus corridors in the next year or so. This will attract more people to public transport. The passenger numbers are already impressive on existing bus corridors as people realise buses are a more reliable way to travel. The 1932 Act is very restrictive and needs to be updated, which is what we are doing. New routes will be added throughout the city and county, not just in the core areas.

I have never seen my proposals as taking bus routes from somebody who owns them. Bus routes belong to the people. The service is provided to the consumer. No company, as such, owns the bus routes. It is a duty and privilege to serve the public on these routes. They do not belong to a particular corporate structure but to the people.

I am trying to open up the market to offer more choice to the public and give people a better and more transparent service. That does not imply any criticism of Dublin Bus which I have said on many occasions is a very good company.

The Deputy is correct in regard to buses being wheelchair accessible. Dublin Bus has received significant investment from the taxpayer to bring the fleet up to wheelchair accessible standards and the majority of buses are now in that category. The company is moving fast to complete the upgrading of the fleet so that all buses will be wheelchair accessible.

It is my intention that any private sector companies, be they international, national or local operators, will be required to meet the same high standards as their counterparts in the public sector. I would not tolerate a situation where the standards of a private company would not match existing high standards regarding wheelchair accessibility or any other consideration. I expect them to operate to the same standards and for there to be a genuinely level playing field in this area.

Rail Network.

4. **Mr. Naughten** asked the Minister for Transport the projected cost of the airport metro; if he has received Cabinet approval for the project; and if he will make a statement on the matter. [16013/04]

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 one of the metro from the Railway Procurement Agency, which involves a line from the airport to the city centre. The estimated direct cost of physical construction in 2002 prices is €1.2 billion. This excludes financial costs.

The timescale, precise cost and route, number and location of stations and arrangements for a connection to the green Luas line will depend on a number of factors including: the Government's decision; geo-technical surveys; negotiations with bidders; and railway order processes, including the public inquiry. 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 Government considering these proposals, it would not be appropriate for me to comment further on the matters raised in any great detail. However, I expect to bring my proposals to the Government before the summer.

Mr. Naughten: With respect, the Minister is like a broken record. He has been saying for the past 12 months that the metro proposals will be going before Government shortly. However, nothing appears to have been finalised in respect of this matter. Will he provide a revised estimate on when he expects the metro to be completed in line with the commitment in the programme for Government. Would 2010 be a more accurate date for its completion?

The Minister stated that the projected cost of the metro is €1.2 billion. Does he have any realistic idea of what will be the actual cost? Is he going to bring forward proposals to Government to address the serious cost creep that is affecting infrastructural projects in this country? This matter has been highlighted by the ESRI in the mid-term review of the NDP. There does not appear to be competence within the Government to address the cost creep that has been taking place in construction and infrastructural projects throughout the country. Will the critical infrastructure Bill be published before the metro goes to tender?

Mr. Brennan: If decisions are made within the timeframe in which I hope and intend them to be made, I am informed by the RPA that the metro should be operational by 2008 or 2009, depending on how quickly it can move in terms of proceeding to tender stage.

Mr. Eamon Ryan: It depends on how quickly the Minister can move.

Mr. Brennan: The RPA is ready to go. The costs stand at €1.2 billion but this figure excludes

financial costs and only relates to the direct cost of physical construction. I would, therefore, expect the final cost to be substantially more than €1.2 billion. The RPA focused on the physical construction costs because, in terms of obtaining bids and sorting tenders, it needed an indicative figure.

The critical infrastructure Bill is being brought forward by the Minister for the Environment, Heritage and Local Government. I have been involved in a number of discussions with him about the legislation. It is my intention, however, to introduce a separate critical infrastructure (metro) Bill to deal with metro related issues. The start-up of any metro would not necessarily have to await the introduction of such legislation and could happen in parallel.

Mr. Naughten: The Minister stated that the start-up of the metro would not be reliant on the legislation already being in place. Professor Melis and many other experts considered this issue and that of the serious cost creep that has taken place in respect of the Luas project. On foot of their findings, does the Minister not agree that it is critically important to have such legislation in place prior to the commencement of work on the metro?

What discussions have taken place with the Department of Finance regarding the establishment of an independent infrastructural review unit? Does the Minister agree it is not acceptable that the Department which is in charge of putting forward the proposals for the metro is also responsible for project management and the final outturn and that it does not seem logical that one arm of the State is supposed to police itself? Does he also agree this is part of the reason for the significant cost creep in infrastructural projects?

The Minister will need to be more specific with regard to figures if he is bringing them to Cabinet. I understand — perhaps the Minister will clarify the position — that in providing the figures, the RPA was quite specific as regards the number of stations that should be included.

Mr. Brennan: The advisers engaged by the RPA have estimated that the cost of the various options for phase 1 of the project is €1.2 billion in terms of total direct construction costs at 2002 prices. These figures increase substantially when one estimates a final cost which takes account of expected inflation during the period between now and the date on which services commence, VAT, fees, interest charges, the cost of risk transfer and a provision for risk and contingency. A more accurate cost can only be determined when the final structure of the project is decided and, more importantly, when competitive bids are received from the interested parties. I would seek to move on that as a matter of urgency.

Transport Patterns.

5. **Mr. Eamon Ryan** asked the Minister for

[Mr. Eamon Ryan.]

Transport the analysis his Department has carried out on the effect of the doubling in oil prices over the last two years on future transport demand patterns; if he has carried out an analysis on future traffic demands on the road network other than the 1998 roads needs study; the assumptions for the long-term price of petrol that were used in the 1998 study; if his Department has such projections for the price of oil in five, ten and 15 years time; and if he will review predictions of future traffic growth in view of the changing predictions on the future long-term price of oil. [16044/04]

18. **Mr. Eamon Ryan** asked the Minister for Transport the analysis his Department has carried out on the likely effect of the doubling in oil prices over the past two years on future transport demand patterns; if the Government has carried out an analysis on future traffic demands on the road network here other than the 1998 roads needs study; the assumptions for the long-term price of petrol which were used in the 1998 study and if his Department has such projections for the price of oil in five, ten and 15 years time; and if the Government will review predictions of future traffic growth in view of the changing predictions on the future long-term price of oil. [15934/04]

Mr. Brennan: I propose to take Questions Nos. 5 and 18 together.

General responsibility for energy policy is a matter for the Minister for Communications, Marine and Natural Resources. In August 2003 the National Roads Authority published updated road traffic forecasts for the period 2002-40. The forecasts were based on: a review of the growth factors published in the national roads needs study 1998; estimates of vehicle kilometres travelled in the year 2001, derived from a programme of manual and automatic traffic counts covering local and national roads; population and vehicle fleet forecasts; and forecasts of gross national product. Overall, the forecasts project an increase of 67% in car and light goods vehicle traffic and 86% in HGV traffic over the period 2002-40. These compare to projected increases of 124% in car and light goods vehicle traffic and 88% in HGV traffic in the national road needs study in 1998 for the period 1995-2020. The lower projected growth in car traffic in the road forecasts reflects the major growth that has occurred in the period 1995 to 2001.

The impact of oil price increases was not specifically taken into account in the methodology used in the NRNS or in the more recent forecasts. It is generally recognised that the demand for transport is highly price inelastic and that increases in the cost of fuel will not lead to proportionate reductions in travel demand or road traffic volume. Trends in actual and projected traffic will be kept under review. Sustained changes in traffic volumes and patterns

arising for whatever reason, including the impact of a sustained high level of increase in oil prices, will be taken into account in transport planning generally and the planning and design of road projects.

Mr. Eamon Ryan: Will the Minister confirm that the key point in his reply is that we have taken no account of the possible projected price of oil in 2040 and that we have no view in that regard in terms of managing future traffic demand? While he states that the demand for transport is highly price inelastic, does he not agree that the real issue is that most people do not have a choice? It is inelastic, first, because corrupt planning procedures have led to the building of housing estates without the provision of other facilities around our cities and, second, because the Department and the Government have refused to invest in public transport. Does the Minister agree that most of the inelasticity is not because people want to drive their cars everywhere but results from the fact that they simply do not have a choice in that regard?

Does the Minister also agree that the one area where choice possibly exists is that of long, interurban journeys because it is possible to choose to take the train from Dublin to Cork, Galway, Waterford or Limerick? Does he further agree this is the one area where we could take into account increasing oil prices and possibly decide to invest in intercity rail links rather than in the motorways on which he is spending the entire transport budget?

Mr. Brennan: I have no idea of what oil prices will be in 2040 and certainly will not plan for them.

Mr. Eamon Ryan: There may not be much oil, but that may give the Minister a clue as to what prices may be.

Mr. Brennan: I do not know what oil prices will be at the end of this year, not to mind in 2040. While I know where the Deputy is coming from on this, if we concern ourselves with future oil prices, there will be little else of concern to us.

We have had much discussion on investment in public transport. Between 2004 and 2008 the sum available for investment is €3.5 billion. One billion of that is an operational subsidy investment in the CIE group while the rest is capital investment. The Deputy is aware of the substantial investment now in public transport. A few days ago we announced the opening of the Midleton line. The completion of continuous welded track of the inter-urban lines has brought us to a situation where almost the entire track in the country is new. A substantial amount of new rolling stock and carriages are on order and being delivered on a daily basis. The upgrade of the DART is an enormous investment which is going ahead, particularly at weekends. The Luas is also coming to fruition. An enormous amount of

taxpayers money is going into public transport right across the system, in buses, trains and quality bus corridors.

I make no apologies for linking the main urban centres of the State by motorway, although the Deputy and I will never be in agreement on that. This is what the taxpayer and the public would want along with first class rail services between those areas.

Mr. Eamon Ryan: The Minister is spending four times more on new roads than he is on public transport in our capital budget. While I agree with the Minister that I do not know what the price of oil will be in 2040, does he not agree it would be appropriate for the Department of Transport to include some analysis of fuel projections given the billions being spent every year on future transport patterns. Does he agree that such an analysis, if it showed a massive increase in the price of oil, might lead him to change his investment patterns from the pattern where we invest four times more on inter-urban motorways to one where we would invest more on urban and inter-urban rail systems that might be cheaper to run in 2020 or 2040, based on oil price predictions? I agree I do not know what the price will be but I would have a good bet that it will be a multiple of what it is now. For the Minister to disregard that fact completely in his planning seems reckless.

Mr. Brennan: When Ministers for Finance prepare their annual budgets, they take a view of oil prices 12 months ahead.

Mr. Eamon Ryan: The Minister is investing for a 20 year forecast.

Mr. Brennan: My point is that no matter what country we are talking about, Ministers take a cautious stab at what oil prices might be in the next 12 months. They do not care to go beyond that because that would involve total conjecture. I understand the Deputy's point that if oil continues to rise in price over the long term, we might be better off investing more in trains and less in cars. I understand the Deputy's political view on these matters and respect it.

I have not decided to build roads instead of railways but to build both. I must get on and do that. We hope to have more high speed inter-city trains and more commuter trains such as the Midleton one over the next few months and more investment in modern rolling stock. I look forward to us continuing to develop our rail and bus systems and to investing more in them. The reason the spend on roads is so high is that the spending is peaking now. We did not have a good road network and have had to catch up. We must get to a certain stage.

It is not a competition between road and rail. We must have modern motorways and high-speed inter-city trains between our major urban areas. This country can achieve both if we

approach the issue in a determined manner. That is what we are doing. It is not an either-or situation. We need both. If people want to go to Cork or Galway, they must be able to get on a good value high-speed comfortable train, and if they want to drive, they must be able to drive on a motorway. I do not accept it should be an either-or situation. We must press on with both as urgently as we can.

Other Questions.

Rail Services.

6. **Mr. Crawford** asked the Minister for Transport his views on the need to reopen the Cork-Midleton rail link; if further progress has been made in this regard; and if he will make a statement on the matter. [15766/04]

40. **Mr. Boyle** asked the Minister for Transport if it is feasible to extend the proposed new commuter rail service in Cork to Midleton and Youghal; and the steps he intends to take to progress such a proposal. [15937/04]

Mr. Brennan: I propose to take Questions Nos. 6 and 40 together.

I was delighted to announce, on my visit to Cork last week, that the Government has approved the development of a commuter rail service between Mallow and Midleton to meet the long-term needs of the east Cork region.

The development involves the construction of new rail stations on the existing main rail line between Mallow and Kent Station and the relaying of track and reopening of services between Cork city and Midleton. In all, five new stations will be constructed at Blarney, Kilbarry, Dunkettle, Carrigtwohill and Midleton. The proposals emanate from the Cork area strategic plan, CASP, which was commissioned by Cork City and County Councils in 2000.

The new rail commuter service is designed to meet the long-term needs of the rapidly expanding east Cork region, to alleviate traffic congestion into and out of the city at peak times and to attract industrial and commercial developers.

The CASP and the strategic rail review, commissioned by my Department, both supported the case for upgrading commuter rail services in the Cork area. A feasibility study conducted by Iarnród Éireann showed a positive economic return for the proposed rail developments.

Iarnród Éireann has already begun design work on the project and is concluding technical examinations of the new stretch of line between Glounthaune and Midleton. When the examinations are completed, I expect to receive from the company detailed costings for the infrastructure and rolling stock requirements. The funds will be provided from my

[Mr. Brennan.]

Department's capital investment envelope, from the special contributions schemes established by the local authorities and from private developers' contributions. It is also hoped to secure EU funding for the project.

The approach taken by the authorities in Cork, through the CASP, is a model plan for the integration of land use and transportation strategies, and one which other local and regional authorities around the country would be advised to follow.

The CASP contains proposals for further expansion of commuter rail services, in the longer term, including extending the Midleton line to Youghal. These proposals will be examined further as development in the areas concerned takes place and demand for services grows to a point where additional capacity may be necessary.

Mr. Naughten: Some of these questions were submitted before the Minister visited Cork. In light of the Minister's comments, what are the ballpark figures we are talking about? I am sure the Minister had to get some sort of approval from the Department of Finance prior to his visit to Cork. Human nature being what it is, there is concern that in light of the timing of the visit, the commitment may evaporate after 11 June.

With regard to the projected cost figures, what is the breakdown or ratio of the funding from the local authorities through the special development levies, from the private developers, from the State and from the European Union? Those figures are critically important if this project is to be used as a blueprint.

Mr. Brennan: The estimated cost of the Mallow-Midleton suburban service is €89.7 million. That is broken down as follows: restoring the Midleton service track signalling stations — €56.3 million; new stations between Mallow and Cork — €9.4 million; and rolling stock — €24 million. This makes a total of €89.7 million.

The Deputy asked from where the funding will come. It is proposed the Exchequer will contribute €32.7 million from the financial envelope allocated to public transport, the European Union will contribute €23.5 million and the levies and private investment combined will be about €34 million. Some of the figures have yet to be finalised. The €34 million must be pinned down. That is a ballpark assessment of the figure. The EU funding must also be fully finalised in terms of the actual amount. Those discussions are advanced. These are the ballpark figures although there may be some tweaking of them.

I wish to pay tribute to the CASP organisation. The people involved in the plan went about their business professionally and in an organised way. That the local business community was able to offer more than €30 million meant the Government could examine the project. It is a

template for any other part of the country that is thinking of reopening a rail line. This is an excellent model of how to approach the idea and assess it professionally. I pay tribute to all those who brought this project to Government and who made it an easy decision because of the professional approach and the manner in which they recommended it.

Mr. Eamon Ryan: Am I to take it from the Minister's earlier reply that the extension of the line to Youghal will have to wait until the Department sees whether the existing line to Midleton is a success? Does he agree that the real key to success in the use of these new assets is the running of as many services as possible on the fixed line?

Given that we are investing in the renewal of the Cork-Midleton line, which I very much welcome, does it not make sense to proceed immediately with the construction of a line to Youghal, given that a large section of passengers travelling to Youghal would use the main line in which we are investing? Such an extension would bring further planning benefits to that major developing town.

Does the Minister or the Department have plans for similar development of the public transport system on the south side of Cork where there has been massive population growth but there is no such public transport provision? What public transport provision does the Minister have to offer people on the south side of Cork?

Mr. Brennan: The CASP study envisages all the developments to which the Deputy referred. The CASP contains proposals for extending the Midleton line to Youghal, but that will have to be considered in the longer term. It is not a project on which I can embark now. However, I will keep the proposal under close examination as we move forward to develop the Cork-Midleton line. The position is similar in respect of the proposal for the south side of the city. The development of the Cork-Midleton line is a major investment and has been identified as the priority by those involved in CASP. They indicated the other proposals are also important but that they would have to be considered in the longer term.

Mr. Naughten: In the breakdown of the figures the Minister gave I did not hear him mention any figure for the provision of park and ride facilities. In that context and in the context of the Luas, which I hope will be up and running soon, are there plans to run shuttle services to some of these railway stations? It seems there is a blinkered approach to the provision of services whereby we consider only the transport needs of the people within the immediate catchment area of these stations. Should we not consider developing significant park and ride facilities in areas where there are major junctions between the rail and road networks?

Does the Minister agree that when the new motorways are constructed they will bring people into the cities much quicker but that traffic will be much slower moving around cities unless investment is made in public transport? If we can facilitate and encourage the development of park and ride facilities, it could alleviate some of these problems in the future.

Mr. Eamon Ryan: Will the Minister explain why he cannot invest in the rail extension to Youghal? Is it because of a lack of money? If the development of that line makes such strategic sense, why are we not proceeding with it?

Mr. Brennan: I am a strong supporter of park and ride facilities and substantial investment is being made in them. When I was in Cork last week I opened the Black Ash park and ride facility which is the first such facility in the country specifically tailor-made as a park and ride facility. I compliment everyone who made that happen in Cork. It will accommodate 700 cars and is located near the Kinsale Road roundabout. It is the first of many such facilities envisaged by the local authority in the area which received funding support from the Department of Transport.

Regarding Luas, Deputy Naughten and Deputy Ryan in particular will be aware of the number of park and ride facilities being developed along the Luas line. There are also tax breaks for anyone who wants to invest in park and ride facilities. I hope significant use will be made of those in the future.

It is too early to make a decision to extend the line from Midleton to Youghal. It is a matter of priorities. My priority is to do what we announced last week, namely, to re-open the Cork-Midleton line with new track laid. We will see how development progresses in those areas because such development would have to work up to critical mass.

We are developing commuter lines. We had 3,000 miles of rail track 50 years ago and we now have a thousand miles of such track. If we are to develop the rail network, and I am a believer in doing that, there is a strong case for the development of high-speed intercity and commuter services. I intend to push ahead with those along the lines of this proposed commuter service. The case for other such services is not as clear but that does not mean we will not invest in them. There is no argument remaining against the value of providing commuter line services to and from high-density areas. It is the way of the future and I intend to continue to invest in those.

Mr. Eamon Ryan: Does the Minister have figures for the number of people who currently commute between Youghal and Cork city?

Mr. Brennan: I will have to get them for the Deputy as I do not have them with me.

Mr. Eamon Ryan: I would appreciate if the Minister could supply them to me.

Mr. Brennan: I will do that.

Taxi Hardship Panel.

7. **Mr. Quinn** asked the Minister for Transport his views on whether payments to families who suffered serious financial losses as a result of overnight deregulation of the taxi industry are sufficient to alleviate the hardship experienced by these families; if he has plans to increase payments to these families beyond that recommended by the Taxi Hardship Panel; and if he will make a statement on the matter.
[15909/04]

Mr. Brennan: The taxi hardship payments scheme is based on the recommendations and parameters set out in the Taxi Hardship Panel report, as approved by Government.

The Taxi Hardship Panel was an independent, three-person panel established to report in general terms on the nature and extent of extreme personal financial hardship that may have been experienced by individual taxi licence holders arising from loss of income as a direct result of the liberalisation of the taxi licensing regime. No prior parameters were imposed in regard to the recommendations the panel might make. It was, however, made clear at the outset that based on legal precedent there can be no legal duty on the State to compensate taxi licence holders in regard to open market licence values that may have existed prior to liberalisation. Some 2,000 submissions were received by the panel and the panel also met with taxi representative groups and with some individuals who made submissions before finalising its report.

The report of the panel recommended the establishment of a scheme to provide payments to individual taxi licence holders who fall into one of six categories that the panel assessed as having suffered extreme personal financial hardship arising from taxi liberalisation. The payments range from €3,000 to €15,000 depending on the category of hardship involved. The Government approved the implementation on a phased basis of these recommendations. The payments in question do not represent compensation but rather compassionate payments in respect of extreme personal financial hardship.

I have no proposals to re-open either the terms of the Taxi Hardship Panel report or the Government's decision in regard to it in so far as the recommended payment levels for each category of hardship are concerned.

Ms Shortall: It is generally accepted there is a category of licence holder who was not adequately catered for by the Taxi Hardship Panel. It is those families who invested in taxi licences before deregulation. Those licence holders find it difficult enough to make a living, given the flooding of the taxi market, let alone

[Ms Shortall.]

make the repayments on what, in some cases, are substantial loans they would have taken out. Some licence holders would have taken out loans up to €100,000 on which the repayments are in excess of €900 per month. They are the real victims. The numbers involved are not large, but they are a category of people who are suffering serious hardship as a result of the Government's action.

Will the Minister explain how the hardship a family in those circumstances is suffering will be alleviated through the payment of €13,000? Does he accept such a payment is wholly and utterly inadequate in alleviating such hardship? Will he again reconsider this category of licence holder because they are experiencing real hardship. The families concerned are experiencing great difficulties. Some of them have to sell their homes, some are experiencing marital difficulties and some have to cope with alcohol abuse because of the enormous stress they are under as a result of deregulation. I appeal to the Minister in the strongest possible terms to reconsider this category and how they might be further assisted.

Mr. Brennan: As the Deputy is aware, we had this discussion at a recent committee meeting. Whatever personal sympathy I might have for the category to which the Deputy referred — one would have to have sympathy for the case she laid out, assuming she has put forward a factual case — I have been presented with an independent report by Bill Attley, Kevin Bonner and Ann Riordan, three independent persons who came before the relevant committee recently. They went about their work diligently and professionally and produced a report. They met the groups and went through an entire process and recommended to Cabinet what type of compassionate payments might be made. The Cabinet accepted that recommendation without changing it and has stuck to it ever since.

Some €8 million has been paid out to date to more than 660 applicants. As I said at a recent committee meeting, that figure is expected to double or even treble depending on how it works out in the end with ADM which is operating the scheme. It is best to proceed to make the payments as quickly as we can so that we can help as best we can those who have suffered hardship. The independent three-man panel made clear that the hardship payments scheme is not meant to remove hardship but to make a contribution to alleviating it.

Mr. Naughten: Will the Minister confirm that the figures that have been set by the taxi hardship panel are the maximum amounts to be paid out? Will he confirm that people will be paid less money as a proportion of the hardship involved? If it is the case that someone who paid €127 for a licence will be eligible for a payment of up to €13,000, whereas someone who paid up to €100,000 will be eligible for up to €12,000, how

does the Minister square the circle? It does not seem to tally with his definition of extreme financial hardship. That is part of the discrepancy, as is the fact that people receive €5,000 for dependent children. The figure seems to be the same regardless of the number of such children.

Does the Minister not agree that there appear to be serious flaws in the hardship report? I refer to the manner in which the calculations are made to determine extreme financial hardship, as well as the criteria used to decide who should receive hardship payments.

Mr. Eamon Ryan: Does the Minister agree that there is a great deal of hardship, especially in the Dublin taxi market, as a consequence of the number of taxis that are operating, many on a part-time basis? Does he agree that the problem would be solved if some type of entry standards were set? I would prefer if one of the standards was that taxis should be accessible to wheelchairs. An entry standard would, at least, help those full-time professional taxi drivers who have been in the industry for a long time.

There is a need for some regulation of the numbers rather than allowing anybody to enter the industry to work on a part-time basis, as is the case at present. Does the Minister consider that such a system could be used as a means of ensuring that working as a taxi driver is seen as a full-time and well-paid profession rather than something people take up as an additional or second job?

Mr. Brennan: Deputy Naughten asked if the figures set by the hardship panel are maximum figures. I will check it again, but I think they are recommended payment amounts rather than maximum amounts. I think the panel recommended that the figures of €15,000, €13,000, €3,000, €6,000 and €8,000 be paid.

Mr. Naughten: Does that mean that if one fits into a certain category, one will get the relevant payment?

Mr. Brennan: Yes, that is my understanding.

Mr. Naughten: A person who paid €127 for a licence will receive €13,000.

Mr. Brennan: If one falls into the category, one will receive the level that has been recommended by the panel. They are not maximum amounts. Nobody should get less than that. I will double-check it for the Deputy. That is my understanding of what it means. The Deputy has made the case for those who paid a substantial amount of money for a taxi plate and will receive compensation of just €13,000. The panel must take account of all such cases in assessing hardship. Attempts have been made to help on a case-by-case basis along the lines recommended by the report. The payments will not alleviate hardship, but are intended as a contribution.

I agree with Deputy Eamon Ryan's comments about entry standards. The regulator has been identified by the Civil Service Commission. A name will be sent to me shortly for confirmation, which I will do. After holiday details and transitional arrangements have been worked out, the person in question is expected to take office in July or August.

Ms Shortall: The regulator will take office three and a half years after deregulation.

Mr. Brennan: The regulator will be able to use powers under the Taxi Regulation Act 2003, which was passed by the House last year to establish an entire new regime. Successive Governments over the years spoke about introducing such a taxi Act.

Mr. Naughten: In fairness, that includes the Government of which the Minister was the Chief Whip.

Mr. Brennan: Indeed.

Mr. Eamon Ryan: Will the Minister direct the regulator to use wheelchair accessibility as a means of assessing vehicle standards?

An Leas-Cheann Comhairle: The Deputy is attempting to widen the scope of the question.

Ms Shortall: Will they be properly wheelchair accessible?

Mr. Brennan: It is one entry standard, but not the only one.

Mr. Eamon Ryan: Will the Minister seek to establish it as an entry standard with the regulator?

Mr. Brennan: Absolutely.

Ms Shortall: Will it be a proper standard of wheelchair accessibility, as opposed to the standard used at the moment?

Mr. Brennan: I have asked the National Taxi Advisory Council to discuss the matter, about which the taxi industry has strong views. We have asked the council, which represents consumers as well as providers, to indicate how best to proceed in that regard.

Public Transport.

8. **Mr. Connaughton** asked the Minister for Transport if he has satisfied himself with the procedure for the location of bus stops; and if he will make a statement on the matter. [15776/04]

61. **Mr. Perry** asked the Minister for Transport if he has satisfied himself with the procedure for the location of bus termini; and if he will make a statement on the matter. [15788/04]

Mr. Brennan: I propose to take Questions Nos. 8 and 61 together.

The Garda Commissioner has the power to determine locations for bus stops and termini. Under section 85 of the Road Traffic Act 1961, the Commissioner may issue a direction to a bus operator, identifying the specific location of bus stops and termini for any bus route. He may determine that certain stops may only be used for passengers boarding or leaving buses. I understand that the Garda engages in a consultation process with local authorities and bus service providers before it issues a direction under section 85. Section 86 of the 1961 Act empowers the Commissioner to make by-laws relating to the use of bus stops and termini. Such by-laws have been in place since 1962.

The Road Traffic Act 2002 introduced a number of significant changes to the provisions established in the 1961 Act. Section 16 of the 2002 Act provides that responsibility for the determination of the location of bus stops and termini will be transferred from the Garda Commissioner to road authorities. This new approach reflects the evolution of policy and the development of the role of local authorities in traffic regulation and management since the passage of the 1961 Act. Section 20 of the 2002 Act provides that the Minister for Transport will provide for the regulation of the use of bus stops and termini. This ensures that the controls to be applied to the use of facilities will be contained in the same statutory framework that applies to traffic regulation generally.

Investigations have been conducted by Dublin Bus and the Garda Síochána into the tragic accident at Wellington Quay on 21 February last. We await the reports of the investigations. Dublin Bus has concluded its investigation into the circumstances of the accident. The investigation will establish causes and contributory factors and will make recommendations to prevent a recurrence. The publication of the report of the investigation into the tragic events at Wellington Quay has been deferred, however, as a result of recent correspondence received from the Director of Public Prosecutions. Dublin Bus has informed me that it is committed constantly to improving safety throughout the organisation. Its commitment has been brought into sharper focus by the Wellington Quay tragedy.

The Department of Transport has written to Dublin Bus and Bus Éireann to ask them to undertake a review of all bus stops from a safety perspective and that is under way. Suggestions which refer to the location of bus stops and termini or to the use of such facilities will inform the development of the new statutory arrangements envisaged under the Road Traffic Act 2002, as will any matter that arises from the Garda investigation.

Mr. Naughten: The Department of Transport has written to Dublin Bus and Bus Éireann about the locations of bus stops and termini. Why has it

[Mr. Naughten.]
not written to other bus operators? Given that it issued the licences, the Department should be well aware of who the other bus operators are.

In light of the Wellington Quay incident and the impending publication of the report, does the Minister not think it would make sense to introduce common bus stops in Dublin and elsewhere? Bus stops should not be located higgledy-piggledy all over the place, one after the other, simply because different operators are involved. Is it not the case that this issue needs to be addressed, not only from a safety perspective but also, more critically, from the perspective of the Minister's proposals about deregulation and competition?

The Minister gave a commitment in the House that the families of the victims would be fully briefed about the progress of all investigations, but part of the report was published in a national newspaper yesterday. Does the Minister not feel that it was a gross insult to the families that they had to read about this in a national newspaper, rather than hearing about it from the company itself? Is an investigation taking place into how the document was leaked to a national newspaper?

Mr. Brennan: I did not write to the other bus stop operators, but I will certainly do so. Perhaps my failure to do so was a symptom of an assumption that all bus stops are operated by CIE. There are not many other operators, but I will plug the gap by writing to them.

I have been informed by the chairman that the company has been in touch with the families on a consistent basis. In recent weeks, the chairman personally visited a number of the families to inform them of developments in this regard. I want the company to keep the families fully informed at all times, within whatever legal constraints there may be, given the view taken by the Director of Public Prosecutions. I agree with the Deputy it is imperative that the families involved in this terrible tragedy should be kept fully informed. My understanding is that they are being kept so informed, but I will restate the position to the company.

Ms Shortall: After the Wellington Quay tragedy, we asked the Minister to carry out a review of all the bus stops and termini in the city centre. At that stage, the Minister assured us that he was satisfied because they are kept under review and their locations are selected by the Garda Síochána and the city council. He is now telling us that, arising from the reports that have been produced, all the stops are to be reviewed. Will the Minister indicate whether terms of reference or other criteria have been established in respect of safety at those stops? Presumably, Dublin Bus was of the view that all the stops were safe so what measures will now be used to assess their safety?

Mr. Brennan: The only terms of reference I gave were to instruct Dublin Bus to undertake a review of all bus stops from a safety perspective and for the organisation to satisfy itself that they were safe for pedestrians and for the operation of buses. There is no second check on that, if that is what the Deputy is suggesting. At this point, I do not have an independent authority that can second-guess Dublin Bus on the matter. Dublin Bus operates the buses and has told me in strong terms that their bus-stops are safe. We have had one terrible tragedy, which is being investigated, and Dublin Bus will now review all bus stops again from a safety perspective before letting me have the conclusions. That is the best way to proceed. If we had a separate safety organisation that could second-guess Dublin Bus, it would still be difficult to undertake a review of all bus stops throughout the city or, for that matter, the country.

Mr. Naughten: At the time we discussed the Wellington Quay tragedy, the Minister stated that he had asked Dublin Bus to undertake a review of its bus stops and termini in and around Dublin. Did the Minister talk to other bus operators in Dublin? Is it not the case that some bus operators in the city do not have official bus stops or termini? Does the Minister think that is acceptable in light of the Wellington Quay tragedy?

Will the Minister give a commitment that all bus operators will be contacted and that the relevant points that emerged from the Dublin Bus investigation, regarding bus stop specifications etc. will be made available to all operators throughout the country?

What investigation is being conducted by Dublin Bus on behalf of the Minister's Department, concerning how this report, which the DPP requested not to be released to the public, got into the hands of a national media outlet which published part of it? This is a critical issue, in light of the commitments the Minister gave to the House and the fact that Dublin Bus is answerable to the Minister and his Department.

Mr. Brennan: Because this tragedy involved Dublin Bus directly, the focus was on ensuring that the company reviewed its safety procedures. Very few other bus stops are serviced by private operators.

Mr. Naughten: If the Minister walked around the block he would see a significant number of such bus stops.

Mr. Brennan: I was just going to come to that point. I accept the Deputy's premise that private bus owners require a better deal, more certainty and a more formal role in our transport system, rather than the marginal role that has been allocated to them up to now. That includes providing bus parking space for them, as long as private operators provide a transport service of

good quality. Part of the problem is the 1932 Act, which I am trying to reform.

As regards leaks, I do not think the entire report has made its way to the media. The more sensitive parts of it concerning the issues on which the DPP took some views did not feature. There were broad references in the media as to what may be contained in the report, which led the DPP to take his view. Although I do not know for sure, my opinion is that the report is not in the hands of the media but that certain aspects of it have found their way into the media. I will not be able to get to the bottom of it from inquiries I might make in that regard.

Road Safety.

9. **Mr. Murphy** asked the Minister for Transport the plans he has to introduce seat belts on buses; and if he will make a statement on the matter. [15811/04]

Mr. Brennan: Requirements on the use of seat belts in buses under EU law and national regulations apply to the driver and each passenger in a forward facing front seat of a bus up to 3,500 kg maximum weight, where seat belts are fitted.

Directive 2003/20/EC, which was adopted in April 2003, provides, *inter alia*, for the compulsory wearing of seat belts by all occupants of vehicles, including buses where seat belts are provided. Under the directive, special provisions apply in respect of children under three years of age. Member states are required to transpose this directive into their national laws by 9 May 2006. However, it will be necessary to adopt a number of supporting proposals on type-approval standards concerned with the mandatory fitting of seat belts before the directive on the compulsory wearing of seat belts can be implemented and enforced.

In this regard, last year the European Commission published proposals to amend a number of directives relating to the type-approval requirements for safety belts and restraint systems, anchorages for safety belts and seats, their anchorages and head restraints. The proposals provide, *inter alia*, for the mandatory fitting of seat belts in all buses and coaches at manufacturing stage, other than those used on staged-stop urban services. Under the proposals, it would be a requirement for the sale, registration and entry into service of new buses and coaches, from 1 January 2006, that their safety belts and restraint systems, anchorages for safety belts and seats, their anchorages and head restraints, would conform to the technical requirements specified in the proposed directives. It is expected that the proposals will be considered by the Council of Transport Ministers shortly, with a view to the adoption of a common position by member states. For practical engineering reasons, I have no proposals to require existing buses to be retro-fitted with seat belts.

Mr. Naughten: As the Minister is currently president of the EU Transport Council, will he consider the mandatory fitting of seat belts on all school buses that come into service? In the United Kingdom all school buses must have seat belts following the introduction of a mandatory regulatory system for all new buses providing school transport. Will the Minister consider introducing such a scheme here, given that a report published by the Oireachtas in 1999 called for such measures?

Mr. Brennan: I share the same objective as the Deputy in wanting to see every bus fitted with seat belts on every seat, apart from local buses such as those used on staged-stop urban services. All medium and long-distance buses should be fitted with safety belts. That matter will be sorted out for new buses and coaches from 1 January 2006, assuming we can get some changes in type-approval standards.

The assessment of the Department of Transport to me on the retro-fitting of buses, such as school buses, which are already in service is that it presents substantial engineering difficulties. The Deputy is probably making a distinction between school buses which come into service as opposed to those already in service. The buses which are in service provide virtually all the capacity at present. Not many new buses are coming into service and, when they do, they tend to be the older type of bus. The Department informs me that there are practical engineering reasons for requiring them to be retro-fitted and that starting with new buses is the most practical way forward.

If the Deputy can suggest a way around this problem, I would be interested in pursuing it because I would like to see seat belts on every school bus from tomorrow if it were practical. Recalling them all or refusing to allow them on the road from a certain date could be considered, but there are substantial financial implications for the owners of these buses.

Mr. Naughten: A number of solutions were proposed in the Oireachtas report of 1999. I suggest that the Minister speaks to his colleagues in the UK who have put in place such a system. Is it not the case that, under the current and planned regulations, it will be at least 2021 before any school buses have seat belts other than those for special needs children? Does the Minister not agree that it is unacceptable that school buses will not have seat belts for the next 15 years, even though they will be obligatory on passenger services in the intervening period? He should consider the introduction of a regulation whereby any bus which is commissioned for the school transport service would have to have seat belts fitted to them retrospectively.

Mr. Brennan: This is the issue of whether the Government wishes to insist on retro-fitting these buses.

Mr. Naughten: What about fitting them in new buses entering the service rather than existing buses?

Mr. Brennan: There are not many of those. The school bus fleet is practically complete. Every child in the country who needs it is being transported by an existing bus. This would only apply to a handful of buses.

Mr. Naughten: It could happen over a period of time, unless the Minister wants to wait until 2021.

Mr. Brennan: I do not.

Mr. Naughten: That is what the Minister is saying at the moment.

Mr. Brennan: From 1 January 2006, new coaches and buses will be required to have seat belts. That will commence the process and I have asked the Department to examine whether there is any way forward in terms of requiring school buses to have seat belts from a particular date. If we were to embark on this, the best thing would be to select a date and require all school buses to have seat belts fitted by that date. We are examining that proposal closely to see if it is possible.

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 Wall — if the Minister is aware of the problems being encountered by a school (details supplied) in relation to the lack of facilities and personnel; (2) 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; (3) Deputy Pat Breen — why Shannon Development is not included in the central applications office website for the Government's proposed decentralisation plans; (4) Deputy Cowley — the reason the Minister for Health and Children did not appear before the Oireachtas Joint Committee on Health and Children to answer concerns about the Hollywood radiotherapy report; (5) Deputy Sargent — the need for the Government to indicate how it expects schools to take seriously the promotion of 2004 as Year of Sport in Education when schools are denied necessary grant aid for temporary accommodation; and (6) Deputy Gregory — the issue of young children as young as ten and 12 years being drawn into drug dealing near Lourdes House in Dublin 1 and no adequate response from the educational welfare officers.

The matters raised by Deputies Wall, Gregory, Cowley and Ó Snodaigh have been selected for discussion.

Adjournment Debate.

Special Educational Needs.

Mr. Wall: Scoil Mhicíl Naofa is a school in Athy with special classes for children with autism as well as mainstream classes. The teaching staff and the board of management are among the best in dealing with issues and driving forward the educational agenda set out by the Minister for Education and Science.

It is with regret, therefore, that we must today seek facilities for some of the children in the school. In September 2003, the board of management of the school made an application to the Department of Education and Science to allocate resources for special needs assistance hours to the children. Despite a year having gone by, no such allocation has been made. Deputy Ó Fearghail and I have for some time met parents and the principal of the school to try to alleviate their concerns about this matter. Unfortunately, however, we do not seem to have made any progress in this regard with the Department of Education and Science.

One of the problems is that there is no inspector for the school. We have been waiting for some time for the appointment of an inspector for the Athy area. Therefore, the school has a problem in that no one in the system is advocating the school as making a positive contribution through its work. Misleading information is also being given by the Department of Education and Science on the numbers of teachers there and so on. This was rectified by written replies to Deputy Ó Fearghail and itemised by the principal to ensure that the wrong figures were not being worked from.

This school has been inspected on a number of occasions by the national executive and has been examined in regard to its work through resource hours, special needs teachers and so on. It has never been found wanting in any area. While the school has special classes for children with autism and mainstream classes, they have two separate identities. However, in determining the figures for the school, the Department seems to be rolling them together, giving the false impression that the school has enough resource hours and special needs assistance so there is no need for further hours and resources to be allocated to the school.

Some nine children have attended the school since September 2003 and we are still awaiting a decision on their application. We are approaching the second year of their education and it is of major concern to the principal, teachers and parents of these children that nothing has happened. A new school year is approaching in

September but there has still been no decision. No inspector has been appointed. Even if one were appointed, however, he or she needs a training period. When the inspector is appointed, will he or she take Scoil Mhicil Naofa as one of the first schools to be investigated to ensure that the he or she can put the school's case? The school has been inspected on a number of occasions in regard to the usage of the facilities allocated through special needs assistance hours and so on.

That has been examined with a fine tooth-comb by the Department on three occasions and not one mistake has been found apart from the mistake made by the Department in dealing with figures. The Department of Education and Science should look seriously at the wonderful work being done in this school and ensure that when inspectors are appointed this is one of the first schools dealt with. I refer in particular to the nine children who have been waiting for almost a year for the facilities which will allow them to progress.

Minister of State at the Department of Education and Science (Mr. B. Lenihan): I am pleased to clarify the position of the Department of Education and Science on Scoil Mhicil Naofa, Stanhope Street, Athy. The Department is most anxious that all children receive an education appropriate to their needs. The school referred to by the Deputy currently has the services of two full-time resource teachers, two full-time learning support teachers, one of whom is shared with another school, three special class teachers for pupils on the autistic spectrum, two special class teachers for children with mild general learning disability, 16 full-time special needs assistants and three part-time special needs assistants.

The Department has received applications for additional special educational resources on behalf of special needs pupils at the school in question. The Department received more than 8,400 applications for special education resources since 15 February 2003 and the batch of approximately 5,000 applications received between 15 February and 31 August 2003 is being considered at present. Priority was given to cases involving children starting school last September and all these cases were responded to at or before the commencement of the current school year.

The balance of more than 4,000 applications has been reviewed by a dedicated team comprising members of the Department's inspectorate and the national educational psychological service. These applications are being further considered in the context of the outcome of surveys of special education resource provision conducted over the past year and the data submitted by schools as part of a nationwide census of such provision.

Processing the applications is a complex and time-consuming operation. However, the Department is endeavouring to have this completed as quickly as possible and officials

from the Department will then respond to all applicant schools. Pending a response, schools are advised to refer to Circular 24103, which issued in September 2003. This circular contains practical advice on how to achieve the most effective deployment of resources allocated for special educational needs within the school.

In the case of teacher resources, the outcome for each applicant school will be based on a new weighted system of allocation which the Department of Education and Science announced recently. This system, as part of which an additional 350 teaching posts will be allocated, will involve two main elements, making a staffing allocation to schools based on a predicted incidence of pupils with special educational needs and making individual allocations in the case of children with more acute lower prevalence special educational needs.

It is expected that the change to a weighted system will bring with it a number of benefits. The new system will reduce the need for individualised educational psychological assessment, reduce the volume of applications to the Department for additional resources for individual pupils and give greater flexibility to schools, which will facilitate the development and implementation of improved systems and procedures in schools to meet the needs of pupils with low achievement and pupils with special educational needs.

Transitional arrangements for the introduction of the weighted system are being developed at present in consultation with representative interests. As soon as those consultations have been completed, the detailed arrangements for processing applications for resources, including those for special needs assistants and those received after 31 August last, will be set out in a circular to be issued to schools before the end of the current school year.

The staffing for special classes for children with autism as outlined in the relevant departmental circulars is one teacher at a pupil-teacher ratio of 6:1 together with two full-time special needs assistants. The school in question has three classes for children on the autistic spectrum with a total enrolment of ten pupils in the three classes. These classes currently enjoy significant staffing resources. There are three teachers, nine special needs assistants — eight full-time and one part-time — deployed to cater for the pupils in these special classes. The staffing for special classes for children with mild general learning disability as outlined in the relevant departmental circular is one teacher at a pupil-teacher ratio of 11:1. The school referred to by the Deputy currently has two classes for children with mild general learning disability with a total enrolment of 18 pupils. There are two teachers and five special needs assistants currently assigned to cater for these pupils.

The Department inspectorate reviewed this school as part of a sample survey carried out on resource teacher and special needs assistant

[Mr. B. Lenihan.]

support in 25 schools in 2002 and the national educational psychologist service is currently further reviewing the special educational needs supports required at this school.

Applications for an inclusion class and a pre-school class for children on the autistic spectrum have been submitted by the school and are also being considered. It is hoped to notify the school authorities of the outcome in the near future. An application for major capital improvement works has also been received from the management authorities of the school.

The 2004 school building programme has been published and full details of individual projects are available on the Department's website. On the basis of the funding allocation and the competing priorities for that funding, it was not possible to include the school in question. However, a key strategy for building projects will be grounded on the budget day announcement of multi-annual allocations for capital investment in education projects. All projects that are not going to construction as part of the 2004 school building programme will be re-evaluated with a view to including them as part of the multi-annual building programme from 2005 onwards. The Department expects to be in a position to make a further announcement on this matter during 2004. I thank the Deputy for giving me the opportunity to clarify the position on this school.

Drug Dealing.

Mr. Gregory: I thank the Chair for allowing me to raise this serious matter.

Some weeks ago a serious drug dealing problem in the vicinity of Our Lady of Lourdes Church in the north inner city was brought to my attention, a problem made all the more serious in that very young children were being used by drug dealers as look-outs, runners and even to exchange drugs for money. This was happening during daytime hours and while the gardaí were active, and continue to be active, against the main drug dealers involved, with a number of arrests being made, their work was made more difficult by the involvement of children as young as ten or 12, as well as a group aged between 18 and 20 years.

The anti-social behaviour associated with these groups and activities made life very difficult for local residents and in particular for senior citizens attending the Lourdes day care centre nearby. There was an atmosphere of intimidation from the groups of youths involved in this activity and it seemed to many that the area was going back to the bad old days and the open drug dealing in the early 1990s. There is a very active community policing forum in the area and its full-time co-ordinator organised a meeting of all the local projects working with young people as well as representatives of the Garda, the city council, public representatives and residents. Again, the gardaí responded very positively and their senior personnel in the area attended the meetings. The

general response from those witnessing this activity was that the gardaí were doing all they could but that the same could not be said of other State agencies which clearly had a responsibility for certain aspects of the problem.

People have rightly asked why young children could be drawn into a web of drug dealing in daytime hours when they should clearly have been in school. I would like a response from the Minister outlining the measures taken by educational welfare officers, or whoever is responsible for this matter, to identify children and teenagers who are absent from school. What measures are on hand to cater for these young people so they are not drawn into this web of drug dealing?

Efforts have been made locally, with local projects creating a young people at risk process to co-ordinate all voluntary and statutory agencies working with young people at risk in the community. That process has been greatly assisted by the child care manager of the Northern Area Health Board but, regrettably, other agencies have not played their part. In particular it was felt that the Department of Education and Science, the vocational education committee and the probation and welfare service have not taken this matter seriously. They have failed to be represented at senior level in the young people at risk process or to attend meetings when invited.

I hope that by bringing this matter to the attention of the Minister he will use his good offices to ensure all relevant State agencies play their part fully, that they respond in a more positive manner in future and participate fully in the young people at risk process. If we do not respond now, not only will more young people be dragged into the drugs trade by the attraction of easy money but some will end up as the next generation of serious drug dealers.

It is ironic that the location where this problem has re-emerged was to have had facilities fast tracked and developed under the RAPID programme, if such a programme ever existed, and many of us doubt it. The national school nearby at Rutland Street was to have had a new modern school built in the adjoining Gloucester Diamond but Government cutbacks put that on the backburner. It has not happened and there is no sign of it. The Lourdes day care centre which has borne the brunt of the intimidation from the drug dealing was to have been given a brand new premises on a nearby site but again Government cutbacks have put that on the backburner. The Lourdes youth and community services were to have been provided under the RAPID programme with an ultra modern premises but that has disappeared.

These are resources that are vitally needed in this disadvantaged community. I hope the Minister will look into this matter and ensure the resources are provided and particularly that the relevant officials from the various responsible State agencies do their job and participate in the

young people at risk process in order that they can respond adequately and deal with the problem.

Mr. B. Lenihan: The Education (Welfare) Act 2000 established the National Educational Welfare Board as the single national body with responsibility for school attendance.

5 o'clock The Act provides a comprehensive framework promoting regular school attendance and tackling the problems of absenteeism and early school leaving. The general functions of the board are to ensure that each child attends a recognised school or otherwise receives a certain minimum education.

To discharge its responsibilities, the board is developing a nationwide service that is accessible to schools, parents, guardians and others concerned with the welfare of young persons. For this purpose, educational welfare officers are being appointed and deployed throughout the country to provide a welfare-focused service to support regular school attendance and discharge the board's functions locally.

The board has appointed a chief executive officer, directors of corporate services and educational welfare services and a management team of eight staff. To date, 62 educational welfare staff have been appointed. I understand the board will shortly make a further educational welfare officer appointment which will bring the service delivery staff to its authorised complement of 63.

At this stage of its development, the aim of the board is to provide a service to the most disadvantaged areas, including areas designated under the Government's RAPID programme and most at-risk groups. Five regional teams have now been established with bases in Dublin, Cork, Limerick, Galway and Waterford and an educational welfare service is now available, for the first time, in the cities of Limerick, Galway and Kilkenny. Twelve towns with significant school going populations, 11 of which are designated under the Government's RAPID programme, also have an educational welfare officer allocated to them. These towns are Dundalk, Drogheda, Navan, Athlone, Carlow, Wexford, Bray, Clonmel, Tralee, Ennis, Sligo and Letterkenny. In addition, the board will follow up on urgent cases nationally. Decisions relating to the assignment of staff to specific areas are a matter for the board, which is an independent statutory body. In 2004, the board will receive the first comprehensive data returns from schools and these will assist it in keeping the level of need for the new service in particular areas under review.

I understand from the board that the service delivery staff have been assigned to specific areas of the country since early December 2003 and that three such staff have been deployed to work with schools, parents, teachers and pupils in the north side of Dublin, including the Dublin 1 area.

Over 400 active cases are being worked by educational welfare officers at present.

It is recognised that the difficulties experienced in disadvantaged areas cannot be solved by one agency acting alone. Education is but one of the many needs of the people living in these areas. The board is working in close co-operation with other services from the education, health and justice area so that children in need of special support are identified very early in their lives and followed up in a multidisciplinary way. I have no doubt this service will help prevent children and young people becoming involved in delinquent and anti-social behaviour in the future.

There are a range of schemes, initiatives and services dealing with educational disadvantage at both primary and post-primary level. These include the school completion programme, the visiting teacher service for Travellers and the home-school-community liaison scheme. Each of these schemes contributes in a very positive way to promoting the education of children and young persons.

As regards reports of drug dealing in the area, I am informed by my ministerial colleague, the Minister for Justice, Equality and Law Reform, that local Garda management is aware of the drug problem in the environs of Our Lady of Lourdes Church, Sean MacDermott Street. One of the main suppliers has been arrested on two occasions. I understand he has subsequently fled this jurisdiction. There have been a number of arrests this year leading to seizures and charges.

I am also informed by my ministerial colleague that the area will continue to receive ongoing attention from the Garda authorities. I also understand from the Garda authorities that the policy of the Garda Síochána on dealing with juveniles who offend is to consider the offender for inclusion in the Garda juvenile diversion programme. That programme provides that, in certain circumstances, a juvenile under 18 years of age who freely accepts responsibility for a criminal incident may be cautioned as an alternative to prosecution and the parents, guardians or persons acting *in loco parentis* agree to the terms of the caution. The Children Act 2001 placed this programme on a statutory footing and the relevant sections of the Act were commenced in May 2002.

The National Educational Welfare Board has indicated it has received no individual complaints about the impact of drugs on school attendance in this area. However, the board has also indicated it is prepared to meet the Deputy to hear his concerns and to see how best it can respond. I trust this clarifies the position for the Deputy.

Hospital Services.

Dr. Cowley: I am grateful for the opportunity to raise on the Adjournment. The Minister for Health and Children did not appear before the Joint Committee on Health and Children today, as arranged, to answer concerns about the

[Dr. Cowley.]

Hollywood report on radiotherapy. This does not augur well for any new responsibilities the Joint Committee on Health and Children may have to fill the vacuum or democratic deficit caused by the removal of the democratically-elected members from the health boards.

This is a very important matter. There is a major problem. The Minister was in the Dáil and did not speak about the radiotherapy report or answer questions on the alternative report because he said he was going to meet the Joint Committee on Health and Children. The message was that the Minister was not available to meet us today nor would he be available next month or the following month and had other business to do in Europe. As far as I am concerned that is not acceptable. Thomas Paine who inspired the revolution in France and the US said: "A body of men holding themselves accountable to nobody, ought not to be trusted by anybody."

The Joint Committee on Health and Children is a part of the Oireachtas. Its task is to shadow the various Departments. It is composed of Senators and Deputies. The Minister has a responsibility to come before it. Under the new structure being suggested, the Joint Committee on Health and Children will be part of the accountability procedure but this does not augur well for the future.

The national cancer registry report proved once again that cancer survival depends on where one lives in Ireland. There are major deficiencies in the north-west, mid-west and the south-east. That the Hollywood report did not address the access problem is not acceptable. We have heard of various plans for private radiotherapy units in the south-east but none of these has any commitment to looking after persons with cancer who do not have money. If one has money one can have that service tomorrow, if not, one has to wait months for it. This is cancer care apartheid. Those who have money get a different service from those who do not have money.

We are entering another tier of cancer care apartheid. One will get the multidisciplinary care — the surgery, chemotherapy and radiotherapy — as recommended in the report, if one lives in Dublin, Cork or Galway but not in the south-east, mid-west or in north-west. Even when the Galway unit opens for the north-west, it will be further away than Dublin. What is proposed is not acceptable. Those in the north-west are annoyed at what is happening. They are putting up with a lifetime of pain and opting for more radical surgery and a lesser chance of cure rather than make the long journey to Dublin. Why make people travel to Dublin, where they do not wish to go, from Donegal or Waterford when the service could be provided locally at the same cost or less? Does that make sense? Ill people are not able to make the 22 journeys that are required to treat prostate cancer.

The staff costs are the same no matter where the unit is located. A unit could be provided in

any area at a cost of €8 million. For example, a unit could be provided in either Waterford, Donegal and Limerick. Why does the Minister insist on spending €34 million on a unit in Dublin to where people will have to make long journeys by ambulance and arrive in a nauseous state? Is it fair that ill patients must travel such distances 22 times? A patient of mine who required radiotherapy died before he received a letter offering him it. That is a scandal. If he had money, he would have accessed that service and would have enjoyed a better life instead of dying in pain.

That is a shame and what the Minister proposes is more of the same. That is not acceptable to the people in the south-east. The people will rise up and take to the street because the Government has let them down. The people in the north-west and the mid-west have been let down as well.

Mr. B. Lenihan: The report let them down.

Dr. Cowley: The Minister let them down. The Minister refers to the survey of patients, but 44% of patients surveyed travelled fewer than ten miles, a further 16% travelled fewer than 30 miles but a number significantly less than 13% spent more than two hours travelling. While the report acknowledged that 64% had difficulty travelling to treatment, clearly when the majority of patients selected had travelled fewer than ten miles one way and the largest representation of patients came from Cork and Dublin, travelling was not an issue in the way it was for patients who travelled long distances. The patient survey was flawed. Similarly, the Hollywood report is flawed. What the Minister is doing is not acceptable and I ask him to reconsider the situation and give a commitment for radiotherapy units to the people of the south-east and the north-west.

Minister for Health and Children (Mr. Martin):

Due to unavoidable commitments, I was unable to appear before the Joint Committee on Health and Children today, although I understand there was no meeting. I am happy to reschedule a date in the future and look forward to meeting the joint committee to discuss in detail my plans for the development of radiation oncology nationally. I have discussed it already with the committee, most recently during the Estimates debate last month when the radiotherapy report was discussed. Normally such meetings are scheduled to suit both the members and the Minister in terms of being in a position to attend.

Dr. Cowley: The Minister kept putting it off.

Mr. Martin: My office indicated some weeks ago that I would not be in a position to attend the committee meeting today.

Dr. Cowley: Not from the Minister.

Mr. Martin: With respect, I would like the opportunity to speak. The Deputy interrupts me all the time. I would appreciate it if I was given the opportunity to speak. I did not interrupt the Deputy. Why was the meeting scheduled for today when my office had indicated some weeks ago that I would not be able to attend?.

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 necessary organisational improvements 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 and the regional authority. The Government agreed that health boards and the Eastern Regional Health Authority would be abolished as part of the overall health reform programme. The Health (Amendment) Bill 2004 is an interim measure 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 reserve and executive functions, with the assignment of those functions designated as reserve functions of the chief executive officers of the boards and the 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 accepts that there is a need to strengthen existing arrangements for 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 intentions 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 Services Executive with a view to including provisions for these mechanisms in the legislation being drafted.

The provisions are likely to include establishment of a series of regional fora to facilitate local representatives in raising issues of concern on 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 and regionally. 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. The number has not been determined yet. 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 public representatives will continue to be heard in the development of health services. The members of the local councils will be nominated by the county councils and corporations. I am working, and have been working with the association of health boards in refining these proposals. These mechanisms would be designed to complement and reinforce the role of the Oireachtas Joint 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.

On the radiation oncology service in particular, I have outlined to the House and the committee on many occasions Government policy in this area. I have also outlined the significant progress that has been made in implementing the report on the development of radiation oncology services in Ireland.

Dr. Cowley: What about the north-west?

Mr. Martin: The Joint Committee on Health and Children has already heard detailed presentations from a number of clinicians on radiation oncology services. One of the participants was Professor Donal Hollywood, who chaired the expert group that produced the

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report on the development of radiation oncology services in Ireland. In his presentation to the committee, he set out the basis of the model for the development of radiation oncology services nationally which ensures both quality and equity. The report, which has been endorsed by Government has received significant additional endorsement from prestigious bodies such as the American Cancer Society and the National Cancer Institute in the US. The faculty of radiologists of the Royal College of Surgeons in Ireland has advised the chief medical officer of my Department that the report and its comprehensive recommendations have been endorsed by the faculty. No less a figure than the renowned oncologist expert, Deputy Cowley, disagrees with the eminent bodies who know what they are talking about when it comes to cancer care and oncology.

The implementation of the report's recommendations is my most important priority in cancer services in the acute hospital setting. I have provided additional resources this year to begin to implement the report's recommendations.

The immediate developments in the southern and western regions will result in the provision of an additional five linear accelerators. This represents an increase of approximately 50% in linear accelerator capacity. We have also provided for the appointment of an additional five consultant radiation oncologists. Recruitment for these posts is under way. We have ten consultant radiation oncologists nationally. This will result in a significant increase in the numbers of patients receiving radiation oncology in the short term. For the first time ever, the people in the west under Fianna Fáil and the Progressive Democrats will get a radiotherapy service that they never had before and they will not have to travel to Dublin once the service is in place. That should be welcomed by Deputy Cowley and not denigrated.

We will develop a national integrated network of radiation oncology, based on equitable access regardless of location and an effective national quality assurance programme.

National Drugs Strategy.

Aengus Ó Snodaigh: I wish to raise the increasing belief among local communities and politicians from all sides of the House that the Government is failing to tackle the drugs issue. The Minister has failed on this issue. There is also a belief that drug abuse is no longer a political priority. How does the Minister propose to deliver on the outstanding aspects of the national drugs strategy? The Government should have delivered on the drugs strategy by 2002. Some of the targets are already two years out of date.

The crisis in confidence is clear. The Government produced a national drugs strategy in 2001 to cover the period up to 2008. A crucial

number of elements of that strategy should have been delivered in 2001-02, the first year of this grand strategy, but remain undelivered. One element was that additional resources would be given to the drugs teams in the Garda to tackle the drug dealers at a local level. I give credit to the Garda which has had successes and which continues, despite a lack of resources, to target local drug dealers. That element has not been met.

Action 7 mentioned in the strategy specifically promised an increase in community policing resources in local drugs task force areas by the end of 2001. I sit on the Rialto policing forum. We had to have a meeting with the Minister for Justice, Equality and Law Reform to try to extract from him some money to pay for the administration of it, otherwise it would have collapsed as people were refusing to do any more work. Actions 48 and 51 promised that there would be a comprehensive and locally-accessible range of treatments and rehabilitation options by the end of 2002. That has not been delivered. Action 55 explicitly promised greater provision of alternative medical treatment. Again, the health boards have not moved on that.

Astoundingly, no funding commitments have been made to the drugs task forces in the past two years, basically since this Government was re-elected in 2002. This has paralysed drugs task forces. I sit on one, so I know exactly what I am talking about. The Ballyfermot drugs task force is struggling to deal with the huge range of issues which raise their ugly heads and with which we must deal to try to tackle the increasing drugs problem in the area.

The regional drugs task forces outside Dublin have not received any money, which is a scandal. If one looks at the total funding for drugs task forces, it is the equivalent to that given to the horse and greyhound racing fund, €63 million. It is nothing. It means this issue is not a priority and that horses and greyhounds are a bigger priority than tackling the drugs issue.

If the Minister and the Government were serious, they would recognise the growing crisis in regard to cocaine use in Dublin. The drugs task forces are trying their best to tackle this issue but they are waiting on a mandate to develop and provide specific, appropriate and effective programmes to try to help cocaine users and to tackle the problem. This issue demands immediate action and requires resources. If we do nothing, we will have learned nothing from the heroin epidemic and from our failure 20 years ago when people warned that heroin would take hold in this city. We need to ensure projects are funded now and not in ten years. Those who are willing to work in this field must get the training required to tackle cocaine use in Dublin. The only conclusion I can draw is that the Government has exploited the media hype surrounding the drugs crisis. It produced a report and a strategy and promised much, but it has done nothing. It has put the strategy on a shelf.

A group with which I am familiar and which does great work is ARC, Addiction Response Crumlin. It has the same budget now as it had in 2000, four years ago. It is down three workers and is deprived of the services these workers provided. That is a scandal resulting from the fact the Government has not provided additional funding. It has also allowed the health boards to cut the funding to mainstream groups. It is about time the Minister and this Government wised up, got real and understood there is a crisis. Unless they start to tackle it, we will be in the situation we were in in the early 1980s.

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): Most people would not agree with the Deputy's comments.

Aengus Ó Snodaigh: They would.

Mr. N. Ahern: Over the past two years, I have met drug users, groups, local drugs task forces, etc. I have seen the work they are doing and the projects in which they are involved. The message I continually get is that fantastic work has been and is being done. Of course, people will always say more needs to be done. I assure the House that the Government continues to prioritise the drugs issue and will continue to do so in the future. Much quiet work is being done; it is not about getting headlines in the evening paper each day.

Aengus Ó Snodaigh: We acknowledge the work being done. It is the Government's fault.

Mr. N. Ahern: This is evident through the work and the financial commitment made by the Government to this issue in recent years.

As the Deputy said, the national drugs strategy covers the period 2001-08. It brings together into a single framework all those involved in drugs misuse policy. It arose out of an extensive consultation process and in recognition of the complexity of the issue. As we know, there are four main pillars to it and 100 separate actions.

With such a strategy, it is important to have structures and processes in place. I chair the interdepartmental group on drugs which meets every month or six weeks. It comprises representatives of the different Departments and agencies dealing with the problem. In addition, every six months we send reports on the progress of the drugs strategy and the 100 commitments in it to the Cabinet sub-committee, of which I am a member. Good progress is being made and a number of the commitments have been achieved. We are behind on a few but—

Aengus Ó Snodaigh: The important ones.

Mr. N. Ahern: —by and large, significant progress is being made on a number of them and few have been slow out of the starting gates. We recently published a critical implementation path

for the strategy which was required. Work is already under way on a mid-term review of the strategy which is to be completed before the end of this year. That will give everybody involved in the issue the opportunity to make new submissions.

Aengus Ó Snodaigh: More bureaucracy and less action.

Mr. N. Ahern: It will also give us the opportunity to alter the emphasis, if necessary. A review steering group has been set up and a public consultation process will be undertaken shortly.

The Deputy mentioned the Garda. The number of drugs seizures has increased considerably. Some €49 million worth of drugs were seized in 2002. Provisional figures for last year show that approximately €100 million worth of drugs were seized. In addition, the Garda has a number of good projects in place, such as Clean Street and Nightcap. The Department of Education and Science has brought in guidelines for drugs policies in schools. Substance misuse prevention programmes were introduced in schools in the local drugs task force areas initially and then in all schools.

The number of methadone treatment places is now over 6,900. There has been a considerable increase in the provision of treatment in that area. The protocol for the treatment of under 18 year olds will be finalised shortly. Different phases of the national awareness campaign are ongoing. The Prison Service has recruited additional staff to implement the report on prison-based drug treatment services, including prison nurse officers. In addition, over 11,000 recovering drug misusers are on a number of FÁS community employment schemes.

The drugs task forces are crucial and I am glad to hear the Deputy is a member of one. I was a member of one at one stage. Great work is being done by them. The strategy allows a little flexibility. There is no point comparing the situation now with that eight or ten years ago. The task forces are in place and are funded by Government. If the drug problem changes or evolves or if there is a move from heroin to cocaine, the structures are flexible enough to allow people to tackle it. Some of the people involved need a little upskilling, which we can provide. However, that does not mean we must set up a new task force. The Government is committed. The groups are in place, as is the finance.

Aengus Ó Snodaigh: It is not.

Mr. N. Ahern: It is.

Aengus Ó Snodaigh: The money is not in place.

Mr. N. Ahern: There are 14 local drugs task forces and €65 million has been put into them.

Aengus Ó Snodaigh: It is the same amount that was put into the horse and greyhound racing forum.

Mr. N. Ahern: I do not know why some Deputies raise matters if they do not want to listen.

Some €11 million is being spent under the premises initiative. We are providing alternative lifestyles. Some €72 million has gone into the young people's facilities fund. Recently, we announced major recreation facilities even in the Deputy's area where €5 million has gone into St. Catherine's centre in Marrowbone Lane. In

addition, a considerable sum of money has gone into Teresa's Hall on Dunore Avenue. There is progress on all fronts.

Aengus Ó Snodaigh: Not on all fronts.

Mr. N. Ahern: Money is being provided and the commitment is there. I realise some people thinking of 11 June want to stir things up and pretend nothing is being done. The money is being provided and the commitment is there.

The Dáil adjourned at 5.30 p.m. until 2.30 p.m. on Tuesday, 1 June 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 9, inclusive, answered orally.

Public Transport.

10. **Mr. Penrose** asked the Minister for Transport if he will outline the contents of a report from independent consultants on the cost of privatising Bus Éireann; if the report states that Bus Éireann may face an additional cost of €24 million if competitive tendering is introduced; and if he will make a statement on the matter. [15906/04]

33. **Ms Lynch** asked the Minister for Transport if his attention has been drawn to a copy of a report prepared for Bus Éireann on the effects of opening the bus market in the greater Dublin area to a competitive tendering process under a new transport authority; his views on the report's findings that Bus Éireann faces insolvency should it be privatised; and if he will make a statement on the matter. [15897/04]

41. **Mr. Kenny** asked the Minister for Transport his plans for bus deregulation; and if he will make a statement on the matter. [15807/04]

45. **Ms O'Sullivan** asked the Minister for Transport the state of negotiations between his Department and unions on the future of CIE; when he realistically expects agreement to be reached by both sides; and if he will make a statement on the matter. [15905/04]

65. **Ms McManus** asked the Minister for Transport if he has received a copy of the report prepared for CIE suggesting that private operators might enter the bus market by subcontracting routes from Dublin Bus, rather than via the franchise model proposed by him; the status of his plans for private companies tendering to run various routes operated by Dublin Bus in view of this report; and if he will make a statement on the matter. [15899/04]

85. **Mr. McGinley** asked the Minister for Transport his plans for bus deregulation; and if he will make a statement on the matter. [15799/04]

Minister for Transport (Mr. Brennan): I propose to take Questions Nos. 10, 33, 41, 45, 65 and 85 together.

As I stated in my reply to Priority Question No. 3, I am firmly of the view that franchising is the most effective means of achieving genuine market opening in the Dublin market. International experience in cities such as London, Copenhagen, Stockholm and Helsinki is that

franchising brings cost savings to public transport provision, savings which can be invested in the public transport system to ensure a better service to public transport users. A number of major studies carried out by independent consultants have supported this, including: the ISOTOPE report, carried out for the European Commission, which found that franchising generally resulted in savings of between 15% and 20% of the cost to the State of the provision of bus services, and the NERA-Tis report commissioned by the public transport partnership forum, which recommended franchising for the Dublin bus market.

I have no proposals to privatise either Bus Éireann or Dublin Bus. The Bus Éireann and CIE reports referred to by the Deputies are internal company reports prepared, I understand, for the boards of the companies. The Bus Éireann report was copied to me by the company but the internal CIE report on subcontracting has not been copied to me. CIE and its operating companies are quite naturally undertaking work to respond to my reform proposals and I expect them to present the case which they see as representing their best interests. I welcome their constructive input to this dialogue but that does not necessarily mean that I agree with their conclusions.

There are ongoing detailed discussions between officials of my Department and the CIE bus companies on my reform proposals. These discussions have covered a range of issues, including subcontracting. The companies have stated their preference for a continuation of monopoly rights using a subcontracting model. I am not convinced that such a model provides genuine market opening to new entrants or adequate value for money, transparency and accountability to the taxpayer.

With regard to the discussions between my officials and the CIE trade unions, the most recent round of talks took place over an intensive five day period between 12 and 18 May. The talks were characterised by a full and frank exchange of views. The talks have now adjourned to early June to allow each side to consider the issues raised.

It remains my intention to proceed with legislation on public transport reform in 2004.

Regional Airports.

11. **Mr. Deenihan** asked the Minister for Transport if he will make a statement on the future of the regional airports. [15768/04]

15. **Mr. Naughten** asked the Minister for Transport the subsidy provided to each regional airport per passenger over the past five years; and if he will make a statement on the matter. [15778/04]

78. **Mr. McCormack** asked the Minister for Transport his plans for the development of regional airports; and if he will make a statement on the matter. [15777/04]

Minister for Transport (Mr. Brennan): I propose to answer Questions Nos. 11, 15 and 78 together.

The programme for Government provides for the continued support of our six regional airports. My Department provides a range of financial mechanisms in support of this objective but it is important to note that the regional airports are not in receipt of State subsidies as such.

With regard to capital funding, grant aid of approximately €9 million has already been paid to the regional airports under first round allocations of the regional airports measure of the national development plan, NDP. The primary objective of this measure is to facilitate continued safe and viable operations at the regional airports. A further round of projects will be considered for funding under the measure later this year.

My Department also administers a grant scheme to assist the regional airports with marketing, safety and security related current expenditure. The total amount provisionally allocated in the Estimates for 2004 is €2.24 million and the individual amounts for each airport will be determined shortly.

My Department provides subvention to contracted regional air carriers for the operation

of essential air services under the public service obligation, PSO, regime. EU Council Regulation (EEC) No. 2408/92 allows member states to establish a PSO in respect of scheduled air services to an airport serving a peripheral or development region, where such air services are considered essential for the economic development of the regions concerned and where air carriers are not prepared to provide such air services on a commercial basis. In accordance with this regulation, the Government has established PSOs on routes linking Dublin Airport with the airports in Kerry, Galway, Knock, Sligo and Donegal. The total cost of air service subvention to PSO carriers amounts to over €20 million per annum.

Regarding subsidy per passenger, it is important to note that subvention is not allocated by reference to the number of passengers using the services, *per se*. The governing regulation stipulates that subvention should be based on the losses actually incurred in operating the routes, taking account of costs and revenues generated by the services, subject to a ceiling represented by the amount put forward in the tender submitted by the successful air carrier during the tender process. In any event, the subvention level per trip per passenger for the past five years is as follows.

PSO subvention per trip, one way, 1999-2003

| | 1999 | 2000 | 2001 | 2002 | 2003 |
|---------|-------|-------|--------|--------|--------|
| | € | € | € | € | € |
| Kerry | 13.71 | 12.17 | 44.27 | 54.59 | 55.17 |
| Galway | 18.55 | 18.86 | 46.57 | 47.19 | 51.67 |
| Sligo | 41.60 | 35.75 | 120.10 | 101.78 | 80.49* |
| Donegal | 90.57 | 77.28 | 119.80 | 110.78 | 80.49* |
| Knock | — | — | 233.17 | 226.58 | 224.87 |
| Derry | — | — | 113.89 | 95.10 | 77.56 |

* Subvention level for Sligo-Donegal is based on the subvention and passenger levels on the combined Sligo-Donegal contract, hence it is not possible to distinguish individual levels per route.

Following a recent review of the PSO programme, I am currently exploring ways of restructuring PSO specifications and contractual arrangements to ensure that, in the long term, an appropriate level of air access to the regions can be facilitated on a cost effective basis within the annual Estimates provision, while also encouraging maximum commercial initiative on the part of the regional airports and air operators. I intend to bring proposals to Government later this year and to relaunch before the end of the year a revised specification for services on all six routes to commence in mid-July 2005.

The Government's commitment to regional airports will continue. However, the scale of Exchequer assistance to the regional airports will have to be carefully assessed in line with general airport and aviation policy and the availability of Exchequer funds.

Driving Tests.

12. **Ms O. Mitchell** asked the Minister for Transport the average pass rate at each test centre; the action he is taking to address this variation; and if he will make a statement on the matter. [15793/04]

28. **Mr. Deasy** asked the Minister for Transport the number of persons awaiting driving tests in each test centre; the current waiting time at each centre; and if he will make a statement on the matter. [15792/04]

31. **Mr. Connaughton** asked the Minister for Transport the action he has taken to date to implement the Comptroller and Auditor General's recommendations following a review of the driving test system; the number of persons awaiting driving tests in each test centre; the current waiting time at each centre; and if he will make a statement on the matter. [15789/04]

57. **Mr. P. McGrath** asked the Minister for Transport the average pass rate at each test centre; the action he is taking to address this variation; the action he has taken to date to implement the Comptroller and Auditor General's recommendations following a review of the driving test system; and if he will make a statement on the matter. [15794/04]

63. **Ms Enright** asked the Minister for Transport his plans to address the driving test backlog; when he plans to introduce legislation; and if he will make a statement on the matter. [15770/04]

70. **Mr. Ring** asked the Minister for Transport the action he has taken to date to implement the Comptroller and Auditor General's recommendations following a review of the driving test system; and if he will make a statement on the matter. [15791/04]

90. **Mr. G. Mitchell** asked the Minister for Transport the plans he has to reform the driving test; and if he will make a statement on the matter. [15782/04]

Minister for Transport (Mr. Brennan): I propose to take Questions Nos. 12, 28, 31, 57, 63, 70 and 90 together.

The content of the driving test is set out in accordance with the provisions of the relevant EU directives. As in other EU countries, there are variations in the pass rate among test centres. The pass rate may be influenced by a number of factors including the number of lessons taken by the candidate, the standard of instruction available and demographic factors.

With regard to consistency in the standard of the driving test, my Department undertook a comprehensive training programme for all driver testers in 2002, covering procedures for carrying out the test, guidelines to assess faults and training to enhance customer service in the delivery of the driving test. The work of each individual tester is monitored on an ongoing basis by his-her supervisor and remedial action is taken where this is required.

The number of applicants awaiting a driving test fell from 125,009 in May 2003 to 121,153 as at 24 May 2004. The annual capacity of the driver testing service, inclusive of normal overtime, is in the region of 200,000 tests. I anticipate that the current waiting times will improve over the coming year. Driver testers continue to deliver additional tests by working overtime on Saturdays and at lunchtime. I have also asked my officials to explore the possibility of recruiting additional testers.

Preparation of legislation to establish the driver testing and standards authority, which will take on responsibility for conducting driving tests and will have more flexibility to respond to variations in demand, is almost complete. It is my intention to introduce this legislation in the Oireachtas in this session.

The pass rate for 2003 as well as the average waiting time and numbers waiting as at 24 May 2004 are set out in the following table.

| Test Centre | Average Weeks Waiting | Number of Applicants Waiting | Pass rate 2003 |
|-----------------------|-----------------------|------------------------------|----------------|
| | | | % |
| <i>North Leinster</i> | | | |
| Finglas | 27 | 8,691 | 48.8 |
| Dundalk | 24 | 2,919 | 51.6 |
| Mullingar | 24 | 1,699 | 57.0 |
| Navan | 41 | 4,418 | 54.4 |
| Raheny | 37 | 7,663 | 49.7 |
| <i>South Leinster</i> | | | |
| Churchtown/Rathgar | 33 | 11,364 | 48.3 |
| Gorey | 25 | 1,934 | 52.6 |
| Naas | 33 | 6,733 | 53.6 |
| Tullamore | 29 | 1,684 | 54.2 |
| Wicklow | 40 | 2,236 | 47.3 |
| Tallaght | 50 | 8,711 | 50.9 |
| <i>West</i> | | | |
| Athlone | 17 | 1,118 | 57.0 |
| Birr | 29 | 1,166 | 65.1 |
| Castlebar | 32 | 2,169 | 62.1 |
| Clifden | 18 | 308 | 56.0 |
| Ennis | 10 | 835 | 65.5 |
| Galway | 26 | 2,653 | 61.2 |
| Loughrea | 15 | 810 | 58.5 |
| Roscommon | 26 | 989 | 60.0 |
| Tuam | 28 | 1,092 | 64.2 |
| <i>North West</i> | | | |
| Ballina | 32 | 1,173 | 61.2 |
| Buncrana | 31 | 626 | 65.6 |
| Carrick-on-Shannon | 36 | 1,170 | 54.4 |
| Cavan | 43 | 1,926 | 50.2 |
| Donegal | 32 | 1,108 | 57.1 |
| Letterkenny | 38 | 2,011 | 60.4 |
| Longford | 39 | 1,009 | 55.9 |
| Monaghan | 41 | 1,312 | 50.8 |
| Sligo | 31 | 1,388 | 63.5 |
| <i>South East</i> | | | |
| Carlow | 34 | 2,513 | 49.2 |
| Clonmel | 41 | 2,088 | 51.3 |
| Dungarvan | 49 | 1,735 | 57.3 |
| Kilkenny | 37 | 2,399 | 55.4 |
| Nenagh | 43 | 789 | 49.8 |
| Portlaoise | 42 | 1,526 | 50.0 |
| Thurles | 39 | 1,175 | 56.3 |
| Tipperary | 40 | 1,167 | 47.9 |
| Waterford | 54 | 3,461 | 54.8 |
| Wexford | 29 | 2,452 | 51.5 |
| <i>South West</i> | | | |
| Cork | 24 | 6,263 | 55.5 |
| Killarney | 32 | 1,967 | 60.0 |
| Kilrush | 26 | 546 | 62.3 |

| Test Centre | Average Weeks Waiting | Number of Applicants Waiting | Pass rate 2003 |
|----------------|-----------------------|------------------------------|----------------|
| Limerick | 37 | 3,824 | 62.3 |
| Mallow | 29 | 2,044 | 57.8 |
| Newcastle West | 30 | 1,677 | 60.5 |
| Shannon | 38 | 959 | 66.4 |
| Skibbereen | 33 | 1,853 | 59.5 |
| Tralee | 32 | 1802 | 59.7 |

Note: The average waiting time is derived having regard to waiting times experienced by individual applicants who have undergone a driving test over the previous four week period in the test centre.

Speed Limits.

13. **Mr. Eamon Ryan** asked the Minister for Transport the analysis which was carried out to justify his proposal to local authorities that the speed limits be raised on the section of the N11 near the Belfield flyover on the Braemor Road in Churchtown and on the Dundrum bypass. [15935/04]

Minister for Transport (Mr. Brennan): The Road Traffic Acts provide for the direct application of speed limits to all roads. Under the provisions of these Acts, a default speed limit of 30 mph applies to all roads, apart from motorways, in a built up area and a general speed limit of 60 mph applies to all roads outside such areas, apart from motorways. A default speed limit of 70 mph applies in the case of motorways.

The Acts provide that local authorities may make by-laws through which the speed limits that apply on a default basis can be changed in respect of roads specified in such by-laws. These by-laws are made by the elected members of the local authorities following consultation with the Garda Commissioner and, in the case of national roads, with the consent of the National Roads Authority, NRA.

In the context of an overall review of speed limits carried out against the background of the metrication of such limits generally, county and city managers were asked in January 2003 to examine the position in their areas. In this context, the authorities were asked to look at instances where speed limits might not be appropriate and to take any action they deemed to be appropriate. My Department raised this matter with managers again in March 2004, repeating the request to look at possible instances of inappropriate speed limits.

Both the Automobile Association, AA, and the Society for the Irish Motor Industry, SIMI, subsequently presented me with lists of over 50 locations in respect of which they had received representations questioning the speed limits currently in place. The details of current and suggested limits as received from the AA and SIMI, including the locations that the Deputy is referring to, were forwarded to the relevant managers. I wish to make clear that I have not

requested or directed in any manner that the speed limit be increased or decreased at any of the locations concerned.

Managers have specifically been asked to look at the locations that have been the subject of complaint to the AA and SIMI and, if the local authority considers that the speed limit is not appropriate, that steps should be taken to introduce appropriate amendments to the by-laws, which will see more appropriate speed limits applied. It has also been made clear that where, on the other hand, the local authority considers that the speed limit in question is appropriate and justified by reference to the prevailing road safety, engineering, traffic or environmental considerations, they have been asked to consider the provision of a sign informing road users of the need for that limit.

I am awaiting reports from the managers on each location where the current limit is perceived by motorists to be inappropriate. I expect that these reports will convey either the grounds that support and justify the application of the current speed limit concerned or indicate that the speed limit in question is being referred to the council members for appropriate action.

Air Services.

14. **Mr. Durkan** asked the Minister for Transport if recent decisions have been made on the future of Aer Lingus and Aer Rianta; and if he will make a statement on the matter. [15938/04]

22. **Mr. M. Higgins** asked the Minister for Transport if he is planning to bring forward to Cabinet proposals for the sale of Aer Lingus by September 2004; the likely timescale for this; and if he will make a statement on the matter. [15893/04]

76. **Mr. M. Higgins** asked the Minister for Transport if he is still considering the privatisation of Aer Lingus in view of the company's record €83 million profit recorded in 2003; and if he will make a statement on the matter. [15892/04]

176. **Mr. Durkan** asked the Minister for Transport the state of the discussions between his Department, management and unions in regard to the future of Aer Lingus; and if he will make a statement on the matter. [16085/04]

Minister for Transport (Mr. Brennan): I propose to take Questions Nos. 14, 22, 76 and 176 together.

I have already outlined the position in relation to Aer Rianta in response to Priority Questions Nos. 1 and 2. With regard to Aer Lingus, I have previously indicated to the House that I recently advised my Cabinet colleagues of the current state of my deliberations concerning the future of Aer Lingus. I also advised that I will be reverting to Government on specific options for the company in the near future. My deliberations,

which are ongoing at present, involve detailed consideration of the reports from the chairman of Aer Lingus and an independent corporate finance consultant whom I commissioned to look at the sale options for the company.

If the Government decides to embark on a sale of all or part of Aer Lingus, I will be consulting with the Aer Lingus board, management and unions. In addition, in such an eventuality, I will set out for the House, in accordance with the provisions of the Aer Lingus Act 2004, the general principles of the proposed sale as well as the basis for the Government's decision and the arguments for and against such a sale. I will also set out how the Government proposes to deal with important strategic issues such as slots at Heathrow Airport.

Question No. 15 answered with Question No. 11.

State Airports.

16. **Mr. Sargent** asked the Minister for Transport when he intends to publish a study, details supplied, on the future financing of Dublin, Cork and Shannon Airports; and his views on the matter. [15946/04]

17. **Mr. Allen** asked the Minister for Transport his plans for Cork Airport; and if he will make a statement on the matter. [15797/04]

19. **Mr. Noonan** asked the Minister for Transport his plans for Shannon Airport; and if he will make a statement on the matter. [15802/04]

83. **Mr. Broughan** asked the Minister for Transport the position with regard to his proposals for the break up of Aer Rianta; and if he will make a statement on the matter. [15879/04]

87. **Mr. Noonan** asked the Minister for Transport his views on the transfer of the Shannon Development industrial estate to Shannon Airport; and if he will make a statement on the matter. [15795/04]

93. **Mr. Costello** asked the Minister for Transport the implications of the reduction in the cash reserves held by Aer Rianta's international subsidiary for his proposals to break up the national airport authority; and if he will make a statement on the matter. [15880/04]

177. **Mr. Durkan** asked the Minister for Transport the position on the future of Aer Rianta; if he has had further discussions with the interested parties; and if he will make a statement on the matter. [16086/04]

Minister for Transport (Mr. Brennan): I propose to take Questions Nos. 16, 17, 19, 83, 87, 93 and 177 together.

I have already dealt in detail with the position in regard to the restructuring of Aer Rianta and

the State airports in my earlier reply today to Priority Questions Nos. 1 and 2.

With regard to the material prepared by my Department's advisers, PricewaterhouseCoopers, PWC, these working papers do not constitute a report or a study. The advisers assisted my Department in its analysis of projections and data provided by both Aer Rianta at group level and by the chairmen-designate in conjunction with local Aer Rianta management at Shannon and Cork Airports. The material compiled by PWC contains confidential and commercially sensitive information. I have provided the material to the unions' financial advisers subject to a strict confidentiality agreement which they entered into with my Department.

The preparation of the material by PWC will not in any way inhibit the commercial freedom, and indeed responsibility, of the new airport authorities, when formally established, to develop strategic and business plans, including marketing strategies, for each of the three airports.

The issue of Aer Rianta's main subsidiaries, including Aer Rianta International, is subject to ongoing careful examination by my Department and its advisers in the context of finalising the framework to give effect to the restructuring of the company and it would not be appropriate for me to pre-empt the outcome of this work.

Question No. 18 answered with Question No. 5.

Question No. 19 answered with Question No. 16.

Air Services.

20. **Mr. Wall** asked the Minister for Transport if his attention has been drawn to recent comments by the chief executive of Aer Lingus that visitor numbers from the United States to Ireland could be doubled within a short period of time if current restrictions under the US-Ireland bilateral air agreement were to be lifted; if he has any intention of reviewing the provisions of this agreement to allow Aer Lingus access to more American gateways. [15367/04]

46. **Mr. Deenihan** asked the Minister for Transport the progress that is being made on negotiations on the US-Ireland bilateral air agreement; and if he will make a statement on the matter. [15353/04]

53. **Ms Burton** asked the Minister for Transport if he will elaborate on his recent remarks at the recent Future of European Air Transportation Conference in Dublin that Shannon Airport would benefit significantly if a low cost airline agreed to start operating transatlantic routes; and if he will make a statement on the matter. [15877/04]

73. **Mr. Broughan** asked the Minister for Transport if the future of the Shannon stopover was raised at recent talks in Washington between

[Mr. Broughan.]
Irish and US officials; the nature of these discussions; the US position on the phasing out of the stopover; and if he will make a statement on the matter. [15878/04]

Minister for Transport (Mr. Brennan): I propose to take Questions Nos. 20, 46, 53 and 73 together.

As I have previously indicated to the House on a number of occasions, I have authorised my officials to seek negotiations with the US on possible phased amendments to the Ireland-US bilateral agreement. Accordingly, officials from my Department met with US officials in Washington DC on 4 and 5 May 2004 to explore the Ireland-US bilateral aviation arrangements in the context of progress on an EU-US open skies agreement. My officials emphasised the importance of Shannon airport for the economy of the west of Ireland, in particular in the context of Ireland's national spatial strategy, which aims to counterbalance the growth of Dublin by focusing economic activity at a number of other locations. My officials also outlined the Irish Government's decision to separate Dublin, Shannon and Cork Airports into autonomous airport authorities to enable them to maximise their potential. In that context, they indicated that Shannon Airport needs a period of years in which to transform its business plans and marketing strategies.

The eventual effect of an EU-US open skies deal, should such a deal emerge, would be to leave the choice of airports with the airlines. In the absence of special bilateral arrangements between Ireland and the United States in such a case, there is a risk that the open skies arrangement could mean a sudden end to the current Shannon stop requirement, which could have immediate negative impacts for Shannon.

I met yesterday with the US Secretary for Transportation, Norman Mineta, at a meeting of European Transport Ministers in Slovenia. I emphasised to him that an acceptable arrangement for Shannon must be reached before I will be in a position to agree to any EU-US aviation agreement that might be put to the Transport Council on 10 and 11 June next.

The implementation of open skies on a phased basis will also enable Aer Lingus to exploit the potential for new transatlantic business to the overall benefit of tourism and the Irish economy.

Traffic Management.

21. **Mr. R. Bruton** asked the Minister for Transport the discussions he has had with the Department of Justice, Equality and Law Reform on the introduction of the dedicated traffic corps; and if he will make a statement on the matter. [15771/04]

Minister for Transport (Mr. Brennan): The programme for Government contains a commitment relating to the establishment of a

dedicated traffic corps. As I have already indicated in this House, I support the implementation of this proposal through the formation of a corps that will be separately identifiable and visible. A consultation process involving my Department, the Department of Justice, Equality and Law Reform and the Garda Síochána about the establishment of a dedicated traffic corps is in progress. Discussions to date have included the question of the relationship that a dedicated traffic corps will have with the Garda and, in particular, whether it will be under the overall control of the commissioner. This issue is central to the development of this proposal.

The establishment of a dedicated traffic corps that is independent of the Garda would require the introduction of legislation, in particular to establish powers and functions of the corps and its accountability. In addition, the establishment of a corps that is wholly independent of the Garda would face formidable hurdles. The powers available to members of such an independent force would need very careful consideration and there is the overriding issue of the capacity of such individuals to engage in more general police work. The need for consideration of this issue has also been central to the discussions about this proposal.

A working group has been established to urgently consider the options available in terms of progressing this proposal. This group comprises representatives from the Department of Transport, the Department of Justice, Equality and Law Reform, the Garda Síochána, the Dublin Transportation Office, DTO, and the Office of the Director of Traffic. I will be chairing a meeting of this group shortly.

Question No. 22 answered with Question No. 14.

Speed Limits.

23. **Ms B. Moynihan-Cronin** asked the Minister for Transport if he intends removing the power to set speed limits on national roads from those local authorities which have failed to increase limits in 43 locations around the country identified by him; his views on whether local authorities are best equipped to adjudge the setting of local speed limits in view of increased knowledge of dangers on particular stretches of road; and if he will make a statement on the matter. [15900/04]

Minister for Transport (Mr. Brennan): The Road Traffic Acts provide for the direct application of speed limits to all roads. Under the provisions of these Acts, a default speed limit of 30 mph applies to all roads, apart from motorways, in a built-up area, and a general speed limit of 60 mph applies to all roads outside such areas, apart from motorways. A default speed limit of 70 mph applies in the case of motorways.

The Acts provide that local authorities may make by-laws through which the speed limits that apply on a default basis can be changed in respect of roads specified in such by-laws. These by-laws are made by the elected members of the local authorities following consultation with the Garda Commissioner and, in the case of national roads, with the consent of the National Roads Authority, NRA.

In the context of an overall review of speed limits carried out against the background of the metrication of such limits generally, county and city managers were asked in January 2003 to examine the position in their areas. The primary focus of the examination was to ensure that the revocation of default speed limits and the application of special speed limits were supported by by-laws. In addition, the authorities were asked to look at instances where speed limits might not be appropriate and to take any action they deemed to be appropriate. My Department wrote to managers again in March 2004, repeating the request to look at possible instances of inappropriate speed limits and outlining the overall position on progress for metrication of speed limits later this year.

Both the Automobile Association, AA, and the Society for the Irish Motor Industry, SIMI, subsequently presented me with lists of over 50 locations in respect of which they had received representations questioning the speed limits currently in place. In order to assist managers in the review referred to above, they have been advised by my Department of the locations identified in the submissions of the two organisations.

I wish to make it clear that I have not requested that the speed limit be increased or decreased at any specific location. Managers have specifically been asked to look at the locations that have been the subject of complaint to the AA and SIMI and, if the local authority considers that the speed limit is not appropriate, that steps should be taken to introduce appropriate amendments to the by-laws, which will see more appropriate speed limits applied. It has also been made clear that where, on the other hand, the local authority considers that the speed limit at the location in question is appropriate and justified by reference to the prevailing road safety, engineering, traffic or environmental considerations, they should consider the provision of a sign informing road users of the need for that limit. I am awaiting reports from the managers to see if the speed limits at the 50 plus locations complained of can either be justified as being appropriate or referred to the elected members for review and appropriate action.

It must be appreciated that the national road network has a national context. An objective of the National Roads Authority is to endeavour to achieve the efficient use of these public roads and have regard to their level of service capacity. It is

particularly important therefore that the fundamental considerations of road safety and efficient traffic management underpin any decision of a local council to apply a special speed limit in lieu of the default speed limit on a national road.

The current statutory provision requires local authorities to obtain the prior consent of the NRA to draft speed limit by-laws on national roads. I am keeping the current statutory provision under review. Any proposal to amend the current statutory role of local councils in the application of alternative speed limits on national roads and motorways would have to apply to all county and city councils.

Infrastructural Projects.

24. **Mr. R. Bruton** asked the Minister for Transport the financial mechanisms in place to review infrastructural projects; and if he will make a statement on the matter. [15772/04]

71. **Mr. Naughten** asked the Minister for Transport if he has satisfied himself with the financial mechanisms in place to review infrastructural projects; and if he will make a statement on the matter. [15773/04]

86. **Mr. Kenny** asked the Minister for Transport the financial mechanisms in place to review infrastructural projects; and if he will make a statement on the matter. [15810/04]

Minister for Transport (Mr. Brennan): I propose to take Questions Nos. 24, 71 and 86 together.

I refer the Deputies to my response to Question No. 57 of 4 May, in which I set out in detail the financial mechanisms which are in place in my Department for reviewing infrastructural projects. While I am generally satisfied with the efficacy of those mechanisms, they are kept under regular review by my Department and updated as required.

Road Traffic Offences.

25. **Mr. O'Shea** asked the Minister for Transport the measures contained in the road traffic Bill; if the Bill calls for on-the-spot disqualification of drink drivers without going to court and that motorists caught driving a certain amount over the limit will be automatically fined up to €2,000 and put off the road for six months; and if he will make a statement on the matter. [15902/04]

Minister for Transport (Mr. Brennan): New legislation is being prepared in my Department which will provide support for the deployment of key initiatives in the area of speed limits and drink driving and will further enhance the enforcement capacity of the Garda Síochána. Government approval of the general scheme for that legislation was given on 27 April 2004. Details of the measures to be included in the Bill will be announced once the text has been

[Mr. Brennan.]
finalised and approved by Government and accordingly published.

Public Transport.

26. **Mr. Morgan** asked the Minister for Transport the measures he is taking to reduce the rate of private car ownership and the volume of road traffic in view of the fact that the traffic rate has already reached levels predicted for 2010. [15885/04]

49. **Mr. Ferris** asked the Minister for Transport the action he is taking to promote the use of public transport, in view of the fact that 64% of all commuters travel to work by car, as either drivers or passengers. [15887/04]

69. **Mr. Crowe** asked the Minister for Transport if he has a strategy for encouraging motorists to use public transport more frequently. [15884/04]

Minister for Transport (Mr. Brennan): I propose to take Questions Nos. 26, 49 and 69 together.

Higher population and economic growth have led to a significant increase in car ownership in recent years, particularly in the greater Dublin area. To encourage people to use public transport more often, there has been a significant increase in the capacity and quality of public transport in recent years and further expansion is planned. In fact, I am informed by the Dublin Transportation Office, DTO, that, as a consequence of the major Exchequer investment, preliminary analysis of census figures shows a modal shift in favour of public transport.

In terms of bus transport, the capacity of Dublin Bus and Bus Éireann has been significantly expanded, particularly at peak times, with capacity increased by almost 25%. A key element in improving bus performance has been the provision of quality bus corridors, QBCs. So far, there are nine QBCs in operation in the Dublin area — Malahide, Lucan, Stillorgan, Finglas, north Clondalkin, Rathfarnham, Tallaght, Swords and Blanchardstown. QBCs have delivered significant benefits in reduced journey times for commuters and further expansion of the network is planned. This year, my Department is making available to the DTO about €27 million in quality bus corridor network projects in the greater Dublin area.

Extended cycling facilities associated with the QBC network are also being provided. The provision of QBCs in other urban areas around the country is also underway. A sum of €8 million is being made available in 2004 for the development of QBCs in Cork, Limerick, Galway and Waterford. To further assist the performance of bus services, the use of the hard shoulder on certain roads, including those linking Dublin and satellite towns, is being examined. Amendments to road traffic legislation are required and the forthcoming road traffic Bill will make provision to facilitate this.

Alongside bus service provision, rail based commuter services are being expanded. The first phase of the DART upgrade project is now underway, for completion by end 2005. This project involves upgrading the power supply to enable longer, eight car, DART trains to run over the full DART network. To accommodate this, platforms at DART stations are being lengthened and stations are being made wheelchair accessible. Some 40 additional DART cars will be put into service as part of the project.

On the Kildare, Maynooth and outer coastal suburban corridors, 80 new diesel rail cars have already been introduced, providing a significant increase in the passenger carrying capacity of these corridors. A further 36 rail cars will be added to the fleet in 2005, further increasing the outer suburban rail capacity. In addition, Irish Rail is developing proposals to provide four tracks on the Kildare line and to open new stations on that line as well as on the Maynooth line.

At the end of June, the first of the Luas services will commence operation, with both lines providing the capacity to move over 20,000 people at peak time each day.

The introduction of demand management measures to encourage the greater use of public transport is also being looked at by the DTO, which has a travel demand management study currently nearing completion. The study is looking at measures for better managing the demand for travel, particularly at peak times, and for more efficient use of Dublin's transport infrastructure. I await the outcome of the study.

Rail Accidents.

27. **Mr. O'Shea** asked the Minister for Transport his views on the independent six month inquiry into the Cahir freight train crash; if his attention has been drawn to the inquiry's conclusion that the derailment was caused by a freak accident; if he plans to introduce new train safety measures in view of the inquiry; and if he will make a statement on the matter. [15903/04]

Minister for Transport (Mr. Brennan): I understand that Iarnród Éireann recently completed its internal inquiry into the derailment of a freight train on the Cahir viaduct on 7 October 2003. I have not received a copy of the report from Iarnród Éireann.

The chief railway inspecting officer of my Department is awaiting certain technical information from Iarnród Éireann before completing the statutory inquiry which I ordered on 14 October 2003. The chief railway inspecting officer also wishes to inspect the residual part of the viaduct when it is dismantled by Iarnród Éireann's contractors in June. When I receive the report of that statutory inquiry, I will carefully consider whether any specific measures are warranted.

The Deputy will be aware that a railway safety Bill is currently before the House. Once that Bill

is enacted, the railway safety commission, to be established under the Bill, will have extensive enforcement powers to address any safety issues which come to light from this or any other future incidents.

Question No. 28 answered with Question No. 12.

Road Network.

29. **Mr. Sargent** asked the Minister for Transport when he expects the Dublin Port tunnel to be open for business. [15947/04]

Minister for Transport (Mr. Brennan): The planning, design and implementation of national road improvement projects is a matter for the National Roads Authority, NRA, and the local authorities concerned, in this case, Dublin City Council. However, I understand from the NRA and Dublin City Council that the Dublin Port tunnel, DPT, is expected to be completed in July 2005. In parallel with the opening to traffic of the Dublin Port tunnel in 2005, I understand that Dublin City Council will be introducing a heavy goods vehicle traffic management strategy to ensure that maximum traffic benefits are secured from the DPT. The development and implementation of this strategy is primarily a matter for Dublin City Council.

Public Transport.

30. **Ms McManus** asked the Minister for Transport his views on whether traffic congestion throughout Ireland continues to adversely affect the ability of transport companies, such as Bus Éireann, to make profits; if he has received a copy of a study, details supplied, showing that traffic congestion adds approximately €19 million to Bus Éireann's annual costs; his further views on whether this is affecting the ability of Bus Éireann to expand routes across the country; and if he will make a statement on the matter. [15898/04]

Minister for Transport (Mr. Brennan): I understand that the study mentioned in the question was carried out on behalf of Bus Éireann in 2001 and it confirms the view of the company that the reliability of Bus Éireann services, as well as those of other bus operators, is adversely affected by traffic congestion, particularly in urban areas. Bus Éireann has informed me that a recent update of the study shows that the estimated costs associated with traffic congestion for the year 2003 are in the region of €19 million.

While all bus operators face a difficult operating environment, I have made funds available to the local authorities in Dublin, Cork, Galway, Limerick and Waterford to provide priority measures for buses. To date there have been a number of successful quality bus corridor, QBC, programmes in Dublin and Cork and further initiatives are planned. I am also pleased

that the demand for travel by bus continues to grow.

Question No. 31 answered with Question No. 12.

Integrated Ticketing.

32. **Mr. Murphy** asked the Minister for Transport if he intends to bring forward integrated ticketing and smart card technologies; if money has been allocated for this purpose in his Department's Estimates for 2004; and if he will make a statement on the matter. [15784/04]

Minister for Transport (Mr. Brennan): The Railway Procurement Agency, RPA, has statutory responsibility for the implementation of an integrated ticketing system based on smart card technologies for initial deployment in the Dublin area. The RPA has set a target date of 2005 for the launch of the full smart card based integrated ticketing system in Dublin. It continues to examine all options to expedite the delivery of integrated ticketing with a view to bringing forward the proposed launch date. A first step was the launch last month of a smart card ticketing system by a private operator, Morton's, on its services while another important step will be the launch later this year by the RPA of smart cards on Luas services, with Dublin Bus introducing its system next year.

In the meantime, integrated tickets, based on magnet strip technology, are available for travel on Dublin Bus and Irish Rail services and I understand that the RPA is about to conclude a similar arrangement with both companies in respect of Luas services. The allocation for integrated ticketing in the 2004 Estimates for my Department is €9.5 million.

Question No. 33 answered with Question No. 10.

Road Safety.

34. **Mr. Gilmore** asked the Minister for Transport his views on recent figures showing that driver fatigue has been linked to 20% of all fatal crashes here; if he intends launching a public awareness campaign on the dangers of driving when very tired; and if he will make a statement on the matter. [15882/04]

Minister for Transport (Mr. Brennan): Commentary on the information available regarding causes of fatal road collisions is prepared by the National Roads Authority, NRA, based on reports from the Garda Síochána and is published by the authority in its annual road accident facts reports. The most recent report is in respect of 2002 and that report, along with reports relating to previous years, are available in the Oireachtas Library. Such commentary has not, to date, included specific details of a link between fatigue and fatal crashes in Ireland.

[Mr. Brennan.]

In accordance with the medical standards for driving set out in EU directives, which are transposed into national law in the Road Traffic (Licensing of Drivers) Regulations Act 1999, the medical examination as to general physical and mental fitness takes account of the susceptibility of the person concerned to fatigue, such that such person's ability to operate the controls of the vehicle might be seriously impaired. In addition, certification of fitness to drive may be specifically curtailed in certain instances such as where the person suffers from prescribed illnesses or disabilities or if using medications which would have an adverse effect on driving. In many of these instances, fatigue might be an attendant factor.

The question bank for the driver theory test includes questions regarding fatigue so that learner drivers are aware before they commence driving of the dangers of driving while fatigued.

The National Safety Council, which has been mandated with responsibility for promotional and educational initiatives relating to road safety, has produced a leaflet on driver fatigue. It has also organised a special promotion called "Driver Reviver" to address the problem of driver fatigue. This campaign was first launched at Easter weekend 2002 and, more recently, over the all-Ireland football final weekend in September 2003. On both occasions the campaigns were supported by Statoil, which provided service stations as "Driver Reviver" stops, and Lyons Tea. The council is currently in the process of developing and broadening the scale of the "Driver Reviver" campaign and anticipates implementing the campaign before the end of 2004.

Light Rail Project.

35. **Mr. Coveney** asked the Minister for Transport his plans for the development of the metro; and if he will make a statement on the matter. [15801/04]

55. **Mr. Gormley** asked the Minister for Transport when he expects to bring the business case proposal for the first stage of the Dublin metro to Cabinet for a decision. [15945/04]

66. **Mr. S. Ryan** asked the Minister for Transport the position with regard to his plans to bring forward to Cabinet proposals for the construction of a metro system in Dublin; and if he will make a statement on the matter. [15912/04]

79. **Mr. Timmins** asked the Minister for Transport if he has satisfied himself that he can deliver the Dublin metro by 2007; and if he will make a statement on the matter. [15806/04]

94. **Ms O. Mitchell** asked the Minister for Transport his plans for the development of the airport metro; and if he will make a statement on the matter. [15800/04]

Minister for Transport (Mr. Brennan): I propose to answer Questions Nos. 35, 55, 66, 79 and 94 together.

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, the RPA, 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 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 inquiry. 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 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.

Rail Services.

36. **Mr. Boyle** asked the Minister for Transport his plans for developing similar new public transport services on the south side of Cork city in view of the Cork suburban rail line initiative introducing new commuter services to the north and east of the city. [15936/04]

Minister for Transport (Mr. Brennan): At the present time, the city and county councils in Cork have no plans for the expansion of rail services to the south of Cork City. If, in the future, land use plans make a sound economic case for such investment, then they will be examined. My Department is, however, currently funding bus based public transport projects in the Cork area that emerged from the Cork area strategic plan. To date, a total of €12 million has been committed to the park and ride facility at Black Ash on the southern side of the city with a capacity of 920 cars and the green routes initiative, which provides priority measures for buses on ten routes into and out of the city, including the routes serving the south side.

Two of the green routes are due to be operational this year and proposals for the completion of the remaining eight by the city council by 2007 are being examined currently in my Department. In 2003, my Department also provided specific funding of €235,000 to Bus Éireann for the operation of the southern orbital bus service. In addition, the expansion of bus services serving the southern side of the city is also planned.

Rural Transport Services.

37. **Mr. Hayes** asked the Minister for Transport his plans to introduce new rural transport initiatives; and if he will make a statement on the matter. [15798/04]

96. **Mr. Hayes** asked the Minister for Transport if increased funds will be made available to sustain the pilot schemes for rural transport; his views on whether these schemes have proved very useful, especially for older rural dwellers; the way in which the Government can justify pulling the finance at this early stage of development; and if he will make a statement on the matter. [15809/04]

Minister for Transport (Mr. Brennan): I propose to take Questions Nos. 37 and 96 together.

Area Development Management Ltd., ADM, administers the rural transport initiative, RTI, on behalf of my Department. Specific allocations for individual RTI projects are made by ADM from funds provided for this purpose by my Department and I have no function with regard to the individual allocations.

A sum of €3 million has already been provided for the RTI in each of the past two years and further funding of €3 million is being provided in 2004. This total of €9 million compares very favourably with the €4.4 million earmarked for the RTI under the national development plan. ADM is currently undertaking a comprehensive appraisal of the scheme. When the appraisal has been completed, I will then consider its findings and take whatever decisions are appropriate.

Public Transport.

38. **Mr. Howlin** asked the Minister for Transport the status and remit of the review of security on State owned public transport services announced by him in response to the Madrid train bombings; when the review is likely to be completed; if its findings will be made available to the public; and if he will make a statement on the matter. [15895/04]

Minister for Transport (Mr. Brennan): I have recently requested the chief executives of the three CIE operating companies to arrange for a review of security procedures to be undertaken in conjunction with the relevant agencies, including the Garda Síochána, in order that the boards of the companies can satisfy themselves that current arrangements are adequate. I await to hear the outcomes of these reviews.

Driving Licences.

39. **Mr. Crawford** asked the Minister for Transport the action he is taking to put procedures in place for lost driving licences in cases in which there is no record of a licence having been issued; and if he will make a statement on the matter. [15780/04]

43. **Mr. Allen** asked the Minister for Transport the plans he has to put mechanisms in place for cases in which the issuing authority has no record of a driving licence; and if he will make a statement on the matter. [15812/04]

44. **Mr. Hogan** asked the Minister for Transport the action he is taking to put procedures in place for lost driving licences; and if he will make a statement on the matter. [15818/04]

67. **Mr. O'Dowd** asked the Minister for Transport the action he is taking to put procedures in place for lost driving licences; and if he will make a statement on the matter. [15796/04]

Minister for Transport (Mr. Brennan): I propose to take Questions Nos. 39, 43, 44 and 67 together.

Under the Road Traffic Act 1961 and the Road Traffic (Licensing of Drivers) Regulations, 1999 to 2001, it is a matter for the appropriate licensing authority to determine the eligibility of a person for a duplicate driving licence and to issue licences. I have no plans to change this arrangement.

Question No. 40 answered with Question No. 6.

Question No. 41 answered with Question No. 10.

Road Network.

42. **Mr. O'Dowd** asked the Minister for Transport the progress to date on the delivery of the inter-urban motorways; and if he will make a statement on the matter. [15815/04]

Minister for Transport (Mr. Brennan): The current position with the upgrading of the five major inter-urban routes to motorway/high quality dual carriageway standard is that the M1 is expected to be fully complete by end 2006. Work is underway on major projects on the N7 — Monasterevin bypass and Limerick southern ring road phase 1, on the N8 — Cashel bypass and on the N4/N6 — Kilcock/Kinnegad. Work is expected to start this year on the Dundalk western bypass and Dundalk to Newry on the M1, on the Fermoy bypass — N8, Waterford city bypass — N9/N25, and Naas road widening — N7. Completion of these projects will eliminate many of the major bottlenecks on these routes.

In addition, it is expected that compulsory purchase orders and environmental Impact statements for the remaining projects in planning on these routes will either be approved by, or be before, An Bord Pleanála by end 2004. With regard to the national roads programme overall it should be noted that since 2000 a total of 37 projects, over 250 km, have been completed. Work is in progress on 17 projects, 150 km, and another 17 projects, 160 km, are at tender stage.

Questions Nos. 43 and 44 answered with Question No. 39.

Question No. 45 answered with Question No. 10.

Question No. 46 answered with Question No. 20.

47. **Ms O'Sullivan** asked the Minister for Transport if he has plans to introduce new toll routes to fund completion of motorways linking Dublin with Cork, Galway, and the M50 upgrade; and if he will make a statement on the matter. [15904/04]

98. **Mr. Durkan** asked the Minister for Transport if his attention has been drawn to the increased concern amongst the motoring public at recent suggestions of extra tolls to fund roads identified and provided for in the context of the national development plan; if his attention has further been drawn to the increased restrictions and regulations and the high burden of taxation already carried by the motoring public; and if he will make a statement on the matter. [15939/04]

Minister for Transport (Mr. Brennan): I propose to answer Questions Nos. 47 and 98 together.

The national development plan provides for significant private sector investment in the national roads development programme. In line with this policy, a number of major road upgrade projects throughout the country are being implemented by the NRA by means of public private partnerships, with the private sector being remunerated in part by user tolls. This will ensure earlier delivery of vital national road infrastructure. Through PPPs, private sector innovation will be harnessed in the areas of scheme design, construction and long-term operation and maintenance.

The NRA's current PPP programme comprises eight projects. In selecting these PPP projects the NRA had regard to a number of factors, that is, a geographical spread of tolls across the network, the extent of service improvement to be provided by the improved route, the availability of sufficiently high traffic volumes to ensure commercial viability and the setting of tolls at an affordable and acceptable level in order to reduce diversion and gain public acceptance. Having regard to these criteria it is clear that there is limited capacity, over and above the projects already identified by the NRA, across the national road network to support viable tolling arrangements. Nevertheless the increased cost of the national roads programme, combined with the demands of the other sectors which limit the capacity to allocate more Exchequer funding, require that all possibilities for generating additional funding to accelerate the implementation of the national roads programme be considered.

In this context and that of a broader review of the arrangements for the delivery of the programme, the NRA has recently identified a number of options for the development of tolling policy to enable the NRA to raise additional funding for the national roads programme. The proposals submitted by the NRA are currently being considered, in the first instance, in my Department. Any decisions regarding the extension of tolling beyond the current PPP programme would be considered by the Government.

Rail Network.

48. **Mr. Ring** asked the Minister for Transport the plans he has to progress the western rail corridor in view of the strategic rail review; and if he will make a statement on the matter. [15769/04]

Minister for Transport (Mr. Brennan): Following a series of consultations with local interests, on 6 May last I announced the formation of an expert working group to examine in detail the potential for developing the western rail corridor. The group is composed of representatives of a wide range of organisations with an interest in this development, including county councils, regional authorities, county development boards, the Western Development Commission, Irish Rail, the Railway Procurement Agency, the Department of Transport, West on Track and the inter county rail committee. I am very pleased that Mr. Pat McCann, chief executive of the Jury's Doyle Hotel Group, has agreed to chair the group. I understand that the first meeting of the group will be held in Galway in the coming weeks.

Question No. 49 answered with Question No. 26.

National Car Test.

50. **Mr. Neville** asked the Minister for Transport the plans he has to review the NCT contract; and if he will make a statement on the matter. [15785/04]

88. **Mr. Neville** asked the Minister for Transport the plans he has to review the pass and fail criteria of the NCT; and if he will make a statement on the matter. [15764/04]

Minister of State at the Department of Transport (Dr. McDaid): I propose to take Questions Nos. 50 and 88 together.

The car testing contract with National Car Testing Service was signed in December 1998. In accordance with it, NCTS is obliged to provide a car testing service for the State until 31 December 2009. Under the terms of the contract the performance of NCTS is subject to an annual review which can cover the results of NCT inspections, the results of planned or random sample test inspections, the results of customer

satisfaction surveys, the audited financial statements, the company's financial position, customer complaints, the extent of compliance with performance standards and quality accreditation matters.

The main inputs to the annual review are generated by the Department's rolling supervision of the NCTS with the assistance of a consortium consisting of the Automobile Association and PricewaterhouseCoopers. The consortium provides the Department with the necessary engineering, financial, legal, operations research and market research inputs to gauge the company's performance against the specified performance standards. In addition, the contract provides for a mid-term review to take place five years into the contract. While the mid-term review will cover matters dealt with in annual reviews, its overall focus will be more strategic in nature. It is my intention prior to the mid-term review to seek comments from all interested parties for consideration as part of the review.

I have no plans to review the criteria for refusal of a NCT certificate. The national car test, NCT, was introduced in order to implement the requirements of EU Directive 96/96/EC relating to the roadworthiness testing of passenger cars. The directive specifies the items to be tested as part of a vehicle test. The NCT reflects both the requirements of the directive and those laid down in national regulations relating to the standards which a vehicle must meet for use on a public road.

Taxi Regulations.

51. **Ms B. Moynihan-Cronin** asked the Minister for Transport if he will publish the report of the taxi advisory council on new regulations to be introduced to the taxi industry; if the report recommends that all taxi drivers must wear seat belts, that all taxi drivers must be in possession of a current tax clearance certificate from the Revenue Commissioners and that a new tamper proof identification badge be introduced; and if he will make a statement on the matter. [15901/04]

Minister for Transport (Mr. Brennan): By letter dated 24 February 2004 the advisory council to the Commission for Taxi Regulation provided advice to me on a number of matters relevant to small public service vehicles and their drivers. The council recommended the removal of the exemption on the wearing of seat belts by the drivers of small public service vehicles, the early commencement of section 37 of the Taxi Regulation Act 2003 which requires small public service vehicle and drivers licence holders and applicants to hold a current tax clearance certificate, and the introduction of a new identification badge for all drivers of small public service vehicles to replace the existing metal badge.

I advised the council on 31 March 2004 that I had accepted its advice on these matters and had

asked my Department to proceed with the consideration of the proposals in consultation with the Revenue Commissioners, the Garda authorities and the Department of Justice, Equality and Law Reform. My Department will publish the council's letter and my reply on its website in due course.

I have recently announced that I will shortly sign an order to commence section 37(1) of the Taxi Regulation Act 2003 with effect from 2 August 2004. From that date a taxi, wheelchair accessible taxi, hackney or limousine licence or a licence to drive such vehicles will not be granted or renewed unless the applicant produces to the licensing authority, that is, the local authority or the gardaí as appropriate, a tax clearance certificate issued by Revenue under section 1095 of the Taxes Consolidation Act 1997. I also expect to be in a position to bring forward amending regulations on the wearing of seatbelts by small public service vehicle drivers in the near future. The proposals regarding driver identification are the subject of correspondence with the Garda authorities and the Department of Justice, Equality and Law Reform and their observations on the matter are awaited.

Rail Services.

52. **Mr. Kehoe** asked the Minister for Transport the plans he has to introduce public service contracts into the rail service; and if he will make a statement on the matter. [15804/04]

Minister for Transport (Mr. Brennan): I set out my proposals for public transport reform in a statement to the public transport partnership forum in November 2002. As outlined in that statement it is my intention to establish an independent authority to procure public transport services. I also proposed that all DART and suburban rail services in the greater Dublin area would be provided subject to a multi-annual public service contract negotiated by the independent authority with Iarnród Éireann.

In reply to recent questions, I have stated that it is now my intention that the independent authority will have a national remit and in this context it is my intention that all rail services provided by Iarnród Éireann will be subject to a public service contract with the new authority. It is my intention to proceed with legislation to give effect to these and other public transport reforms during 2004.

Question No. 53 answered with Question No. 20.

Road Safety.

54. **Mr. Gilmore** asked the Minister for Transport if his attention has been drawn to a study presented to the environmental health conference 2004 in Dublin showing that 20% of truck drivers have fallen asleep at the wheel; the procedures in place to restrict driving times for

[Mr. Gilmore.]

truck drivers; his views on their effectiveness; and if he will make a statement on the matter.
[15891/04]

Minister of State at the Department of Transport (Dr. McDaid): I understand that the study referred to by the Deputy in a paper entitled “Assessing Occupational Health and Safety of Heavy Goods Vehicles’ Drivers and the Risk of Sleep Deprivation” which was presented by a student from Ulster University, Jordanstown, as a research paper at the joint annual conference of environmental health officers held in Dublin on 13 and 14 May 2004. I have not had sight of the paper as yet. A copy has been requested from the conference organisation.

The road haulage division of my Department is responsible for the enforcement of EU rules governing drivers’ hours, breaks and rest periods for commercial drivers. Tachograph devices are fitted to the cabs of trucks and buses to record information on the driver’s activities for the purpose of checking compliance with the drivers’ hours rules. These rules promote road safety by setting limits on the hours worked by drivers of heavy goods and large passenger vehicles.

There are currently nine transport officers engaged full time on enforcement of these rules. The rules are also enforced by the Garda. Transport officers enforce the rules through roadside checkpoints and visits to operator premises. In recent years my Department has significantly increased the level of roadside checkpoints for enforcement of tachograph regulations. In addition, the level of multi agency checkpoints, which include inspectors from Revenue and other agencies as appropriate, was increased from 44 in 2002 to 98 in 2003. A total of 104 multi agency checkpoints have been scheduled for 2004. I am satisfied that these measures will help to ensure increased compliance with drivers’ hours rules and contribute significantly to the promotion of road safety.

Question No. 55 answered with Question No. 35.

Rail Services.

56. **Mr. Perry** asked the Minister for Transport his plans for the development of the Spencer Dock; if he has had discussions with Irish Rail on the issue; and if he will make a statement on the matter. [15805/04]

Minister for Transport (Mr. Brennan): Irish Rail has had discussions with my Department on the issue and further proposals are awaited from the company in that regard.

Question No. 57 answered with Question No. 12.

Public Transport.

58. **Mr. Rabbitte** asked the Minister for Transport if his attention has been drawn to comments by a person (details supplied) that in order for the Luas to be successful it must be fully integrated with rail and bus services and that should bus services be deregulated this will cause problems for integrated ticketing in view of the fact that companies will set their own fares; and if he will make a statement on the matter.
[15910/04]

Minister for Transport (Mr. Brennan): I set out my policy proposals for public transport reform in statements to the public transport partnership forum in November 2002 and the Oireachtas Committee on Transport in June 2003. As I have stated previously, it is now my intention to establish an independent procurement and regulatory body for public transport which will operate on a national basis. This body will be responsible for procuring, promoting and regulating public transport.

In carrying out its functions it will be subject to certain overriding objectives which will include the development of an integrated public transport system. This will include the integration of Luas, train and bus services and also ensuring that all operators are part of an integrated ticketing scheme. The establishment of this independent body will strengthen integration by replacing the current *ad hoc* and voluntary arrangements for service and ticket integration with a statutory basis.

With regard to current arrangements for the integration of Luas with existing services, the Railway Procurement Agency is working with the CIÉ group companies and with private operators to achieve integration of light rail with other modes of transport. With regard to integrated ticketing, the Railway Procurement Agency has statutory responsibility for the delivery of a smart card based integrated ticketing system for use in a multi-modal, multi-operator environment. The scheme is being developed in consultation with public transport operators and the public. Where services are procured under a public service obligation by the proposed independent body, operators will not be free to set their own fares. Fares will be regulated by the body as part of the contractual arrangements for the delivery of services.

Road Safety.

59. **Mr. Hogan** asked the Minister for Transport when he intends to roll out the other offences under the penalty points system; and if he will make a statement on the matter.
[15817/04]

62. **Mr. McCormack** asked the Minister for Transport the discussions he has had with the Department of Justice, Equality and Law Reform regarding the computerised penalty points

system; and if he will make a statement on the matter. [15779/04]

91. **Mr. English** asked the Minister for Transport the plans he has to review the penalty points system; and if he will make a statement on the matter. [15767/04]

Minister for Transport (Mr. Brennan): I propose to take Questions Nos. 59, 62 and 91 together.

The penalty points system currently applies in respect of the offences of breaching a speed limit, motor insurance and the failure of a driver to wear a seat belt or to ensure that passengers under 17 years of age are appropriately restrained in a mechanically propelled vehicle. I intend to extend the system to cover the offence of careless driving with effect from 4 June next.

The full application of the penalty points system will be achieved when the relevant IT systems being developed by the Department of Justice, Equality and Law Reform and the Garda are completed. I am assured by my colleague, the Minister for Justice, Equality and Law Reform, that the systems in question will be operational by the end of this year. The question of reviewing the system will be considered against the background of its full operation.

Light Rail Project.

60. **Mr. G. Mitchell** asked the Minister for Transport if he has received a report from the Luas project team on the safety of the Luas lines; and if he will make a statement on the matter. [15774/04]

Minister for Transport (Mr. Brennan): I refer the Deputy to my response to his Parliamentary Question No. 58 of 4 May 2004. The position as outlined in that response remains the same.

I wrote to the chairman of the Railway Procurement Agency on 30 April last requesting that the agency review the level and extent of its current safety information programme, related to the introduction of Luas services. The chairman has agreed to this request. I also asked the chairman for the board's assurance that all reasonable steps are being taken to reduce to the minimum level practicable any safety hazards associated with the operation of Luas from the point of view of the public. This will be a requirement of the Railway Safety Bill in any case, when enacted. I am awaiting the outcome of the board's urgent consideration of these matters.

Question No. 61 answered with Question No. 8.

Question No. 62 answered with Question No. 59.

Question No. 63 answered with Question No. 12.

Speed Limits.

64. **Mr. S. Ryan** asked the Minister for Transport if he will report on the progress of his proposals to complete a review of speed limits and convert to the metric system before the end of 2004; if he expects to meet this timescale; and if he will make a statement on the matter. [15913/04]

Minister for Transport (Mr. Brennan): The European Communities (Units of Measurement) (Amendment) Regulations 2002, S.I. No. 619 of 2002, lay down that imperial units of measurement may only be used on road traffic signs for speed and speed measurement until 31 December 2004. I intend to bring legislative proposals before the Oireachtas shortly that are required to underpin revised speed limit structures based on metric values. I have set up a broadly based metrication changeover task force to oversee the delivery of the metrication programme within the required timeframe. The tender process for the procurement of new posts and metric speed limit signs is currently underway. A consultation process is ongoing with relevant agencies and the preparation of a public awareness campaign is also being progressed.

In the context of an overall review of speed limits carried out against the background of the metrication of such limits generally, county and city managers were asked in January 2003 to examine the position in their areas. The primary focus of the examination was to ensure that the dis-application of default speed limits and the application of special speed limits were supported by by-laws. In addition, the authorities were asked to look at instances where speed limits might not be appropriate and to take any action they deemed to be appropriate.

My Department wrote to managers again in March 2004 repeating the request to look at possible instances of inappropriate speed limits and outlining the overall position on the progress for metrication of speed limits later this year. In order to assist managers in the review of speed limits, they were informed by my Department earlier this month of locations that were identified in submissions received from the Automobile Association and the Society for the Irish Motor Industry where the appropriateness of the current speed limit has been questioned in representations made to the latter bodies by motorists.

Managers have specifically been asked to look at the locations that have been the subject of complaint to the AA and SIMI and if the local authority considers that the speed limit is not appropriate, that steps should be taken to introduce appropriate amendments to the by-laws, which will see more appropriate speed limits applied. It has also been made clear that where, on the other hand, the local authority considers that the speed limit in question is appropriate and justified by reference to the prevailing road safety, engineering, traffic or environmental

[Mr. Brennan.] considerations, they have been asked to consider the provision of a sign informing road users of the need for that limit.

I am awaiting reports from the managers on each location where the current limit is perceived by motorists to be inappropriate. I expect that these reports will convey either the grounds that support and justify the application of the current speed limit concerned or indicate that the speed limit in question is being referred to the council members for appropriate action.

Question No. 65 answered with Question No. 10.

Question No. 66 answered with Question No. 35.

Question No. 67 answered with Question No. 39.

Air Services.

68. **Mr. Penrose** asked the Minister for Transport his views on the collapse of an air tour operator (details supplied) after just eight days of operation; the measures he plans in order to introduce new bonding arrangements to prevent new operators collapsing overnight and leaving passengers with valid tickets stranded outside Ireland; and if he will make a statement on the matter. [15907/04]

Minister for Transport (Mr. Brennan): First, I wish to express my regret at the sudden collapse of this company and the difficulties that it poses for its customers and staff.

It is important to state at the outset that this company was licensed as a tour operator under the 1982 Transport Act, and was not licensed as an airline, even though its trading name may have given the impression that it was an airline. The licensing of tour operators is a matter for the Commission for Aviation Regulation.

Flyjetgreen was using aircraft chartered from an airline that is a subsidiary of Icelandair called Loftleidir Icelandic. That airline is regulated by the Icelandic authorities. Iceland is part of the European Economic Area and is a full participant in the liberalised European aviation market.

In accordance with the normal requirements to be licensed as a tour operator, Flyjetgreen had lodged a bond with the Commission for Aviation Regulation. That bond is now available to the commission to assist customers who need help as a result of the collapse of the company. It should be emphasised that the bonding arrangements are in place to assist customers of tour operators or travel agents, in the event of a company failing. Unfortunately tour operators and travel agents operate in a very competitive market and it is not unusual for a number of them collapse from time to time. A bond cannot, in any way, prevent a company from getting into financial difficulties

and collapsing, rather what a bond does is to help consumers if a collapse happens.

I have no doubt that the Commission for Aviation Regulation would advise me if at any time it felt that the statutory provisions relating to the licensing and bonding of tour operators needed to be changed. There is currently no Irish legislation in preparation requiring the bonding of airlines. The focus of many airlines is to reduce the cost of flying. An airline bond would push airline prices up. In view of the competitive distortions that that could produce, any such measure would have to be introduced at a European level.

Question No. 69 answered with Question No. 26.

Question No. 70 answered with Question No. 12.

Question No. 71 answered with Question No. 24.

Public Transport.

72. **Mr. Cuffe** asked the Minister for Transport the sections of new quality bus corridor which are due to be completed in 2004; and the projected sections that are due to be constructed in 2005. [15941/04]

Minister for Transport (Mr. Brennan): My Department is making €27 million available for quality bus corridor, QBC, development in 2004 and will continue to prioritise QBC roll out in 2005. However, the sections of new QBCs that will actually be completed in 2004 depend on the outcome of public consultation and tender processes, while 2005 project plans await ratification by the relevant local authorities in the autumn of this year. I will be making an announcement on the issue in the coming weeks and will then arrange to have the details forwarded to the Deputy.

Question No. 73 answered with Question No. 20.

Taxi Regulations.

74. **Mr. Gogarty** asked the Minister for Transport when he expects to be able to introduce proposals for improving the accessibility for wheelchair users in Dublin taxis. [15942/04]

Minister for Transport (Mr. Brennan): The Government is committed in An Agreed Programme for Government to continue the process of making taxis wheelchair accessible. However, a number of complex issues concerning implementation of this accessible taxi policy have yet to be decided. These include improvements to the existing wheelchair accessible taxi specification to accommodate the greatest possible range of people, issues surrounding

urban/rural needs and the cost of suitable vehicles. These issues will be addressed by the statutory Commission for Taxi Regulation, when established, as part of the development of new small public service vehicle standards.

The Taxi Regulation Act 2003 specifically provides that an objective of the Commission for Taxi Regulation is to promote access to small public service vehicles by persons with disabilities. In this regard, the commission will be tasked with the determination of the future policy on accessible taxis. It is envisaged that this will necessitate specific discussions with both disability and taxi representative groups. The commission will also determine the manner and timeframe for the implementation of the standards for accessible taxi services.

Pending the establishment of the commission, I have indicated to the advisory council to the commission that I am interested in its advice on a range of issues relating to quality enhancement and standards for small public service vehicles and their drivers, including general vehicle condition and appearance, and accessibility for persons with mobility and sensory difficulties.

Air Services.

75. **Mr. Howlin** asked the Minister for Transport if he has plans to grant permission for armed US sky marshals to fly on transatlantic flights into and from Ireland; if he has received requests from US carriers for sky marshals to be on board flights destined to and emanating out of Ireland; and if he will make a statement on the matter. [15894/04]

Minister for Transport (Mr. Brennan): I refer the Deputy to my reply to Parliamentary Question No. 417 of 24 February 2004 on this matter. I have nothing further to add to that reply.

Question No. 76 answered with Question No. 14.

Road Safety.

77. **Mr. J. O’Keeffe** asked the Minister for Transport when the fifth progress report on the road to safety will be published; and if he will make a statement on the matter. [15765/04]

Minister for Transport (Mr. Brennan): The Programme for Government states that a three year road safety strategy will be developed and will target speeding, drink driving, seatbelt wearing and pedestrian safety in order to reduce deaths and injuries. At my request, the high level group on road safety has prepared a draft new strategy for the period 2004 to 2006 and I have received approval from Government to publish it. Arrangements are being put in place to provide for printing and publishing of the document, including its translation into Irish, as soon as possible.

The preparation of the new strategy has taken account of the achievements in meeting the targets set out in the road to safety strategy 1998-2002, a comprehensive review of that strategy and further positive trends established in 2003, and the evolving developments in relation to the EU third road safety action plan. The strategy, which includes a report on progress achieved during the term of the previous strategy, will outline a range of issues that it is intended will be pursued over the period in question. In overall terms, measures will focus on the areas of education, enforcement, engineering and legislation and will target the key areas of speeding, driving while intoxicated and seatbelt wearing.

Question No. 78 answered with Question No. 11.

Question No. 79 answered with Question No. 35.

Airport Development Projects.

80. **Mr. Costello** asked the Minister for Transport the position with regard to the establishment of a second terminal at Dublin Airport; and if he will make a statement on the matter. [15881/04]

Minister for Transport (Mr. Brennan): Passenger traffic through Dublin Airport is expected to grow from last year’s level of almost 16 million passengers to 30 million by around 2020. New infrastructure capacity and facilities, both airside and landside, will be needed to cater for this growth, including further terminal capacity. With regard to the latter, the programme for Government includes a commitment to examine proposals for a new independent terminal at the airport and to progress such proposals if the evidence suggests that such a terminal will deliver significant benefits. The question currently at issue, therefore, is not whether new terminal capacity should be provided at Dublin Airport but rather who should provide the next tranche of capacity, the authority responsible for the airport as a whole or the private sector.

As the Deputy is aware, the report of last year by the panel of experts chaired by Mr. Paddy Mullarkey concluded that an independent terminal at Dublin Airport would be operationally and technically feasible and that such a terminal is a viable strategic option for the airport. I will continue to give urgent attention to the independent terminal concept and I will bring proposals in the matter to the Government in due course.

Traffic Management.

81. **Mr. J. O’Keeffe** asked the Minister for Transport his plans to ban HGVs from Dublin city; and if he will make a statement on the matter. [15813/04]

Minister for Transport (Mr. Brennan): Traffic management in Dublin is the responsibility of Dublin City Council. I am informed that a heavy goods vehicle management strategy is currently being developed by the council to coincide with the opening of the Dublin Port tunnel. This plan has three objectives: to ensure the optimal use by HGVs of the port tunnel, to minimise adverse effects of remaining HGV movements in the city and to manage the movement of vehicles not within permitted dimensions, for example, through permit systems. I understand that Dublin City Council has circulated a draft interim report identifying the issues involved in the management strategy and that it is undertaking widespread consultation on the report before finally implementing any HGV management strategy.

Light Rail Project.

82. **Mr. Gormley** asked the Minister for Transport his views on whether it will be possible to continue Luas line B from St. Stephen's Green down Dawson Street, College Green and Westmoreland Street to link up with Luas line A running from Tallaght to Connolly Station; the rate of reduction in traffic levels in College Green over the past five years due to the traffic restrictions that have been put in place on traffic coming from George's Street, Dawson Street, Pearse Street and O'Connell Street onto the green; and if such a reduction in traffic in the area will make it easier to run the Luas overground in the city centre. [15944/04]

Minister for Transport (Mr. Brennan): Integration of public transport services in the greater Dublin area is being pursued within the broad policy framework established by the Dublin Transportation Office's "Platform for Change". In this regard, the question of a connection between the Tallaght and Sandyford Luas lines is being considered in the context of proposals for a metro alignment from the city centre to Dublin airport. 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 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. Local traffic management together with traffic data is the responsibility of the relevant local authority, Dublin City Council in this case.

Question No. 83 answered with Question No. 16.

Greenhouse Gas Emissions.

84. **Mr. Morgan** asked the Minister for Transport the measures he is taking to curtail greenhouse gas emissions caused by heavy traffic. [15886/04]

Minister for Transport (Mr. Brennan): The Road Traffic Acts provide for the restriction and prohibition of traffic geared towards the safety of road users and traffic management. Decisions regarding the deployment of controls on traffic and the application of the measures involved are matters for the local authorities and, in the case of national roads, the National Roads Authority.

As the Deputy is probably aware, Ireland has international obligations under the Kyoto Protocol to limit emissions of greenhouse gases. As part of our efforts to do so, the Minister for Finance has asked Departments concerned, including my own, to bring forward plans for a carbon energy tax with a target date for introduction of end 2004. Given the many and varied implications of such a tax, the Department of Finance has conducted a full public consultation with interested parties on the design of the tax. I understand that an interdepartmental committee, chaired by the Department of Finance, has been examining the submissions received with a view to preparing proposals for submission to Government by the Minister for Finance.

Question No. 85 answered with Question No. 10.

Question No. 86 answered with Question No. 24.

Question No. 87 answered with Question No. 16.

Question No. 88 answered with Question No. 50.

Rail Network.

89. **Mr. Timmins** asked the Minister for Transport his plans for the development of the Phoenix Park tunnel; if he has had discussions with Irish Rail on the issue; and if he will make a statement on the matter. [15783/04]

Minister for Transport (Mr. Brennan): Irish Rail recently completed a study on the feasibility of providing an interconnector tunnel from Heuston Station to the Docklands. At my request this study also examined the question of increased use of the Phoenix Park tunnel for passenger services between Connolly and Heuston stations.

The completed study has been submitted to my Department and discussions have taken place, with Irish Rail in particular, with regard to the project. The company is looking at the potential for making greater use of the Phoenix Park tunnel when the second phase of the DART upgrade programme is completed in 2007 and extra rail paths into Connolly Station become available.

Question No. 90 answered with Question No. 12.

Question No. 91 answered with Question No. 59.

Public Transport.

92. **Mr. Rabbitte** asked the Minister for Transport his plans to allow bus lanes on the hard shoulders of motorways; the time scale proposed; and if he will make a statement on the matter. [15911/04]

Minister for Transport (Mr. Brennan): I am anxious to ensure that as many practical measures as possible are taken to improve public transport flows and reduce congestion throughout the country. In that regard, my officials are engaged in discussions with Bus Éireann, the Dublin Transportation Office, the quality bus network office of Dublin City Council and the National Roads Authority regarding the use of the hard shoulder on roads, including those linking Dublin and satellite towns.

The provision of hard shoulders for use as bus lanes can be facilitated through regulations made under section 35 of the Road Traffic Act 1994. However, as Road Traffic Acts provide that road speed limits apply to all of the vehicles using those roads, save where a lower ordinary speed limit applies to a particular class of vehicle, the application of a separate speed limit to vehicles using a reserved hard shoulder must be provided for in primary legislation.

The road traffic Bill that is currently being drafted by the Parliamentary Counsel proposes to provide a legal basis for the introduction of the concept of making by-laws to apply a special speed limit in respect of a specified national road or motorway or part, carriageway or lane thereof in lieu of the speed limit that normally applies to that road.

Question No. 93 answered with Question No. 16.

Question No. 94 answered with Question No. 35.

Road Network.

95. **Mr. McGinley** asked the Minister for Transport his plans to address the height of the Dublin Port tunnel; and if he will make a statement on the matter. [15803/04]

Minister for Transport (Mr. Brennan): The position regarding the height of the tunnel is that my Department appointed consultants to review the feasibility, safety implications and cost of raising the height of the Dublin Port tunnel. They were requested to review a range of options for increasing the operational height of the tunnel, their feasibility, having regard to the state of implementation of the current design and build contract, and the likely additional costs and impact on the project completion date.

Having reviewed the findings of the report further information has been sought from the

NRA pertaining to its conclusions, in particular about the costs should the tunnel height be increased. As a result the contractors have been requested to provide a fixed price cost for the work involved. Following receipt of this information a decision on the height of the Dublin Port tunnel will be made.

Question No. 96 answered with Question No. 37.

Rail Network.

97. **Mr. P. McGrath** asked the Minister for Transport his views on Iarnród Éireann's proposals for a new integrated greater Dublin commuter rail system; and if he will make a statement on the matter. [15787/04]

Minister for Transport (Mr. Brennan): Irish Rail has developed proposals for an integrated rail network for the greater Dublin area for the period up to 2010.

The proposals are being discussed between my Department and the company at present in the context of: the overall capital envelope available for public transport over the coming years; the priorities in the DTO strategy, "Platform for Change" and the regional planning guidelines for the greater Dublin area; the need to achieve a modal shift in favour of public transport so as to tackle congestion.

Question No. 98 answered with Question No. 47.

Work Permits.

99. **Mr. Penrose** asked the Tánaiste and Minister for Enterprise, Trade and Employment the reason an application for work permits for persons which were submitted by a company (details supplied) have not been dealt with; and if she will take steps to ensure that same are immediately dealt with; and if she will make a statement on the matter. [16015/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): Each work permit application is considered on its own merits. I am informed that the work permit section of my Department wrote to the employer on 12 February 2004 requesting additional information in order to process the application. To date no reply has been received.

Retail Sector.

100. **Mr. Ferris** asked the Tánaiste and Minister for Enterprise, Trade and Employment if a retail centre that insists that all unit holders insure themselves through one company is engaging in unfair practices. [16039/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The Competition Act 2002 prohibits anti-competitive practices and the Competition Authority is the independent

[Ms Harney.]
statutory body charged with the enforcement of this legislation. Accordingly, allegations of anti-competitive practices should be referred to the authority for investigation. Given that the authority is currently carrying out a study of competition issues in the non-life insurance sector, it may be particularly interested in the circumstances of this case.

Work Permits.

101. **Ms Shortall** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has satisfied herself with the present regime for persons residing on work permits such as a person (details supplied); if her attention has been drawn to the difficulties that such families have in making ends meet in view of the work restrictions placed on all of the family members; if such a regime of dependency is an intended outcome of her Department's policy; if she will review the rules for such families who travel to Ireland on work permits to alleviate this disincentive for skilled workers with families travelling here on work permits; and if she will make a statement on the matter. [16112/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): From the information supplied it appears that the person in question is working in Ireland on the basis of a working visa rather than the basis of a work permit. Spouses of non-EEA nationals are not prohibited from working in the State. However, they do require an employment permit in their own right.

In light of difficulties experienced by some spouses I recently announced new arrangements designed to give greater ease of access to employment for the spouses of certain non-EEA nationals working in the State under specified schemes and facilities, including the working visa facility. These arrangements are already in operation for some weeks now. Some 105 work

permits have already been granted to eligible spouses.

A detailed set of guidelines, outlining the eligibility criteria and procedures relating to these arrangements, have been available on my Department's website since April. They have also been circulated to a range of Government Departments, health bodies and other relevant organisations, including employer organisations, to promote as wide a circulation of this information as possible.

There are about 30,000 non-EEA nationals working in Ireland on the basis of work permits and, as some 9,000 work visas or work authorisations have been granted to date, the implications of any proposal to grant automatic permission to work for other family members will need to be carefully assessed.

102. **Mr. Wall** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position of a person (details supplied) in County Kildare seeking a work permit; when a decision will be made regarding this matter in view of the fact that their spouse has such a work permit and has resided in Ireland for one year; and if she will make a statement on the matter. [16114/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I am informed that there is no record of a valid work permit application in this case. Applications which are incomplete or incorrect are returned to the employer for completion.

Interdepartmental Committees.

103. **Mr. J. Bruton** asked the Minister for Defence if he will list the number of meetings in the past year of each interdepartmental committee or body on which his Department is represented; the frequency and location of its meetings; and where it is intended those meetings will take place after decentralisation. [15338/04]

Minister for Defence (Mr. M. Smith): The interdepartmental committees and bodies on which my Department is represented are set out in the table hereunder:

| Interdepartmental Committee | Frequency of Meetings | Location |
|--|--------------------------------|---|
| SMI implementation group of secretaries general | 9-10 meetings per year. | Department of the Taoiseach, Dublin |
| Committee of the assistant secretaries' network | Monthly. | Various, generally Dublin city centre |
| e-government: assistant secretaries' implementation group | Monthly. | Department of the Taoiseach, Dublin |
| Steering group of assistant secretaries — new vision for the Civil Service | Infrequently, as required. | Department of the Taoiseach, Dublin |
| Change management network | 9-10 meetings per year. | Department of the Taoiseach, Dublin |
| QCS working group | 5 meetings per annum. | Department of the Taoiseach, Dublin |
| QCS officers' network | 6 meetings per annum. | Department of the Taoiseach, Dublin |
| Organisational development forum | 2 meetings per annum. | Department of Finance, Dublin |
| Evaluation network (expenditure review initiative) | Currently under consideration. | Various conference locations in Dublin. |
| Central input committee | 1 meeting in the past 2 years. | Department of Finance, Dublin |
| Press officers' network | Weekly. | Department of the Taoiseach, Dublin |

| Interdepartmental Committee | Frequency of Meetings | Location |
|---|---|--|
| FOI Civil Service users' network | Monthly. | Department of Enterprise, Trade and Employment, Dublin |
| FOI interdepartmental working group | 4 meetings per annum. | Department of Finance, Dublin |
| Departmental trainers officers network | Quarterly | Department of Finance, Dublin |
| CMOD interdepartmental training committee | Quarterly | Department of Finance, Dublin |
| e-Cabinet group | Monthly | Department of the Taoiseach, Dublin |
| e-Procurement group | Quarterly | Department of Finance, Dublin |
| Government contracts committee sub-committees | Bi-monthly | Department of Finance, Dublin |
| Heads of internal audit forum | Quarterly | Department of Finance, Dublin |
| Human resources management subgroup — SMI | As required | Department of the Taoiseach, Dublin |
| Human resource management system users network | As required | Department of Finance, Dublin |
| IT managers network | 6 times per annum | Department of Finance, Dublin |
| IT security policy group | As required | Department of Communications, Marine and Natural Resources, Dublin |
| Webmasters group | 6 times per annum | Department of Finance, Dublin |
| Emergency response co-ordinating committee | As required | Department of the Environment, Heritage and Local Government, Dublin |
| Consultative committee on nuclear emergency planning | As required | Department of the Environment, Heritage and Local Government, Dublin |
| Government task force on emergency planning | As required, 7 times since May 2003 | Department of Defence, Dublin |
| Interdepartmental committee on peacekeeping | As required, one meeting since May 2003 | Department of Foreign Affairs, Dublin |
| Interdepartmental committee on UN issues | As required | Department of Foreign Affairs, Dublin |
| Interdepartmental committee on major emergencies | As required | Department of the Environment, Heritage and Local Government, Dublin |
| Interdepartmental working group on emergency planning | As required, 10 meetings since May 2003 | Department of Defence, Dublin |
| Interdepartmental monitoring committee — Sellafeld mox plant | As required, no meeting since May 2003 | Department of the Environment, Heritage and Local Government, Dublin |
| Interdepartmental committee on severe acute respiratory syndrome — SARS | As required, 5 meetings since May 2003 | Department of Health and Children, Dublin |
| Expert committee — contingency planning for biological threats | As required, 3 meetings since May 2003 | Department of Health and Children, Dublin |
| Interdepartmental committee on combating terrorism | As required, 2 meetings since May 2003 | Department of the Taoiseach, Dublin |
| Interdepartmental co-ordinating committee on EU affairs | Fortnightly | Department of the Taoiseach, Dublin |
| Interdepartmental committee for co-ordinating the Presidency | As required | Department of Foreign Affairs, Dublin |
| Interdepartmental committee to oversee the piloting and maintenance of the new Garda helicopter | As required | Department of Justice, Equality and Law Reform, Dublin |
| Interdepartmental committee on the future of the national military archives | 4 meetings held in 2003, held as required | Department of Defence, Dublin |
| Irish marine search and rescue committee | Bi-annually | Department of Communications, Marine and Natural Resources, Dublin |
| Joint industrial council for State employees | Bi-monthly | Labour Relations Commission, Dublin |
| Management information framework users network | As required | Department of Finance, Dublin |
| Management information framework project managers group | 6 meetings per annum | Department of Finance, Dublin |
| Management information framework consultative committee | 3-4 meetings per annum | Department of Finance, Dublin |
| Mullarkey implementation group | Monthly | Department of Finance, Dublin |
| Management committee for common systems in accounts branches — MCCSAB | 2-3 meetings per annum | Department of Finance, Dublin |
| Maritime security implementation group | Quarterly | Department of Communications, Marine and Natural Resources, Dublin |
| National security authority | As required | Department of Foreign Affairs, Dublin |
| National security committee | 12 per annum | Department of the Taoiseach, Dublin |
| Interdepartmental Committee | Frequency of Meetings | Location |

| Interdepartmental Committee | Frequency of Meetings | Location |
|---|--|--|
| National civil aviation security committee | As required, 2 meetings since May 2003 | Department of Transport, Dublin |
| Survey technical committee | 3 meetings per annum | Geological Survey of Ireland, Dublin |
| Personnel officers interdepartmental group | 4-5 times per annum | Department of Finance, Dublin |
| Performance management and development network — PMDS | Quarterly | Department of Finance, Dublin |
| Disability liaison officers network | Infrequently, as required. | Department of Finance, Dublin |
| Interdepartmental committee on decentralisation | As required | Department of Finance, Dublin |
| Transportation of dangerous goods by rail | Quarterly | Dublin |
| Crisis management exercise committee | 3 meetings per annum | Dublin |
| Seabed technical advisory committee | As required, 3 meetings since May 2003 | Department of Communications, Marine and Natural Resources, Dublin |

The locations at which meetings will be held following decentralisation is not known.

104. **Mr. J. Bruton** asked the Minister for Agriculture and Food if he will list the number of meetings in the past year of each interdepartmental committee or body on which his Department is represented; the frequency and location of its meetings; and where it is intended those meetings will take place after decentralisation. [15339/04]

Minister for Agriculture and Food (Mr. Walsh): The information requested by the Deputy is set out in the following schedule. The meetings take place at a variety of locations with a high proportion in Dublin. At this juncture, it is not possible to be definitive about the location of meetings post-decentralisation as in many instances my Department is not the lead Department.

Schedule

| Interdepartmental Committee/Body | Number of Meetings | Frequency | Current Location |
|--|--------------------|------------|-----------------------------|
| Working group on earth lined effluent stores, outwintering pads and constructed wetlands | 8 | 6 weeks | Dublin or Grange |
| Nitrates directive liaison committee | 2 | 6 months | Dublin |
| Nitrates expert group | 8 | 2 months | Dublin, Portlaoise, Wexford |
| Water framework directive | 5 | 2 months | Dublin |
| Water framework directive — working group on characterisation and reporting | 3 | Infrequent | Dublin |
| National hazardous waste management plan — implementation committee | 4 | Quarterly | Dublin, Wexford |
| National climate change strategy — inventory data group | 1 | Infrequent | Dublin |
| Bio energy strategy group | 10 | 1 month | Dublin |
| Emergency response consultative committee — nuclear emergencies — co-ordination group. | 1 | Infrequent | Dublin |
| Water framework directive — expert group on dangerous substances | 9 | 1 month | Dublin |
| Advisory committee on dangerous substances | 4 | Quarterly | Dublin |
| EU chemicals strategy — IDEUCS | 3 | Quarterly | Dublin |
| EU chemicals strategy-technical group | 30 | Weekly | Dublin |
| DAF/FSAI steering committee | 4 | 3 months | Dublin |
| FSAI legislative committee | 1 | Infrequent | Dublin |
| FSAI scientific committee | 4 | 2 months | Dublin |
| Strategy for anti-microbial resistance | 3 | Quarterly | Dublin |
| Bord Bia board meetings | 7 | 2 months | Dublin |
| Enterprise Ireland investment committee | 24 | 2 weeks | Dublin |
| Operational programme for productive sector — monitoring committee | 2 | 6 months | Various |
| Operational programme for employment human resource development- monitoring committee | 2 | 6 months | Various |
| Food monitoring committee | 2 | 6 months | Dublin |
| Food agency co-operation council | 3 | Quarterly | Dublin |
| MIF consultative committee | 5 | Quarterly | Dublin |
| MIF project management committee | 8 | 1 month | Dublin |

| Interdepartmental Committee/Body | Number of Meetings | Frequency | Current Location |
|--|--------------------|------------|-----------------------|
| Mullarkey implementation group | 11 | 1 month | Dublin |
| Resource allocation and business — RAB — steering committee | 4 | quarterly | Dublin |
| RAB — project group | 9 | 1 month | Dublin |
| Accreditation review group | 5 | 2 months | Dublin |
| North-South Ministerial Council — disease surveillance | 2 | 6 months | Dundalk |
| North-South Ministerial Council — working group on medicines | 2 | 6 months | Dundalk/Newry |
| North-South Ministerial Council — working group on zoonoses | 3 | Quarterly | Dundalk/Newry |
| Regional zoonoses committee | 4 | Quarterly | Rotates within region |
| Irish Medicines Board advisory committee on veterinary medicines | 6 | 2 months | Dublin |
| Board Bia technical committees — eggs, poultry, pigs | 5 | 2 months | Dublin |
| FSAI bi-lateral meetings — eggs | 2 | 6 months | Dublin |
| FSAI — service contract meetings — eggs | 4 | Quarterly | Dublin |
| FSAI — BSE committee | 6 | 2 months | Dublin |
| FSAI service contract meetings — residues | 3 | 4 months | Dublin |
| FSAI service contract meetings — zoonoses | 3 | 4 months | Dublin |
| Teagasc — pig research advisory committee | 3 | 4 months | Cork, Portlaoise |
| Working group on landfill directive | 3 | 4 months | Dublin |
| Teagasc — organic poultry advisory committee | 3 | 4 months | Wexford |
| State Laboratory — service level contract meetings | 3 | 4 months | Dublin |
| Committee on GMO's | 3 | 4 months | Dublin, Wexford |
| Working group on cross-compliance on single farm payments | 3 | 1 month | Portlaoise |
| Science and technology committee | 1 | 6 months | Dublin |
| Steering group on European research area | 1 | Infrequent | Dublin |
| Co-ordination group on participation in 6th framework programme | 4 | Quarterly | Dublin |
| National accreditation board | 6 | 2 months | Dublin |
| Working group on coexistence of GM crops with organic and conventional crops | 5 | 1 month | Maynooth, Backweston |
| DAF/Department of the Environment, Heritage and Local Government — National Parks and Wildlife Service | 3 | | Dublin |
| Training officers committee. | 6 | 2 months | Dublin |
| Change management network | 10 | Monthly | Dublin |
| PMDS network | 7 | 2 months | Dublin |
| PMDS evaluation sub-committee of general council | 5 | 2 months | Dublin |
| Partnership sub-committee of general council | 2 | | Dublin |
| MCCSIPA — management committee for common systems in personnel areas — HRMS | 4 | Quarterly | Dublin |
| HRMS functional user-group | 6 | 2 months | Dublin |
| HRMS technical group | 5 | 2 months | Dublin |
| Personnel officers network | 3 | 2 months | Dublin |
| Joint industrial council for State employees | 6 | 2 months | Dublin |
| Decentralisation liaison officers group | 2 | 1 month | Dublin |
| Office of emergency planning working group | 10 | 1 month | Dublin |
| Steering group on laboratory projects | 13 | 1 month | Dublin |
| National spatial strategy committee | 3 | Quarterly | Dublin |
| MCCSIA — management committee for common accounts systems | 3 | Quarterly | Dublin |
| Quality customer service working group | 4 | Quarterly | Dublin |
| Quality service officers network | 6 | 2 months | Dublin |
| FOI Civil Service users network | 10 | Monthly | Dublin |
| FOI working group | 3 | Quarterly | Dublin |
| Co-ordinating committee on European Union affairs | 19 | 2 weeks | Dublin |
| Foreign earnings committee | 2 | 6 months | Dublin |
| Co-ordinating committee on State aid | 4 | Quarterly | Dublin |

| Interdepartmental Committee/Body | Number of Meetings | Frequency | Current Location |
|--|--------------------|-----------------|------------------|
| Oireachtas scrutiny co-ordinators | 2 | Infrequently | Dublin |
| Intergovernmental Conference overview group | 13 | Weekly | Dublin |
| Senior officials group on Presidency | 24 | Weekly | Dublin |
| Administrative Presidency planning group | 8 | Monthly | Dublin |
| Committee to co-ordinate the Presidency | 6 | | Dublin |
| Implementation group of assistant secretary on e-government | 3 | Quarterly | Dublin |
| VPN programme guard | 1 | Infrequent | Dublin |
| Information communications technology managers forum — ICTMF | 3 | Quarterly | Dublin |
| e-Cabinet technical group | 1 | Infrequent | Dublin |
| SMI implementation group of secretaries general | 9 | Every 4-6 weeks | Dublin |
| e-Strategy group of secretaries general | 5 | Infrequent | Dublin |
| Interdepartmental co-ordination committee on the relocation of laboratories. | 2 | Infrequent | Dublin |

Grant Payments.

105. **Mr. J. O’Keeffe** asked the Minister for Agriculture and Food the situation regarding the forestry premium for 2003 and 2004 for a person (details supplied) in County Cork. [15994/04]

Minister for Agriculture and Food (Mr. Walsh): Payment of the outstanding premiums will be made shortly.

Farm Retirement Scheme.

106. **Mr. Neville** asked the Minister for Agriculture and Food when early farm retirement will be paid to a person (details supplied) in County Limerick. [16041/04]

Minister for Agriculture and Food (Mr. Walsh): The person named sought an exemption from certain qualifying conditions of the farm retirement scheme on the grounds of her ill health. She had ceased farming in 1995 and, as a consequence, was unable to satisfy a number of conditions including the requirement to have been engaged in farming for the ten calendar years prior to the date of transfer or lease of her land under the scheme to an eligible transferee. Only leases or transfers of pension lands to eligible transferees on or after 1 January 2000 are eligible for inclusion in the scheme.

The scheme includes a provision for conditions to be waived where an applicant cannot meet them for certain reasons beyond his or her control, including long-term incapacity. My Department, while sympathetic to the situation of the person named, concluded that an exemption could not be granted in her case because she had been out of farming for nine years. The farm retirement scheme is fundamentally a restructuring scheme intended to encourage older farmers to retire early and give over their land to younger farmers. The fact that the person named has been out of farming for so long made it very difficult to accept that she was still in any meaningful sense a farmer. It is considered that

the granting of an exemption in this case would have stretched the interpretation of the scheme beyond reasonable limits.

The person named was informed of this decision through her agricultural adviser and advised of her right of appeal to the agriculture appeals office.

Environmental Protection.

107. **Mr. Sargent** asked the Minister for Agriculture and Food the hectareage of reforestation that has taken place inside areas designated as acid sensitive since the introduction of the acidification protocol; and if he can give an assurance that the protocol’s safeguards are being applied to reforestation as well as initial afforestation. [16104/04]

Minister for Agriculture and Food (Mr. Walsh): The acidification protocol, which was drawn up by COFORD — the National Council for Forest Research and Development, and the Environmental Protection Agency, applies to initial afforestation only. The hectareage of reforestation in such areas is not currently available.

108. **Mr. Sargent** asked the Minister for Agriculture and Food if he will provide the figures on which his Department makes an averaging approach to take account of differences in rates of carbon emissions and sequestration between mineral and peat soils, as stated in a recent written reply to Parliamentary Question No. 225 of 27 April 2004. [16105/04]

Minister for Agriculture and Food (Mr. Walsh): 1990 is the base year for carbon accounting under the Kyoto Protocol. Carbon emissions for peat and mineral soils are averaged on the basis that peat and mineral soils have comprised 30% and 70%, respectively, of the area afforested since 1990. Using this methodology and taking into account relevant scientific data, average soil emissions are set at

0.5 tonnes of carbon per hectare per year. With regard to sequestration, average rates are derived from area weighted average growth rates of tree species, taken from Irish forest inventory data. The inventory data cover all forests planted on both peat and mineral soil.

My Department, through the National Council for Forest Research and Development, is funding research on many aspects of carbon emission and sequestration in Irish forests. As new data becomes available from the research, emission and sequestration figures will be updated as necessary.

Legislative Programme.

109. **Mr. Sargent** asked the Minister for Agriculture and Food the progress of the process of revising, extending and consolidating the Forestry Acts; and the extent of public consultation. [16106/04]

Minister for Agriculture and Food (Mr. Walsh): The process of revising the Forestry Acts will be informed by the review of the 1996 strategic plan being undertaken by private consultants which will be delivered in September 2004. Public consultation will be an integral part of this process.

Tax Code.

110. **Ms O'Sullivan** asked the Minister for Finance if the VRT and VAT scheme could be modified in circumstances where a person's physical health has deteriorated to the extent that they need to upgrade their car sooner than the regulations specify and have medical evidence to show that; and if he will make a statement on the matter. [16019/04]

Minister for Finance (Mr. McCreevy): An interdepartmental review group was established to review the disabled drivers and disabled passengers, tax concessions, scheme. The group examined all aspects of the scheme, including the qualifying medical criteria. I have received the report of the interdepartmental review group on the disabled drivers and disabled passengers, tax concessions, scheme and it is currently being considered. Any recommendations contained in this report regarding the medical criteria and other conditions of the scheme will receive full consideration.

Decentralisation Programme.

111. **Mr. Durkan** asked the Minister for Finance the extent to which decentralisation proposals are likely to be met by way of relocation of public servants to County Kildare, with particular reference to north Kildare; and if he will make a statement on the matter. [16070/04]

Minister for Finance (Mr. McCreevy): As the Deputy is aware, in my Budget Statement of 3 December 2003, I announced the Government decision to relocate the Defence Forces HQ, involving 300 posts, to the Curragh, the Department of Defence, involving 200 posts, to Newbridge, and an element of the Office of the Revenue Commissioners, involving 250 posts, to Athy.

An announcement on the locations for 835 ICT staff and 500 health sector staff remains outstanding. This announcement of the locations for both groups of staff will be made shortly.

Tax Code.

112. **Mr. Durkan** asked the Minister for Finance if a person (details supplied) in County Kildare can avail of a scheme to purchase a specially adapted car to cater for a child who is wheelchair bound; and if he will make a statement on the matter. [16071/04]

Minister for Finance (Mr. McCreevy): The disabled drivers and disabled passengers, tax concessions, scheme is open to people with disabilities who meet the specified criteria and have obtained a primary medical certificate to that effect. The senior area medical officer attached to the relevant local health board is responsible for both the medical assessment and the issue of the medical certificate.

The medical criteria for the purposes of the tax concessions under this scheme are set out in the disabled drivers and disabled passengers, tax concessions, regulations 1994. Six different types of disablement are listed under the regulations and a qualifying person must satisfy one or more of them. The six types of disablement are as follows: (a) persons who are wholly or almost wholly without the use of both legs; (b) persons who are wholly without the use of one leg and almost wholly without the use of the other leg such that the applicant is severely restricted as to movement of the lower limbs; (c) persons without both hands or without both arms; (d) persons without one or both legs; (e) persons wholly or almost wholly without the use of both hands or arms and wholly or almost wholly without the use of one leg; (f) persons having the medical condition of dwarfism and has serious difficulties of movement of the lower limbs.

An individual who qualifies under the medical criteria as set out above is issued with a primary medical certificate. Possession of a primary medical certificate provides for remission or repayment of vehicle registration tax, plus a repayment of value added tax on the purchase of the vehicle, plus a repayment of VAT on the cost of adaptation of the vehicle. Repayment of the excise duty on fuel used in the motor vehicle and exemption from annual road tax to local authorities are also provided for. The Revenue

[Mr. McCreevy.]
Commissioners are unable to consider an application for the relief without the issue of a valid primary medical certificate.

Application for a primary medical certificate should be made in the first instance to the appropriate health authority. In the event that a certificate is issued, application for relief should then be made to the Revenue Commissioners, Central Repayments Office, Coolshannagh, Monaghan, telephone 047 — 82800.

Interdepartmental Committees.

113. **Mr. J. Bruton** asked the Minister for Foreign Affairs if he will list the number of meetings in the past year of each interdepartmental committee or body on which his Department is represented; the frequency and location of its meetings; and where it is intended

those meetings will take place after decentralisation. [15466/04]

Minister for Foreign Affairs (Mr. Cowen): For the Deputy's information, a list of those interdepartmental committees or bodies on which the Department of Foreign Affairs has been represented during the past year, together with details relating to the frequency and current location of those meetings, is set out in the following table. A number of these committees are chaired by officers of the Department of Foreign Affairs and for many of these the future location of the meetings following the implementation of the decentralisation programme has not yet been decided. Where details of the future location of meetings after decentralisation are known, information is given in this regard. The locations of future meetings of interdepartmental committees chaired by officials from Departments other than the Department of Foreign Affairs is a matter for those Departments.

| Interdepartmental committee or body on which the Department is represented | Number of meetings in the past year | Frequency of meetings | Location of meetings | Where it is intended those meetings will take place after decentralisation |
|--|-------------------------------------|--|--|--|
| Freedom of Information Civil Service Users Network | 12 | Monthly | Dublin | For parent Department |
| Freedom of Information Interdepartmental Working Group | 2 | As required | Dublin | For parent Department |
| Quality Customer Service Working Group | 4 | As required | Dublin | For parent Department |
| Quality Customer Service Research Sub-group | 4 | As required | Dublin | For parent Department |
| Quality Customer Service Officers Network | 4 | As required | Dublin | For parent Department |
| Performance Management Development System Network | 3 | As required | Dublin | For parent Department |
| Training and Development Committee | 2 | As required | Dublin | For parent Department |
| Training and Development Officers Network | 3 | As required | Dublin | For parent Department |
| Department of Foreign Affairs — DFA/Office of Public Works — OPW Committee on Accommodation issues in DFA. | 4 | As required, but approximately every 3 months. | Usually DFA premises, Dublin and occasionally in OPW premises, Dublin. | Likely to be Dublin |
| Corepay Users Group | 4 | Quarterly | Dublin | For parent Department |
| Management Committee for Common Systems in Accounts Branches | 2 | As required | Dublin | For parent Department |
| Management Information Framework Consultative Committee | 5 | Approx. every 2 months | Dublin | For parent Department |
| Management Information Framework Project Management Group | 8 | Every 6 weeks | Dublin | For parent Department |
| Mullarkey Implementation Group | 9 | Approx. every 6 weeks | Dublin | For parent Department |
| Government Task Force on Emergency Planning | 8 | 1-2 months | Government Buildings | For parent Department |
| Civil Service IT Managers Network | 4 | Quarterly | Government Buildings | For parent Department |
| Assistant Secretaries Information Society Implementation Group | 3 | Quarterly | Government Buildings | For parent Department |
| Change Management Network | 11 | Monthly | Department of the Taoiseach | For parent Department |

| Interdepartmental committee or body on which the Department is represented | Number of meetings in the past year | Frequency of meetings | Location of meetings | Where it is intended those meetings will take place after decentralisation |
|--|-------------------------------------|-----------------------|---|--|
| Decentralisation Liaison Officers Group | 4 | As required | Department of Finance | For parent Department |
| Personnel Officers' Network | 5 | Bi-monthly | Dublin Castle | For parent Department |
| Employee Assistance Officers' Network | 7 | Bi-monthly | Dublin venue | For parent Department |
| Employee Assistance Officers' Network meetings with the Department of Finance | 5 | Bi-monthly | Department of Finance | For parent Department |
| Interdepartmental Committee (IDC) — (considers and approves distribution of funds within Vote 29 for International Co-operation) | 1 | Annual | Dublin | No final decision |
| Programme Appraisal and Evaluation Group for Vote 29 on International Co-operation | 7 | Every 2 months | Dublin | No final decision |
| Interdepartmental Committee on Oireachtas Scrutiny Chaired by EU Division, Department of Foreign Affairs | 2 | Every 6 Months | Department of Foreign Affairs, Dublin | It is expected that meetings will continue to take place in Dublin. |
| Communicating Europe Initiative — CEI — Group Chaired by EU Division, Department of Foreign Affairs | 1 | Every 6 Months | Department of Foreign Affairs, Dublin | It is proposed that meetings of the group will continue to take place in Dublin. |
| European Convention Oversight Group | 9 | As required | Dept. of Taoiseach | For parent Department |
| IGC Oversight Group | 13 | As required | D/Taoiseach Dublin | For parent Department |
| Intergovernmental Conference Group | 6 | As required | D/Taoiseach Dublin | For parent Department |
| Interdepartmental Committee on the OECD | 2 | Every 6 Months | Dept of Foreign Affairs, Dublin | No final decision |
| Interdepartmental Lisbon Group | 9 | As required | D/Taoiseach Dublin | For parent Department |
| Interdepartmental Committee on State Aid | 3 | As required | D/ETE, Dublin | For parent Department |
| Interdepartmental Group on Combating Terrorism | 2 | Variable | D/Taoiseach Dublin | For parent Department |
| High Level Steering Group on the European Research Area | | Variable | Forfás, Dublin | For parent Department |
| Working Group on the Status of the Irish language in the EU | 5 | Every 2-3 months | Dept. of Foreign Affairs, Dublin | No final decision |
| Interdepartmental Group on Trade issues | 26 approx. | Weekly / fortnightly | D/ET & E Dublin | For parent Department |
| Interdepartmental Co-ordinating Committee on EU Affairs | 20 | Fortnightly | D/Taoiseach Dublin | For parent Department |
| Secretaries' General National Security Committee | 5 | As required | Government Buildings | For parent Department |
| Senior Officials Group | 24 | Weekly/ fortnightly | D/Taoiseach Dublin | For parent Department |
| Interdepartmental Committee for Co-ordinating the Presidency — IDCCP | 6 | Monthly | Dublin | Committee which held its final meeting on 12 December, 2003, is now disbanded |
| Interdepartmental Committee on possible UN Convention on HR of persons with Disabilities | 1 | As required | Dublin | As required in Dublin |
| Interdepartmental Committee for Export Licensing for Military and Dual Use Goods | 6 | Bi-monthly | Forfás, Wilton Park House, Wilton Place, Dublin 2 | For parent Department/ Forfás |
| Committee on Peacekeeping | 0 | Approx. 1 per year | Dublin, D/FA | Dublin, D/FA |
| Committee on UN Issues | 0 | Approx. 1 per year | Dublin, D/FA | Dublin, D/FA |
| Committee on Preparations for the 10th Anniversary of the UN Year of the Family | 3 | Every 4 months | Dublin, D/Social Welfare | Committee will finish its work this Summer. |
| Interdepartmental group on Combating Terrorism | 2 | 6-8 weeks | Dept. Taoiseach | For parent Department |

| Interdepartmental committee or body on which the Department is represented | Number of meetings in the past year | Frequency of meetings | Location of meetings | Where it is intended those meetings will take place after decentralisation |
|---|-------------------------------------|-----------------------|--|--|
| EU Presidency Drugs Steering Group | 11 | Monthly | Dept. Community, Rural and Gaeltacht Affairs | Will not continue after the Presidency |
| Heads of Internal Audit Forum — HIAF | 4 | Quarterly basis | Dept. Finance, Hatch St. | For parent Department |
| SMI Implementation Group of Secretaries General | 9 | Every 4 to 6 weeks | Government Buildings | For parent Department |
| E-Strategy Group of Secretaries General | 5 | Once every 2 months | Government Buildings | For parent Department |
| SMI Implementation Group Meeting of Assistant Secretaries | 0 | As required | Government Buildings | For parent Department |
| Steering Group Meeting of Assistant Secretaries | 1 | As required | Government Buildings | No final decision |
| Assistant Secretaries Implementation Group on the Information Society | 3 | Every 4 months | Government Buildings | No final decision |
| Interdepartmental Administrative Presidency Planning Group | 7 | Two monthly intervals | Dublin | Meetings will cease after 30 June |
| Foreign Earnings Committee | 2 | 2 per year | Dublin | For parent Department |
| International Education Board of Ireland | 2 | 2 per year | 1 Dublin, 1 Cavan | For parent Department |
| Advisory Council for English Language Schools | 6 | 5/6 per year | Dublin | For parent Department |
| International Education Review Group | 8 | Every 1/2 months | Dublin | For parent Department |
| Asia Strategy Committee | 3 | 3/4 per year | Dublin | For parent Department |
| Trade Advisory Forum | 2 | 2 per year | Dublin | For parent Department |
| St. Patrick's Day Operational Committee | 3 | As required | Dublin | Dublin |
| Interdepartmental Working Group to consider the recommendations of the Task Force on Policies regarding Emigrants | 1 | As required | Dublin | Completed in November, 2003 |
| Interdepartmental Committee on Reform of Marriage Law | 8 | As required | Dublin | For parent Department |
| North/South Interdepartmental Co-ordinators Group | 5 | As required | Dublin | No final decision |
| High-Level Interdepartmental Committee on North/South | 2 | As required | Dublin | No final decision |
| Working Group on the European Court of Justice | 3 | As required | Office of the Attorney General | For parent Department |
| Interdepartmental Group on the proposal to establish an International Centre for Local and Regional Development | 1 | As required | Dublin | For parent Department |

Foreign Conflicts.

114. **Mr. F. McGrath** asked the Minister for Foreign Affairs if he will raise the recent killings of civilians in the Gaza Strip at EU and UN level; and if he will make a statement on the matter. [16004/04]

Minister for Foreign Affairs (Mr. Cowen): I made clear my deep concern over Israeli actions in the Gaza Strip in the statements I issued on 13, 14 and 19 May. These acts have attracted widespread international condemnation, including from the Secretary General of the United Nations. The Israeli actions in Gaza were also the subject of United Nations Security Resolution 1544, adopted on 19 May.

The situation in the Middle East is a regular item on the agenda of the Council of the

European Union and will feature in our discussions on 14 June. The situation in the Middle East will also be discussed by heads of state and government at the European Council on 17 June.

Schools Refurbishment.

115. **Ms B. Moynihan-Cronin** asked the Minister for Education and Science if funding will be provided for repairs, new windows and a prefabricated building at Fybough national school, Castlemaine, County Kerry; the reason there is a delay in the provision of this funding; and if he will make a statement on the matter. [15976/04]

Minister for Education and Science (Mr. N. Dempsey): Repairs and window replacement

works are appropriate for consideration under the summer works scheme, which was launched in December last. The closing date for applications under the 2004 scheme was 30 January 2004. I note that Fybough national school, Castelmaine, County Kerry, did not make an application under this scheme.

It is planned to invite applications for the 2005 scheme later this year and full details will be posted on my Department's website at www.education.gov.ie In the meantime, the board of management should use the devolved grant for minor works to attend to any urgent works as required at the school.

All applications for temporary accommodation have been considered in the school planning section of my Department. In the context of available funding and the number of applications received for that funding it was not possible to approve all applications received and only those with an absolute and demonstrated need for additional accommodation were approved. The application from Fybough national school was not successful.

Higher Education.

116. **Mr. Neville** asked the Minister for Education and Science his plans to privatise the points system for admission to third level education. [15977/04]

Minister for Education and Science (Mr. N. Dempsey): The Central Applications Office is a private company limited by guarantee and not having a share capital. Its membership is representative of the higher education sector. It is funded entirely by application fees and there is no State support from my Department.

The methodology for determining first year admission is a matter for the Central Applications Office and my Department has no role in this.

School Staffing.

117. **Mr. Wall** asked the Minister for Education and Science when an inspector will be appointed for the Athy, County Kildare, area for primary schools; the period of training which is necessary for the inspector on their appointment; and if he will make a statement on the matter. [15980/04]

Minister for Education and Science (Mr. N. Dempsey): Members of the inspectorate are deployed regionally and each primary school is assigned to an inspector. When a vacancy occurs in the inspectorate, the schools concerned are normally temporarily assigned to another inspector in the region until the vacancy is filled. At present, primary schools in Athy, County Kildare, and neighbouring regions are assigned to a divisional inspector. A precise date has not been fixed for the assignment of schools in the Athy area to a district inspector, but it is expected

that a district inspector will be assigned to the Athy area by November 2004.

On recruitment to the inspectorate, primary school inspectors undergo a period of training usually for a period of between four and six months, depending on the progress of individuals and general conditions within the inspectorate.

Special Educational Needs.

118. **Ms Enright** asked the Minister for Education and Science the reason a person (details supplied) in County Offaly is receiving only two 15 minute sessions of resource teaching per week when they have been assessed as needing three hours per week; and if he will make a statement on the matter. [15981/04]

Minister for Education and Science (Mr. N. Dempsey): I can confirm that my Department received an application for special educational resources for the pupil referred to by the Deputy on 1 March 2004. The position is that SER applications received between 15 February and 31 August 2003 are being considered at present. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all these cases were responded to at or before the commencement of the current school year.

The balance of more than 4,000 applications has been reviewed by a dedicated team comprising members of my Department's inspectorate and the National Educational Psychological Service. These applications are being further considered in the context of the outcome of surveys of SER provision conducted over the past year and the data submitted by schools as part of a nation-wide census of SER provision.

The processing of the applications is a complex and time consuming operation. However, my Department is endeavouring to have this completed as quickly as possible and my officials will then respond to all applicant schools. Pending a response, schools are advised to refer to circular 24/03, which issued in September 2003. This circular contains practical advice on how to achieve the most effective deployment of resources already allocated for special educational needs within the school. The school currently has the services of one full-time resource teacher, one part-time resource teacher and a shared learning support teacher based in the school.

In the case of teacher resources, the outcome for each applicant school will be based on a new weighted system of allocation which I announced recently. This system, as part of which an additional 350 teaching posts will be allocated, will involve two main elements: making a staffing allocation to schools based on a predicted incidence of pupils with special educational

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

It is expected that the change to a weighted system will bring with it a number of benefits. The new system will: reduce the need for individualised educational psychological assessment; reduce the volume of applications to my Department for additional resources for individual pupils; and give greater flexibility to schools, which will facilitate the development and implementation of improved systems and procedures in schools to meet the needs of pupils with low achievement and pupils with special educational needs.

Transitional arrangements for the introduction of the weighted system are being developed at present in consultation with representative interests. As soon as those consultations have been completed, the detailed arrangements for processing applications for resources, including those received after 31 August last, will be set out in a circular to be issued to schools before the end of the current school year. It is intended, also, that applicant schools will be notified of the outcome in their case within this time frame.

119. **Mr. J. O’Keeffe** asked the Minister for Education and Science if a person (details supplied) in County Cork who is transferring from a primary school in which they have had the benefit of a special needs assistant will retain this assistant at post-primary school. [15982/04]

Minister for Education and Science (Mr. N. Dempsey): My Department allocates resource posts and special needs assistant posts to second level schools to cater for students with special educational needs.

Applications for such support are made to my Department by the relevant school authorities or VECs. Each application is considered on the basis of the assessed needs of the pupil or pupils involved and the nature and level of the support provided is determined on the advice of the psychological service.

An application for special needs assistant support for the 2004-05 school year has been made by County Cork VEC in respect of the student in question. The application is currently under consideration in my Department and the school authority will be notified of the outcome as soon as possible.

Schools Refurbishment.

120. **Mr. J. Bruton** asked the Minister for Education and Science if an inspector will call to Calmullen national school to review the necessary programme of works that are required under health and safety requirements to ensure that the bacteria in the water in the school is removed, to repair the leaking roof of the school,

to replace the ceilings in the school which are collapsing, repair the radiators in the school which are at present supported by pipework serving them and results in the radiator valves leaking when the children lean in any way on the radiators; if these works will be able to be provided through an emergency contingency fund within his Department; and if he will make a statement on the matter. [16018/04]

Minister for Education and Science (Mr. N. Dempsey): I wish to advise the Deputy that officials of my Department’s school building section have made direct contact with the school principal regarding health and safety issues in the school, with particular regard to water contamination, water tanks, roof and ceiling repairs. An examination is currently under way in respect of this application and the school authority will be notified within the current week of the outcome of this examination.

Special Educational Needs.

121. **Mr. Durkan** asked the Minister for Education and Science if a resource teacher will be made available to a person (details supplied) in County Kildare who will be progressing to senior infants in Scoil San Carlos, Leixlip, County Kildare, in September 2004; and if he will make a statement on the matter. [16020/04]

Minister for Education and Science (Mr. N. Dempsey): The pupil in question is currently in receipt of 2.5 hours resource teaching support per week. The Deputy may be aware that 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 on the basis of school based assessment. It is anticipated that the needs of the pupil in question can be accommodated within the proposed weighted system.

School Staffing.

122. **Mr. Durkan** asked the Minister for Education and Science the position regarding a person (details supplied) in County Kildare with regard to a teaching post through Kildare VEC; if a suitable teaching position will be offered to them in the near future; and if he will make a statement on the matter. [16029/04]

Minister for Education and Science (Mr. N. Dempsey): The appointment of teachers by vocational education committees is a matter for the relevant VEC, subject to agreed procedures. As my Department has no role in the appointment of individual teachers in the VEC, it would not be appropriate for me or my Department to intervene in any such case.

123. **Caoimhghín Ó Caoláin** asked the Minister for Education and Science the details of the agreement reached between his Department and the Irish National Teachers Organisation on the deployment of the promised further 350 resource teachers; if special education staffing in primary schools is to be maintained and no further teachers will be placed on redeployment panels this school year other than those already notified; if the outstanding applications will be processed as a matter of urgency and decisions will issue as soon as possible; if there will be a weighted model of delivery which will take account of gender and disadvantage and will give flexibility to small schools; if there will be full implementation of this model by September 2005; if in the interim new appointments will be considered on the basis of the weighted model and specific cases; if the 350 new teachers will be allocated to meet special needs as soon as possible on the basis of a weighted model; and if he will make a statement on the matter. [16036/04]

Minister for Education and Science (Mr. N. Dempsey): The transitional arrangements for the introduction of a new weighted model of allocation and the deployment of the additional 350 teaching posts that I announced recently are currently being finalised and my officials are continuing to liaise with representative interests in this context. All schools will be notified of the deployment arrangements as soon as this process has been completed. It is my intention that the weighted model will be introduced in schools by September 2004.

My Department has no plans to place additional teachers on redeployment panels during the current school year as a result of the introduction of the new weighted model.

The position regarding applications for special education resources is as follows. SER applications received between 15 February and 31 August 2003 are being considered at present. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all these cases were responded to at or before the commencement of the current school year.

The balance of more than 4,000 applications has been reviewed by a dedicated team comprising members of my Department's inspectorate and the National Educational Psychological Service. These applications are being further considered in the context of the outcome of surveys of SER provision conducted over the past year and the data submitted by schools as part of a nation-wide census of SER provision.

The processing of the applications is a complex and time consuming operation. However, my Department is endeavouring to have this completed as quickly as possible and my officials

will then respond to all applicant schools. Pending a response, schools are advised to refer to circular 24/03, which issued in September 2003. This circular contains practical advice on how to achieve the most effective deployment of resources already allocated for special educational needs within the school.

In the case of teacher resources, the outcome for each applicant school will be based on the new weighted system of allocation. This system will involve two main elements: making a staffing allocation to schools based on a predicted incidence of pupils with special educational needs; and making individual allocations in the case of children with more acute lower prevalence special educational needs.

It is expected that the change to a weighted system will bring with it a number of benefits. The new system will: reduce the need for individualised educational psychological; reduce the volume of applications to my Department for additional resources for individual pupils; and give greater flexibility to schools, which will facilitate the development and implementation of improved systems and procedures in schools to meet the needs of pupils with low achievement and pupils with special educational needs. As soon as the consultations with the representative interests have been completed, the detailed arrangements for processing applications for resources, including those received after 31 August last, will be set out in a circular to be issued to schools before the end of the current school year. It is intended, also, that applicant schools will be notified of the outcome in their case within this time frame.

Departmental Expenditure.

124. **Mr. Rabbitte** asked the Minister for Education and Science if, further to Parliamentary Question No. 270 of 30 March 2004, the costings of his youth education initiative, broken down by venue costs, publications, fees to chairs and staff, promotion and advertising and other costs; and if he will make a statement on the matter. [16037/04]

Minister for Education and Science (Mr. N. Dempsey): Details of progress made and costs incurred in connection with the "Your Education System" process of public consultation to the end of March 2004 were provided to the Deputy in April and posted on the website shortly afterwards.

It is my intention that further updates on this will be posted periodically throughout this year. The total cost to date is €684,499.56. This includes costs actually incurred or estimated and quantified. The breakdown requested by the Deputy is as follows: venue costs, actual, €33,525.82; printing and distribution costs, actual, €131,276.83; fees to chairpersons, actual,

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 €44,880.00; expenses for panellists, actual, €8,007.65; cost of independent secretariat for the process, estimated full year cost, €59,680.00; promotion and advertising, actual, €316,536.35; other costs, actual or estimated and quantified, €90,592.91.

Planning of the meetings focused on specific topics and meetings for young people of school going age and the public attitudinal survey is underway. All of these have cost implications, which have not yet been quantified. Similarly the cost implication of producing a final, summary report cannot yet be quantified.

Schools Building Projects.

125. **Mr. J. O’Keeffe** asked the Minister for Education and Science the up to date position regarding the provision of a site for construction of a new community college in Bantry; and the further steps that need to be taken to expedite the progress of this long awaited facility for the people of Bantry. [16062/04]

Minister for Education and Science (Mr. N. Dempsey): While visiting Bantry, County Cork, on 21 May 2004, I announced my decision to approve the purchase of a site at Seskin, owned by the County Council, which will provide for construction of the proposed new community college and a new school building for the gaelscoil.

Student Support Schemes.

126. **Mr. Durkan** asked the Minister for Education and Science when allowances, including travel allowances, are likely to be increased for VTOS students; and if he will make a statement on the matter. [16069/04]

Minister for Education and Science (Mr. N. Dempsey): A participant on a VTOS programme receives free tuition and is entitled to a training allowance in lieu of an unemployment payment that is paid by vocational education committees. VTOS students with other eligible social welfare entitlements, such as one-parent family payment, continue to receive their payment from the Department of Social and Family Affairs. VTOS students receive books and materials free of charge and may be entitled to a travel allowance if they reside more than three miles from a centre. The rates of the travel allowance are equivalent to those paid to participants on FÁS training courses. They are increased periodically in line with increases in FÁS rates; current rates are in operation since 2002.

Special Educational Needs.

127. **Mr. Stanton** asked the Minister for Education and Science if he has received a report from a psychologist indicating that a person

(details supplied) in County Cork needs resource teacher support; if he will make such support available; and if he will make a statement on the matter. [16098/04]

Minister for Education and Science (Mr. N. Dempsey): My Department has no record of having received an application for special education resources for the pupil referred to by the Deputy. The school has advised that it will not be making an application for special educational support for this pupil as she does not qualify for such support under the relevant Department circular.

128. **Mr. Wall** asked the Minister for Education and Science the position regarding an application by a person (details supplied) in County Kildare; and their application for a medical grant for their child to attend a special school; and if he will make a statement on the matter. [16113/04]

Minister for Education and Science (Mr. N. Dempsey): In February 2004 an application for grant aid was made to my Department by the family referred to by the Deputy in the details supplied.

My Department approved the maximum grant aid payable and backdated the payment to September 2003. Details of the school transport schemes are on my Department’s website at www.education.ie

Planning Issues.

129. **Mr. F. McGrath** asked the Minister for Communications, Marine and Natural Resources if urgent action will be taken under sections 19 (3) and 28(1) of the Planning and Development Act 2000 on the need for integrated planning between the Dublin Port Company and Dublin City Council with regard to Dublin Bay. [15989/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I have no statutory function regarding the two statutory provisions referred to by the Deputy.

Inland Fisheries.

130. **Mr. O’Shea** asked the Minister for Communications, Marine and Natural Resources his proposals to review the cost of a drift net salmon licence, which costs €320 in 2004, on hardship grounds; and if he will make a statement on the matter. [15990/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): Prior to this year, the commercial salmon fishing licence duties were last increased in 1988. The licence fee increases introduced by my Department for 2004 are to allow for inflation since they were last increased and to contribute to the revenues of the Central and Regional Fisheries Boards who are

statutorily responsible for the conservation, management and development of inland fisheries in the State. The increase is consistent with the recommendations of the independent Estimates review committee on the 2003 Estimates for my Department, which concluded that it would be appropriate to increase charges in such cases.

When introducing similar increases for salmon rod licences in 2003, I gave an undertaking that comparable increases would be applied to commercial fishing licences and that in future increases for all licence fees would be applied in line with the consumer price index on an annual basis. The increases now introduced mean that all licence duties in respect of inland fisheries have been set for 2004 in a fair and equitable manner. The proceeds from the increases will add to the regional fisheries boards' ability to maintain services, in addition to Exchequer grants in 2004. This additional revenue will be re-invested by the boards in the ongoing management and development of the inland fisheries resource.

Communications Masts.

131. **Mr. Crawford** asked the Minister for Communications, Marine and Natural Resources the steps he can take to monitor and curtail the effects of a radio mast (details supplied) in County Monaghan which retains a number of antennae; and if he will make a statement on the matter. [16002/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): Primary responsibility for the monitoring and regulation of interference issues arising from radio masts rests with the Commission for Communications Regulation, ComReg. I have passed the Deputy's question to that office for attention and direct reply.

Fisheries Protection.

132. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources if he will consider the extension of the salmon drift and draft net season to include the first two weeks of August 2004 due to the later run of salmon over the past 15 years. [16006/04]

133. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources if he will increase the salmon quota for traditional fishermen engaged in drift and draft net fishing in order that they may make a viable income. [16007/04]

134. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources if he will increase the number of non-specified days to a maximum of nine days for traditional salmon draft and drift net fishermen. [16008/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I propose to take Questions Nos. 132, 133 and 134 together.

We are all agreed that over exploitation of fish stocks is a significant threat to the long-term sustainability of the inland fisheries resource. The Government has accepted the scientific advice to the effect that reductions in the overall fishing effort are required in order to sustain and rebuild wild salmon stocks on a district basis. For this reason, the current policy has been designed to bring spawning escapement in all districts and catchments up to the level of the scientifically advised conservation limit in 2005.

My Department has, over the past number of years, introduced a range of conservation measures which have seen considerable advances made in salmon policy and, in particular, the management of the drift and draft net salmon fisheries. As part of these measures, the commercial salmon fishing season is curtailed to a specific period.

My Department has also introduced the wild salmon and sea trout tagging scheme regulations, which, *inter alia*, limits the total allowable commercial catch of salmon. I rely upon the advice of the national salmon commission and the regional fisheries boards' managers in determining the terms of the scheme. Having completed its review of the effectiveness of the scheme for 2003, the commission proposed as part of its considered advice that the total allowable commercial catch of salmon for the 2004 season should not exceed 161,951 fish.

I am advised that the salmon commission tendered its recommendation based on the advice of its own standard scientific committee and that the proposed total allowable commercial catch is consistent with its recommendation that a three year strategy should be put in place aimed at reaching the scientific advice on precautionary catch limits over the period 2003-05. The 2004 regulations also provide for a revision in the allocation of safety days for the snap net sector.

The current strategy of developing a sustainable commercial and recreational salmon fishery through aligning catches on the scientific advice by next year holds out the strong prospect of a recovery of stocks and of a long-term sustainable fishery for both sectors.

Water Quality.

135. **Mr. Sargent** asked the Minister for Communications, Marine and Natural Resources when he expects the groundwater protection scheme to be completed in view of the fact that the Minister for the Environment, Heritage and Local Government calls the scheme a critical element in his draft guidelines for sustainable rural development, although only 11 countries have been completed. [16107/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): To date the Geological Survey of Ireland's groundwater section has completed groundwater protection schemes for the following 15 counties or portions thereof: Clare; Donegal — submitted in draft, under review by County Council; Cork — southern Division; Kildare; Kilkenny; Laois; Limerick; North Tipperary; Meath; Monaghan; Offaly; Roscommon; South Tipperary; Waterford; Wicklow. For the present, work on the remaining 12 counties, plus the remaining part of County Cork, has been deferred pending completion of the GSI's input to the river basin district management projects which are currently under way or about to begin. However, work is proceeding on delineating source protection areas in Offaly and Fingal. The work on the RBD projects will also contribute to the eventual completion of the remaining groundwater protection schemes when they are taken up, probably in 2005-06.

GSI lost one of its three senior hydrogeologists last year through resignation but is about to recruit a further three permanent staff to strengthen the capacity of the groundwater section, with a view to recommencing work on the groundwater protection schemes as soon as practicable. The GSI is in close and regular liaison with the relevant sections of the Department of the Environment, Heritage and Local Government.

Health Board Services.

136. **Mr. Wall** asked the Minister for Health and Children the reason persons (details supplied) in County Kildare, in receipt of speech therapy for their child, are having the services withdrawn; the further reason a speech therapist has to attend a school, which in this case increases the travel costs and cannot attend the child in their own home; if this application will be reassessed in view of the fact that the child is making favourable progress and a withdrawal of the service will be of major concern to their parents; and if he will make a statement on the matter. [15978/04]

137. **Mr. Wall** asked the Minister for Health and Children the reason an occupational therapist service is not available in the Kildare area to deal with the needs of persons (details supplied) in County Kildare in regard to progressing their child through primary school; if these persons can seek a private occupational therapist; if his Department will pay for such treatment; if not, the alternatives these persons have to ensure that their child can attend school; and if he will make a statement on the matter. [15979/04]

140. **Mr. Wall** asked the Minister for Health and Children the number of occupational

therapists in the South West Health Board area; if a person (details supplied) in County Kildare is in receipt of treatment from this section of the board; if not, if an application has been made for treatment; and if he will make a statement on the matter. [15983/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I propose to take Questions Nos. 136, 137 and 140 together.

The provision of health services, including speech and language and occupational therapy, to people with physical and/or sensory disabilities is a matter for the Eastern Regional Health Authority and the health boards in the first instance. Accordingly, the Deputy's questions have been referred to the chief executive officer of the Eastern Regional Health Authority with a request that he examine the matters raised and reply directly to the Deputy, as a matter of urgency.

Hospital Waiting Lists.

138. **Ms McManus** asked the Minister for Health and Children if, in regard to the recent hospital waiting list figures for the end of December 2004, the number reported by the health agencies to his Department was 27,318, representing an increase over the figures for the end of September 2004; the reason responsibility for the issuing of waiting list figures has 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. [15740/04]

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 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 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; patients postponing treatment at their own request. When those factors are 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.

Cancer Incidence.

139. **Mr. Gormley** asked the Minister for Health and Children how Ireland compares to other countries on cancers caused by radon gas; and the steps his Department is taking to ensure that such cancers are reduced. [15890/04]

Minister for Health and Children (Mr. Martin):

Radon is a naturally occurring radioactive gas that is classified as a group 1 carcinogen by the International Agency for Research on Cancer. The agency operates under the aegis of the World Health Organisation. 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 was advised by the Radiological Protection Institute of Ireland that radon exposure can be linked to between 10% and 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 here.

Statistics on the number of lung cancers attributable to radon exposure are not available. However, the National Cancer Registry of Ireland has indicated that international comparisons of lung cancer, using the 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. The 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 monitoring of radiation levels in the State is carried out by the RPII. It 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

[Mr. Martin.]
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. 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 that incorporate radon preventative measures in new buildings.

Question No. 140 answered with Question No. 136.

Health Service Reform.

141. **Mr. F. McGrath** asked the Minister for Health and Children why the physical and sensory disability sector was excluded from the change management process of the new health service executive. [15984/04]

Minister for Health and Children (Mr. Martin): The interim Health Service Executive established a change management team to plan and design a unitary health system. The system was outlined in the Government decision of June 2003 and is required by the establishment order of the executive. The change management team is composed of senior personnel from across the health service. It includes people working in health boards and the voluntary sector who have direct responsibility for the provision of services to people with physical and sensory disabilities.

To date, the focus of the team has been on service delivery systems in the seven health boards, three area health boards and the authority that are scheduled to be abolished at the end of the year. The analysis of the existing system has also included engagement with service providers from the voluntary sector. Further workshops and meetings are planned to ensure that the views of all health service providers are reflected in the design of the unitary health system.

National Cancer Strategy.

142. **Mr. O'Shea** asked the Minister for Health and Children, further to Question No. 363 of 30 March, if the paediatric palliative care needs assessment study and the expert group on specialist design guidelines for palliative care settings have completed their reports. [15985/04]

Minister for Health and Children (Mr. Martin): The study is in draft form and the expert group's report is finalised and will be available shortly.

Hospital Staff.

143. **Mr. O'Shea** asked the Minister for Health

and Children his proposals to appoint a neurologist to Waterford Regional Hospital. [15986/04]

Minister for Health and Children (Mr. Martin): The provision of hospital services, including the appointment of staff, at Waterford Regional Hospital is a matter for the South Eastern Health Board. My Department has asked its CEO to reply directly to the Deputy.

Professional Indemnity Insurance.

144. **Mr. Perry** asked the Minister for Health and Children if, with regard to historic liabilities, the State has agreed to indemnify any Irish consultant who is refused indemnity by a medical defence organisation and who faces an award of damages and costs relating to a claim for medical negligence; the details of such indemnity provided to consultants; if it applies to any award or judgment secured against a consultant; and the cost to the Exchequer for each of the next five years. [15998/04]

Minister for Health and Children (Mr. Martin): The Government has not agreed that the State should indemnify any hospital consultant who is left without an indemnity by any of the medical defence organisations. The Medical Defence Union is the only defence body threatening to leave some of its Irish members without an indemnity. The Government has made it clear to the MDU that it expects the union to honour its obligations to its members who have paid many millions of euro over the decades to purchase indemnity cover. The Government has given a commitment to provide financial support to enable an individual consultant or a group of consultants, in an appropriate case or cases, to challenge a refusal by the MDU to provide an indemnity to a consultant.

145. **Mr. Perry** asked the Minister for Health and Children the steps he is taking to ensure that the discretionary cover afforded by the Medical Protection Society to Irish doctors in respect of medical negligence claims is capable of being relied upon by Irish doctors, in view of the recent threat by the Medical Defence Union to exercise discretion against indemnifying some consultants; and the nature of the guarantees he has secured or sought in respect of such arrangements. [15999/04]

Minister for Health and Children (Mr. Martin): The society has repeatedly asserted that it has sufficient assets to meet the estimated cost of all of the liabilities likely to be borne by its members, including its members in Ireland. Unlike the MDU, it does not claim that it will be unable to respond positively to requests for assistance from its members. Early this year, in evidence given to the Oireachtas Joint Committee on Health and Children, the society's CEO stated that it was

fully funded to meet the cost of its reported and incurred but not reported liabilities.

The society has just published its annual report and accounts for 2003. They suggest that it is capable of meeting its obligations to its Irish and other members.

146. **Mr. Perry** asked the Minister for Health and Children if his attention was drawn to the media reports indicating that consultants engaged in private practice and paying subscriptions to the MPS are in receipt of a State subsidy for such private work; the nature of such subsidy and the cost of the subsidy to the Exchequer for each of the next five years; the nature of liabilities that the State is assuming as a result of these arrangements. [16000/04]

Minister for Health and Children (Mr. Martin):

Last February, when personal injury claims against consultants were brought within the scope of the clinical indemnity scheme, concern was expressed that the cost of professional indemnity cover for consultants in private practice might become prohibitive. Due to the important role that the independent hospital sector plays in the provision of health care here the Government wanted to ensure that the cost of indemnity cover should remain affordable.

Particular concern was expressed that indemnity cover for consultant obstetricians in private practice might not be available at any price. The Government decided that a limit should be placed on the amount of cover the consultants were required to purchase. The limit was set at €500,000 for each and every claim taken against an individual consultant. In addition, an annual aggregate limit of €1.5 million per individual consultant was placed on the cover to be purchased. The State accepts responsibility for the cost of claims that exceed these limits. These arrangements are not a subsidy to any specific defence body. They have been put in place for the benefit of the consultants concerned, irrespective of which defence body they wish to join. Alternatively, there are no barriers to a commercial insurer taking advantage of them to offer an appropriate insurance policy to the doctors for whose benefit they have been put in place.

As far as my Department is aware the MPS is the only defence body or insurer that has offered indemnity cover to this group of doctors based on the existence of these arrangements. The annual subscription being charged to each doctor is €100,000. The MPS has indicated that the economic rate that it should charge is €350,000. At present, approximately ten doctors benefit from these arrangements and the notional subsidy to the group of practitioners is €2 million per annum. It is more difficult to estimate the likely future cost of this support as it depends on the number and value of future personal injury

claims against them. The number of claims against them is unpredictable and likely to be random because of the small number of doctors involved.

In the case of other specialities a limit of €1 million in each and every case was placed on the professional indemnity cover that consultants in private practice need to purchase. The ultimate annual cost of providing the level of support to these specialities was estimated at €5 million per annum.

I am satisfied that these arrangements are a sensible and pragmatic response to a potentially serious problem that could have arisen if these doctors had been forced out of active practice by prohibitive indemnity costs.

Health Board Salaries.

147. **Mr. Gormley** asked the Minister for Health and Children if the health boards, when submitting their salary costings for child care workers, seek finance for this work at the pay scales published by his Department; if they seek finance based on the rates of the Department of Education and Science; and if they seek finance at the Department of Education and Science rates, the way in which it is justified and approved by him when his Department places a much higher value on the work. [16003/04]

Minister for Health and Children (Mr. Martin):

The letter of determination for each health board sets out the funding available for service provision. Each health board is then required to adopt a detailed service plan consistent with set financial limits. Responsibility for human resource management within these parameters rests with the CEO of each board.

It is a matter for each CEO to determine the specific appropriate staffing mix and the precise grades of staff to be employed, including staff graded as social care or child care workers and paid at the approved Department of Health and Children rate. Service plan priorities, regional service needs, national pay and employment policies are also taken into account.

Health Board Services.

148. **Mr. Ring** asked the Minister for Health and Children if he will provide funding for a treatment (details supplied); and the reason it is not available here. [16009/04]

Minister for Health and Children (Mr. Martin):

My Department is advised that the Eastern Regional Health Authority has received a proposal from Beaumont Hospital to develop the service. The authority will consider the proposal in the context of available resources.

149. **Mr. Durkan** asked the Minister for Health and Children when speech therapy will be offered

[Mr. Durkan.]
to a person (details supplied) in County Kildare. [16023/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The provision of health services, including speech and language therapy, to people with physical or sensory disabilities is a matter for the ERHA and the health boards, in the first instance. My Department has asked the authority's CEO to investigate the matter and to reply directly to the Deputy, as a matter of urgency.

150. **Mr. Durkan** asked the Minister for Health and Children when respite care at Maynooth Community Hospital, Maynooth, County Kildare will be provided for a person (details supplied). [16024/04]

Minister of State at the Department of Health and Children (Mr. Callely): The provision of health services in the Kildare area is, in the first instance, the responsibility of the Southern Western Area Health Board. It acts under the aegis of the ERHA. My Department has asked the authority's CEO to investigate the matter and to reply directly to the Deputy, as a matter of urgency.

151. **Mr. Durkan** asked the Minister for Health and Children when home help will be reinstated to a person (details supplied) in County Kildare who has had no option but to return to work to provide for their family. [16025/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Responsibility for the provision of services to people with an intellectual disability in the Kildare region is a matter, in the first instance, for the ERHA. My Department has asked its CEO to investigate the matter and to reply directly to the Deputy.

152. **Mr. Durkan** asked the Minister for Health and Children when home help will be provided to a person (details supplied) in County Kildare. [16027/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The provision of health services in the Kildare area is, in the first instance, the responsibility of the ERHA. My Department has asked its CEO to investigate the matter and to reply directly to the Deputy, as a matter of urgency.

Medical Cards.

153. **Mr. Durkan** asked the Minister for Health and Children if he will review a decision to refuse a medical card for a person (details supplied) in County Kildare who has suffered considerable hardship, is on medication and requires weekly hospital treatment. [16028/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of a medical card is, by legislation, a matter for the chief executive officer of the relevant health board or authority. My Department has asked the CEO of the Eastern Regional Health Authority to investigate the matter and to reply directly to the Deputy.

Hospital Services.

154. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be called for cardiac surgery. [16042/04]

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 its CEO to investigate the matter and to reply directly to the Deputy.

Cancer Treatment Services.

155. **Mr. O'Shea** asked the Minister for Health and Children the progress made on implementing the recommendations of an expert group's report on radiotherapy services. [16047/04]

156. **Mr. O'Shea** asked the Minister for Health and Children when radiotherapy services will be reviewed and satellite radiotherapy units will be provided in the south east, mid-west and north west regions. [16048/04]

Minister for Health and Children (Mr. Martin): I propose to take Questions Nos. 155 and 156 together.

Last October I launched the report, The Development of Radiation Oncology Services in Ireland. The Government accepted its recommendations. It agrees that a major programme is required to rapidly develop clinical radiation oncology treatment services to modern standards. The first phase will be the development of a clinical network of large centres in Dublin, Cork and Galway.

Implementing the recommendations is my most important priority when providing cancer services in an acute hospital setting. As a first step I provided additional resources this year to begin the process. This year I shall make €2.5 million available for the supra-regional centre at University College Hospital, Galway. It has been built and equipment is being commissioned. Last year I approved the appointment of a consultant radiation oncologist. Recently I approved the appointment of two additional consultant radiation oncologists with significant sessional commitments to the North Western Health Board and the Mid-Western Health Board. I also approved the appointment of a consultant medical oncologist.

I have requested the Western Health Board to prepare a development control plan to facilitate

an increase from three to six in the number of linear accelerators at UCHG in the medium term. I have also approved the establishment of a project team to plan the expansion in the region.

Approval has issued for the purchase of two additional linear accelerators for the supra-regional centre at Cork University Hospital and the necessary capital investment of over €4 million to commission the service as rapidly as possible. In 2004 a sum of €1 million ongoing revenue funding will be made available for the development that will improve services for cancer patients in the Southern, Mid-Western and South Eastern Health Boards. Approval was issued for the appointment of two consultant radiation oncologists with significant sessional commitments to the South Eastern Health Board and the Mid-Western Health Board.

The immediate developments in the southern and western regions will result in the provision of an additional five linear accelerators, 50% of an increase. Provision has been made for the appointment of an additional five consultant radiation oncologists and their recruitment is under way. At present we have ten consultant radiation oncologists nationally. It will result in a significant increase in the numbers of patients receiving radiation oncology in the short term.

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. My Department's chief medical officer was asked to advise on the optimum location of radiation treatment facilities in Dublin. A detailed request for submissions is being finalised. The CMO will apply the guidelines established by the group. He will be supported by my Department's hospital planning office and international experts.

I intend to develop a national integrated network of radiation oncology, based on equitable access regardless of location and an effective national quality assurance programme. I established a national radiation oncology co-ordinating group as recommended in the report. It comprises clinical, technical, managerial, academic and nursing expertise from different geographic regions. Its remit encompasses recommending measures to facilitate improved access to existing and planned services, including transport and accommodation. I expect the group will develop proposals for these important areas.

The Government has also decided that when developing services consideration should be given to locating satellite centres in Waterford, Limerick and the north west. Account will be taken of the international evaluation of satellite centres, the efficacy of providing this model and the need to ensure quality standards of care.

Cancer Screening Programme.

157. **Mr. Murphy** asked the Minister for Health and Children why free breast screening is unavailable to women in the Southern Health Board area; and if he will introduce it in the near future, considering that it has been proven that early detection is vital. [16049/04]

Minister for Health and Children (Mr. Martin): The national breast screening programme commenced in March 2000 with phase one covering the Eastern Regional Health Authority, Midland Health Board and the North Eastern Health Board region. Last year I announced the extension of the BreastCheck programme to counties Carlow, Kilkenny and Wexford and a national roll out to the southern and western counties. In March screening commenced in Wexford.

The national roll out of BreastCheck requires detailed planning to include essential infrastructure. Its clinical unit in the southern area will be at the South Infirmity-Victoria Hospital, Cork, with three associated mobile units. The area of coverage is counties Cork, Kerry, Waterford, Limerick and Tipperary South Riding.

The hospital considered it necessary to commission a site strategy study to ensure the integration of the breast screening services into its present and future development. My Department provided a capital grant of €230,000 for a study by professional architectural, engineering and quantity surveying experts. It has been completed and was submitted to my Department at the end of March. A detailed brief is being prepared by BreastCheck and the hospital. My Department will consider the project in the context of the framework for capital investment 2004-2008.

Child Care Services.

158. **Ms Shortall** asked the Minister for Health and Children when the implementation of the Children Act 2001 will result in the introduction of family welfare conferences; and the reason they have been delayed. [16065/04]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): Part 2 of the Children Act 2001 provides for family welfare conferencing for non-offending children who may need special care or protection. Substantial work has been done to allow for the introduction of almost all of Part 2. Funds for the services have been made available to the health boards. The services have been piloted and are available.

Part 2 provides for family welfare conferences, Part 3 deals with special care and Part 11 concerns the special residential services board and all are linked. Part 11 established the board on a statutory basis and it has commenced. In recent months a board has been appointed and

[Mr. B. Lenihan.]
the recruitment and appointment of staff, including a chief executive officer, has taken place.

Over 120 high support and special care places were developed in recent years along with intensive community based services such as the youth advocacy programme pilot projects in the Northern Area Health Board and the Western Health Board. These developments cater for the small number of non-offending children in need of special care or protection. They will facilitate the introduction of the provisions of Part 2 and Part 3 of the Children Act 2001.

Given the complexities involved, my Department undertook detailed work in conjunction with the Department of Justice, Equality and Law Reform on the legal steps necessary for the introduction of Parts 2 and 3 of the Children Act 2001. At present the Office of the Parliamentary Counsel is preparing the necessary draft commencement orders prepared by both Departments in connection with this. Subject to this, almost all of Parts 2 and 3 will be commenced in the near future.

Sections 7(1)(a), 10(2) and 13(2) of Part 2 will not be commenced at this time. They relate to section 77 of Part 8 that deals with the referral of cases, by the Children's Court, of children charged with offences to health boards for the purpose of holding family welfare conferences. Consideration shall be given to commencing these sections when the expertise and optimal use of the statutory scheme has been established and having regard to the resources required and available.

Health Board Services.

159. **Mr. Durkan** asked the Minister for Health and Children his plans to provide extra facilities and funding for Alzheimer sufferers in County Kildare. [16072/04]

Minister of State at the Department of Health and Children (Mr. Callely): The Department's policy on providing services for patients suffering from the disease is as set out in the report, An Action Plan for Dementia, published by the National Council on Ageing and Older People in 1999. The policy was endorsed in the 2001 health strategy, Equality and Fairness — A Health System for You.

A number of initiatives have resulted in an improvement of dementia services. Significant additional funding was made available for the express purpose of providing assistance to carers, including carers of Alzheimer sufferers. The Alzheimer's Society of Ireland received funding to expand its services, particularly day care services. Day care facilities for people suffering from dementia were provided in a number of new

community nursing units for older people that were constructed in recent years.

The provision of health services for people living in the Kildare area is a matter for the South Western Area Health Board. It acts under the aegis of the Eastern Regional Health Authority. My Department has asked the board's CEO to investigate the matter and to reply directly to the Deputy, as a matter of urgency.

Hospice Services.

160. **Mr. Durkan** asked the Minister for Health and Children his plans to provide extra hospice beds throughout north Kildare in line with the requests of general practitioners in the area and to assist people who are terminally ill. [16073/04]

Minister for Health and Children (Mr. Martin): The publication of the report of the national advisory committee on palliative care was approved by Government and launched on 4 October 2001. The report describes a comprehensive palliative care service and acts as a blueprint for its development over a five to seven year period. My Department provided funding to all of the health boards on a *pro rata* basis to commence the development of the services in line with the report's recommendations.

Consultative and development committees were set up as recommended in the report. It was also recommended that palliative care needs assessment studies should be carried out in each health board area. Information gleaned from them and through the consultative and development committees will inform the future development of palliative care services at health board level. The ERHA has already completed a needs assessment study. The provision of extra hospice beds in the authority's area, including north Kildare, will be examined in the context of the study.

Hospital Staff.

161. **Dr. Upton** asked the Minister for Health and Children if he will approve funding for the appointment of two additional orthopaedic consultants at St. James's Hospital to serve the catchment area of 250,000. [16094/04]

Minister for Health and Children (Mr. Martin): Services at St. James's Hospital are provided under an arrangement with the ERHA. My Department has asked its CEO to investigate the matter and to reply directly to the Deputy.

162. **Cecilia Keaveney** asked the Minister for Health and Children about the appointment of a permanent consultant surgeon (details supplied) for a hospital in Donegal. [16096/04]

Minister for Health and Children (Mr. Martin): The development of breast services nationally is

based on the report of a sub-group of the National Cancer Forum entitled Development of Services for Symptomatic Breast Disease. It recommends that a breast unit could be developed at Letterkenny General Hospital by linking with Altnagelvin Hospital in Derry to increase its caseload, experience and expertise. Such a linkage is necessary to ensure an integrated multidisciplinary breast service, including breast surgery. My Department has advised the board that it is prepared to issue financial clearance for a permanent post of breast surgeon at Letterkenny General Hospital as recommended in the report. The board is preparing a submission for my Department on these lines.

Hospital Services.

163. **Ms Shortall** asked the Minister for Health and Children the procedures that pertain in the ERHA for hospitals to accommodate staff that work lengthy periods in one hospital's accident and emergency department but are accommodated in a neighbouring hospital; if he is satisfied with the degree of co-operation between the main Dublin accident and emergency departments. [16109/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of services at hospitals in the eastern region rests with the ERHA. My Department has asked its CEO to reply directly to the Deputy.

164. **Ms Shortall** asked the Minister for Health and Children if he had discussions with the ERHA in recent months on the crises in the accident and emergency departments; and the outcome of same. [16110/04]

Minister for Health and Children (Mr. Martin): On 12 May, the most recent discussion, on the delivery of emergency services nationally and in the eastern region, took place at official level at a plenary hearing of the Labour Relations Commission. It comprised nursing union representatives, the Health Service Employers Agency, representatives from health boards and the ERHA, hospitals' management and officials of my Department. Responsibility for the provision of emergency services in the eastern region rests with the ERHA. However, senior officials in my Department maintain regular contact with it on the delivery of emergency services.

Hospital Accommodation.

165. **Ms Shortall** asked the Minister for Health and Children the information at his Department's disposal on the numbers of vacant beds in public and private long-stay nursing homes; if such information has been updated since a review of the nursing home subvention scheme report; and

if so, if he will provide the information. [16111/04]

Minister of State at the Department of Health and Children (Mr. Callely): My Department does not routinely collect the information requested. It collects information on public and private long-stay beds annually as part of a long-stay statistics survey. A copy of the latest report shall be forwarded to the Deputy.

Road Traffic Offences.

166. **Mr. J. O'Keeffe** asked the Minister for Transport the steps he has taken to address the issues surrounding the case involving the use by the Garda of speed detection equipment; and if he will make a statement on the matter. [16116/04]

173. **Mr. Durkan** asked the Minister for Transport his plans to place the penalty points system on a sound legal footing; and if he will make a statement on the matter. [16082/04]

174. **Mr. Durkan** asked the Minister for Transport the initiative he has taken arising from a recent court decision affecting the penalty points system; and if he will make a statement on the matter. [16083/04]

Minister for Transport (Mr. Brennan): I propose to take Questions Nos. 166, 173 and 174 together.

My Department has been notified by the Office of the Director of Public Prosecutions of an instance where Cork District Court dismissed a speeding offence case brought against a motorist where the prosecution was based on foot of a speed measurement that was detected by a member of the Garda Síochána using a speed detection radar gun. The matter has been referred for advice to the Office of the Attorney General with a view to identifying whether a change in the current road traffic law is required. If it is the case that an amendment is required, I will bring new legislative provisions before the Oireachtas without delay.

Question No. 167 answered with Question No. 1.

Road Safety.

168. **Mr. Eamon Ryan** asked the Minister for Transport the analysis that was carried out to justify his proposal to the local authorities that the speed limits be raised on the section of the N11 near the Belfield flyover, on the Braemor Road in Churchtown and on the Dundrum bypass. [16045/04]

Minister for Transport (Mr. Brennan): The Road Traffic Acts provide for the direct application of speed limits to all roads. Under the provisions of these Acts a default speed limit of

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30 miles per hour applies to all roads, apart from motorways, in a built-up area and a general speed limit of 60 miles per hour applies to all roads outside such areas apart from motorways. A default speed limit of 70 miles per hour applies in the case of motorways. The Acts provide that local authorities may make by-laws through which the speed limits that apply on a default basis can be changed in respect of roads specified in such by-laws. These by-laws are made by the elected members of the local authorities following consultation with the Garda Commissioner and, in the case of national roads, with the consent of the National Roads Authority.

In the context of an overall review of speed limits carried out against the background of the metrication of such limits generally, county and city managers were asked in January 2003 to examine the position in their areas. In this context, the authorities were asked to look at instances where speed limits might not be appropriate and to take any action they deemed to be appropriate. My Department raised this matter with managers again in March 2004, repeating the request to look at possible instances of inappropriate speed limits.

Both the Automobile Association, AA, and the Society for the Irish Motor Industry, SIMI, subsequently presented me with lists of over 50 locations in respect of which they had received representations questioning the speed limits currently in place. The details of current and suggested limits as received from the AA and SIMI, including the locations that the Deputy is referring to, were forwarded to the relevant managers.

I wish to make it clear that I have not requested or directed in any manner that the speed limit be increased or decreased at any of the locations concerned. Managers have specifically been asked to look at the locations that have been the subject of complaint to the AA and SIMI and if the local authority considers that the speed limit is not appropriate, steps should be taken to introduce appropriate amendments to the by-laws, which will see more appropriate speed limits applied.

It has also been made clear that where, on the other hand, the local authority considers that the speed limit in question is appropriate and justified by reference to the prevailing road safety, engineering, traffic or environmental considerations, they have been asked to consider the provision of a sign informing road users of the need for that limit.

I am awaiting reports from the managers on each location where the current limit is perceived by motorists to be inappropriate. I expect that these reports will convey either the grounds that support and justify the application of the current speed limit concerned or indicate that the speed limit in question is being referred to the council members for appropriate action.

Public Transport.

169. **Ms Shortall** asked the Minister for Transport his current plans for the Dublin bus market. [16100/04]

Minister for Transport (Mr. Brennan): I refer the Deputy to my reply to Priority Question No. 3.

Interdepartmental Committees.

170. **Mr. J. Bruton** asked the Minister for Transport if he will list the number of meetings of each interdepartmental committee or body on which his Department is represented; the frequency and location of its meetings; and when it is intended those meetings will take place after decentralisation. [15014/04]

Minister for Transport (Mr. Brennan): An increasing amount of my Department's work is now done through interdepartmental committees, which are formed and disbanded as required. It is not possible to be definitive at this time about the post-decentralisation position regarding the number of such committees and the frequency and location of their meetings. These are matters that will only emerge in due course. Post-decentralisation, the location and frequency of meetings will necessarily take account of the location of the Departments involved. Involvement of officials of my Department on interdepartmental committees include the following:

| Committee | Frequency | Present Location |
|---|--|--|
| Interdepartmental Committee on State-Aid Level Crossing Working Group | Approx. monthly (as required) 4 per annum | D/Enterprise, Trade & Employment Dublin |
| Interdepartmental Committee on Railway Emergency Planning | 4 per annum | Dublin |
| Railway Safety Task Force | Ad hoc | Dublin |
| Metro, or airport heavy rail link, Technical Working Group | 6 per annum (currently deferred, will resume when either project receives governmental approval) | Dublin |
| International Liaison Group of Government Railway Inspectors | Approx. 4 per annum including plenary and working group meetings | Participating States host on rotation |

| Committee | Frequency | Present Location |
|--|---|--|
| Luas Safety Assessment | Currently at 3 strands with c. 2 week frequency | Dublin |
| Iarnród Éireann New Works Programmes and Projects Meetings | 16 per annum, | Dublin |
| Iarnród Éireann New Rolling Stock Meetings | 4 per annum | Dublin |
| Iarnród Éireann Safety Case Meetings | 6-8 per annum | Dublin |
| Iarnród Éireann General Safety Meetings | 6 per annum | Dublin |
| Railway Safety Advisory Council | 1 minimum specified in RSB 2001, likely more frequent | Dublin |
| Interdepartmental Group of North-South Co-ordinators | As required — 5 since May 03 | Dublin |
| High-level Interdepartmental Committee on North/South | As required — 2 since May 03 | Dublin |
| Steering Committee for Provision of Transport Services for the Islands (lead Dept. D/Community, Rural and Gaeltacht Affairs) | Once a month | Furbo, Co. Galway |
| BMW Regional Operational Programme Monitoring Committee | Twice Yearly | Ballaghaderreen, Co. Roscommon. |
| S & E Regional Operational Programme Monitoring Committee | Twice Yearly | Waterford City. |
| Steering Group on Aer Rianta Restructuring | As required. | Dublin |
| Interdepartmental Co-ordinating Committee on European Affairs | Monthly | Dublin |
| Lisbon Group | 4/5 a year | Dublin |
| Group on the Services Directive | Twice a year | Dublin |
| Future of Europe Group | Twice a year | Dublin |
| FOI — Civil Service Users Network | Monthly | Dublin |
| FOI — Interdepartmental Working Group | Usually meets about 4 times a year | Dublin |
| Quality Customer Service, QCS, Working Group | 5-6 times per year | Dublin |
| QCS Officers Network | 6-8 times per year | Dublin |
| Change Management Network | 6 times a year | Dublin |
| Committee of Public Management Research | 4 times a year | Dublin |
| National Civil Aviation Security Committee | 3-4 times per year on average. | Dublin |
| Maritime Security Implementation Group | Quarterly | Dublin |
| Management Committee for Common Systems in Accounts Branches — MCCSAB | Twice a year | Dublin |
| Corepay User Group | 4 times a year | Dublin |
| NDP/Communication Strategy Group | Irregular | Dublin |
| NDP/Communication Implementation Group | Irregular | Dublin |
| NDP/Economic and Social Infrastructure Operational Programme 2000-2006 | Twice a year | Dublin |
| EU Cohesion Fund Programme | Twice a year | Dublin |
| NDP/Community Support Framework | Twice a year | Alternating in the S & E and BMW Regions |
| Civil Service Training and Development Committee | Quarterly approx. | Dublin |
| Disability Liaison Officers Group | Quarterly approx. | Dublin |
| Departmental Decentralisation Liaison Officers Group | Every 4 weeks approx. | Dublin |
| Interdepartmental Working Group on Emergency Planning | Monthly | Dublin |
| Irish Marine Search and Rescue Committee | Twice a year | Various Locations |
| High Level Group on Road Safety | 4-9 per annum — as required | Dublin |
| Metrication Changeover Task Force | 4-6 week intervals | Dublin |
| Cross-Departmental Review of Road Safety Expenditure | As required | Dublin |
| National Safety Council Board | 11 per annum | Dublin |
| National Safety Council — Road Safety Committee | 6 per annum | Dublin |
| Medical Bureau of Road Safety Board | 4 per annum | Dublin |
| Privatisation of Speed Camera Group | As required | Dublin |
| Traffic Corps Group | As required | Dublin |

| Committee | Frequency | Present Location |
|--|--|------------------|
| Strategic Task Force on Alcohol — Interdepartmental Group | As required | Dublin |
| Public Transport Accessibility Committee | 5 times a year | Dublin |
| Interdepartmental Group on Needs of Older People | Monthly | Dublin |
| Special Initiative on Care — Sustaining Progress | <i>Ad hoc</i> — twice a year approximately | Dublin |
| Public Transport Partnership Forum-PTPF | 5 times since January 2004 — scheduled 11 times a year | Dublin |
| Dublin Transportation Office Steering Committee | Monthly | Dublin |
| DTO Traffic Management Grants Committee | Quarterly | Dublin |
| Cross-Departmental Team on Infrastructure and Public Private Partnerships and its sub-committees. | Monthly or as required | Dublin |
| Cross Departmental Team on NSS | 4/5 times annually | Dublin. |
| Restructuring Implementation Group to oversee restructuring of CIE | Quarterly | Dublin |
| Green Tax Group | Approx. every 2 months | Dublin |
| Wider Energy Sub-Group of the Cross Departmental Team on Housing, Infrastructure and PPPs | Approx. every 2 months | Dublin |
| E-Payments Group | ad hoc | Dublin |
| Dept. of Transport's Integration Cross-Cutting Team | fortnightly | Dublin |
| Co-ordinating group for National Delegates and National Contact Points for EU 6th Framework Programme for Research and Technological Development | Approx. every 3 months | Dublin |
| National Contact Points/ National Delegates for EU 6th Framework Programme for Research and Technological Development | (informal group) meets fortnightly | Dublin |
| Interdepartmental Group to Evaluate the Implementation of the National Competitive Council's Recommendations | twice a year | Dublin |
| Interdepartmental Group on Better Regulation | ad hoc | Dublin |
| Interdepartmental Minister's Advisers Group | Weekly | Dublin |
| MIF Consultative Committee | 4 | Dublin |
| MIF Project Management Group | 7 | Dublin |
| Resource Allocation and Business Planning Project — Working Group | 9 | Dublin |
| Resource Allocation and Business Planning Project — Steering Group | 4 | Dublin |
| HRMS Technical Users Group | Every 2-3 months | Dublin |
| Information and Communications Technology Managers Forum | Every 6 months or so | Dublin |
| Fixed Charge Processing System Working Group | Monthly | Dublin |
| Penalty Point Overarching Group | Monthly | Dublin |
| NDP/CSF Environment Co-ordinating Committee | Minimum of twice a year | Dublin |
| NDP/CSF Equal Opportunities Co-ordinating Committee | Minimum of twice a year | Dublin |
| NDP/CSF Rural Development Co-ordinating Committee | Minimum of twice a year | Various |
| NDP/CSF Technical Assistance Operational Programme Committee | Minimum of twice a year | Dublin |
| Interdepartmental Committee on Structural Funds | Minimum of twice a year | Dublin |
| Government Construction Contracts Committee | Monthly | Dublin |
| Informal Advisory Group on PPPs | 6 times a year | Dublin |
| Interdepartmental Group on PPP | 6 times a year | Dublin |
| Informal Expert Group on PPPs | 6 times a year | Dublin |
| Steering Group on Road Haulage | Twice annually | Dublin |
| Public Safety Zones Working Group | Ad hoc | Dublin |

| Committee | Frequency | Present Location |
|--|------------------|------------------|
| Interdepartmental Committee on National Biodiversity and Heritage Plans | Ad-hoc | Dublin |
| Interdepartmental Committee on the implementation of the RAPID programme | 3-4 a year | Dublin |
| Sustaining Progress Plenary Group | Quarterly | Dublin |
| E-cabinet stakeholders group | As necessary | Dublin |
| National Competitiveness Council | 6/7 times a year | Dublin |
| Interdepartmental Working Group on Emergency Planning | Monthly | Dublin |
| Task Force on Emergency Planning | Monthly | Dublin |
| Cabinet Committee on Infrastructure, Housing and PPPs | Quarterly | Dublin |
| Expenditure Review Central Steering Committee | Quarterly | Dublin |
| SMI Implementation Group of Secretaries General | Quarterly | Dublin |
| E-strategy Group of Secretaries General | Quarterly | Dublin |
| North South round table Group | Quarterly | Dublin |
| Financial Management sub-group | Quarterly | Dublin |

Road Safety.

171. **Mr. R. Bruton** asked the Minister for Transport the nature of the legal obligations on cyclists in respect of lighting, bells and other equipment; if he has satisfied himself that road safety practices in cycling here are up to best practice; and if he will make a statement on the matter. [15993/04]

Minister for Transport (Mr. Brennan): I refer to my reply to Question No. 199 of 26 May 2004.

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.

Driving Tests.

172. **Mr. Durkan** asked the Minister for Transport if and when an early driving test appointment can be offered to a person (details

supplied) in County Kildare; and if he will make a statement on the matter. [16034/04]

Minister for Transport (Mr. Brennan): A driving test will be arranged as soon as possible for the person concerned.

Questions Nos. 173 and 174 answered with Question No. 166.

Parking Regulations.

175. **Mr. Durkan** asked the Minister for Transport if he proposes to compensate motorists likely to be penalised for the use of privately provided car parking spaces arising from recent suggestions from the DTO; if a commencement reduction in road tax is likely to be considered; and if he will make a statement on the matter. [16084/04]

Minister for Transport (Mr. Brennan): I have no proposals before me regarding a restriction on private parking in Dublin. I understand the Dublin Transportation Office, DTO, is currently undertaking a travel demand management study which is looking at a range of measures to encourage the greater use of public transport in the greater Dublin area. This study is expected to be completed later this year. It is too early, at this stage, to pre-empt the recommendations that will arise from the report.

Question No. 176 answered with Question No. 14.

Question No. 177 answered with Question No. 16.

Health and Safety Regulations.

178. **Mr. Durkan** asked the Minister for Transport if he has taken initiatives to ensure that adequate safety and health regulations prevail at

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all bus stops, including shelters to protect against the elements, and particularly in view of the tragedy at a Dublin bus stop earlier in 2004; and if he will make a statement on the matter.
[16088/04]

Minister for Transport (Mr. Brennan): The provision of bus stops and bus shelters is an operational matter for the companies concerned. The location of bus stops is a matter for the Garda Commissioner under section 85 of the Road Traffic Act 1961 in consultation with both the local authority and the bus service provider. I have recently asked both Bus Átha Cliath and Bus Éireann to undertake a review of all bus stops from a safety perspective.

Road Network.

179. **Mr. Durkan** asked the Minister for Transport the extent to which he has come to a conclusion about the enhanced height of the port tunnel; and if he will make a statement on the matter. [16089/04]

Minister for Transport (Mr. Brennan): The position on the height of the tunnel is that my Department appointed consultants to review the feasibility, safety implications and cost of raising the height of the Dublin port tunnel. They were requested to review a range of options for increasing the operational height of the tunnel, their feasibility, having regard to the state of implementation of the current design and build contract, and the likely additional costs and impact on the project completion date. Having reviewed the findings of the report, further information has been sought from the NRA pertaining to its conclusions, particularly about the costs should the tunnel height be increased. As a result the contractors have been requested to provide a fixed price cost for the work involved. Following receipt of this information a decision on the height of the Dublin port tunnel will be made.

Traffic Management.

180. **Mr. Durkan** asked the Minister for Transport the extent to which he expects traffic movement to be affected at the Red Cow roundabout, arising from the revised Luas provisions; and if he will make a statement on the matter. [16090/04]

Minister for Transport (Mr. Brennan): As Luas will be operating within the constraints of the existing traffic signal sequences it is not expected that the existing unsatisfactory traffic conditions at the Red Cow roundabout will be significantly altered by Luas. Both the Railway Procurement Agency, RPA, 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.

The position in regard to the upgrade of 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 overall upgrade of the M50. The proposed 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.

Rail Services.

181. **Mr. Durkan** asked the Minister for Transport the extent to which he expects passenger capacity to be increased in the future on the Kildare to Dublin line via Newbridge, Sallins and Hazelhatch; and if he will make a statement on the matter. [16091/04]

Minister for Transport (Mr. Brennan): I understand that the Irish Rail plans to quadruple a section of the rail line between Cherry Orchard and Hazelhatch, as part of the Kildare route project, are now well advanced. This development will enable the separation of intercity and commuting traffic and increase the capacity of the line. I expect to receive shortly details of the proposed project, including cost estimations and timescale. My Department has provided over €600,000 to CIE to assist with the preparation of the railway order application and the company is in the process of completing the draft order. I understand that the application will be submitted to me later this year.

The company has informed me that it has already increased the commuter capacity of the Kildare route by 130% since its new timetable was introduced on 14 December 2003. A number of the new diesel railcars, acquired by Irish Rail

in 2003, were assigned to the route to lengthen the trains to eight cars. New turn back facilities at Hazelhatch and Sallins were installed to allow more efficient use of the available train paths into and out of Heuston during peak times.

Irish Rail recently ordered a further 36 railcars identical to those recently placed into service. These new railcars will be used to boost capacity further on outer suburban routes serving Dublin.

182. **Mr. Durkan** asked the Minister for Transport the extent to which he expects passenger capacity to increase on the Enfield to Dublin route, via Kilcock, Maynooth, Leixlip, Confey; and if he will make a statement on the matter. [16092/04]

Minister for Transport (Mr. Brennan): I am informed by Irish Rail that, since the introduction of its new timetable in December 2003, capacity has been increased by 24% on the Maynooth route. This has been achieved by introducing to the route some of the new fleet of 80 diesel railcars. This latest capacity increase comes on top of a 100% increase achieved in 2001 when the double tracking of the route was completed. In addition, Irish Rail has recently placed an order for another 36 diesel railcars, which will be delivered in 2005. Some of these railcars are destined for use on the Maynooth line to increase capacity further.

183. **Mr. Durkan** asked the Minister for Transport if consideration can be given to the provision of commuter rail spurs in the greater Dublin area in the future with obvious reference to towns or villages experiencing an increase in population yet currently not served by a rail service, including DART or Luas; and if he will make a statement on the matter. [16093/04]

Minister for Transport (Mr. Brennan): My Department, in consultation with the relevant State agencies, is examining the best options for providing effective public transport services to the developing and expanding parts of the greater Dublin area, GDA. The future development of public transport in the GDA is based on expanding the bus and rail networks.

There are a number of major projects underway or planned: (1) the DART is currently being upgraded and when the expanded service opens at the end of 2005, a further 30% increase in capacity will be provided; (2) 36 new diesel railcars are being manufactured for delivery in late 2005 which will be used on commuter lines; (3) Irish Rail is looking at a rail spur off the Maynooth line to Dunboyne and providing four tracks on the Kildare line — in addition, new stations along these lines are planned; and (4) Luas services will commence on the Sandyford line at the end of June and on the Tallaght line at the end of August. In addition, there are a significant number of quality bus corridor

projects underway or planned over the coming year or so, designed to improve the operating environment for buses.

Other projects being considered include further extensions to Luas to the Docklands and to Cherrywood and a metro from the city centre to the airport.

Light Rail Project.

184. **Dr. Upton** asked the Minister for Transport, further to Parliamentary Question No. 302 of 11 May 2004, if he will give an update on this matter; and if he will make a statement on the matter. [16095/04]

Minister for Transport (Mr. Brennan): I understand that the Railway Procurement Agency has responded directly to the Deputy on this matter.

Citizenship Applications.

185. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform the average number of months it takes to process an application for citizenship; and if certain types of application are prioritised over others. [15991/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Between the years 2000 and 2003, the number of applications for naturalisation and declarations of post-nuptial citizenship being received increased by 250% and 80% respectively. Notwithstanding these increases, the processing time for such applications and declarations was reduced from two and a half years and 12 months at the start of 2001 to 18 months and nine months respectively at the end of 2003.

There is no general policy applied which prioritises applications on the basis of nationality, duration of stay in the State and so forth. However, there may be circumstances in an individual case which require a greater level of investigation than other cases. In some cases, delay can arise as a result of failure on the part of an individual applicant to respond to queries.

186. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform the position regarding an application for citizenship by a person (details supplied) in Dublin 6 in view of the fact that this application has been delayed for a considerable period. [15992/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for naturalisation from the person referred to by the Deputy was received in the citizenship section of my Department on 31 January 2002. The application is in the final stages of processing and I understand from my officials that it will be submitted to me for decision in the near future. As soon as I have reached a decision on the

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matter I will inform both the applicant and the Deputy of the outcome.

Deportation Orders.

187. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform if he will consider revoking the deportation order against a person (details supplied) on the grounds that they are married to an Irish citizen living here. [16001/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned was deported from the State on 14 March 2003 having evaded a deportation order made on 25 April 2002. According to her own admission she entered the State in December 1999 using a false name and documents and worked illegally under this false identity. In January 2000 she claimed asylum using her real name but failed to pursue the application and became uncontactable. The asylum application was subsequently refused and she was afforded the opportunity to leave the State voluntarily before I considered making a deportation order against her. This would have allowed her to apply for a visa to re-enter the State again legally. When she failed to respond to the correspondence, I went on to consider her case for deportation under section 3(6) of the Immigration Act, 1999 and under section 5 of the Refugee Act 1999, prohibition of *refoulement*, and decided to make a deportation order.

I understand that the person referred to married an Irish citizen in November 2002, after the making of the deportation order, and soon afterwards submitted a residency application. In the course of processing the residency application, my Department became aware of the abuse of the system perpetrated by her and refused the application on the grounds that she did not reside with her husband as a family unit for any appreciable time. I have considered an application from her solicitors to revoke the deportation order but, in view of the circumstances of the case, I have decided to refuse her application for revocation. The effect of the deportation order is that she must remain outside the State unless and until the order is revoked.

Legislative Programme.

188. **Mr. M. Higgins** asked the Minister for Justice, Equality and Law Reform the proposals he has or is planning to address breaches of equality provisions and equality proofing in such legislation as the Social Welfare Act, and particularly such anomalies as arise from the differential treatment of those in similar circumstances, such as deserted wives. [16033/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In bringing forward legislative

proposals, each Department is required as a matter of policy to consider the implications which the legislation may give rise to in a number of regards. Proofing from an equality perspective is an important aspect of such considerations and has been since the enactment and coming into effect of the Employment Equality Act 1998 and the Equal Status Act 2000. This policy is particularly relevant in the context of section 14 of the Equal Status Act which excludes actions required by or under an enactment from the scope of the Act.

As regards the responsibility of my own Department in this regard, under the Employment Equality and Equal Status Acts, independent equality bodies in the form of the Equality Authority and the Office of the Director of Equality Investigations — the Equality Tribunal — have been established to implement the equality provisions and provide for redress in cases of discrimination. As part of its role the Equality Authority is empowered under the legislation to refer cases which in its opinion involve discriminatory conduct by persons, including public bodies, to the Director of Equality Investigations.

In the social welfare code same sex couples are treated as individuals which, in the majority of cases, is to the couple's advantage. For example, where each person of an opposite sex couple has an entitlement in his or her own right to unemployment assistance, the weekly rate of payment comprises a full rate payment and a qualified adult allowance. A same sex couple in the same situation is treated as two individuals and each receives a full rate payment.

A case was taken last year by the Equality Authority on behalf of a same sex couple where one of the couple had an entitlement to a free travel pass but was refused a "married type" pass in respect of his partner, in keeping with the definition of a couple used by the Department. Legal advice received by the Department of Social and Family Affairs indicated that, as the Equal Status Act 2000 applies to all non-statutory schemes, including free travel, the failure to award the "married type" pass would be in breach of that Act, as an opposite sex cohabiting couple in the same situation would have been awarded the "married type" pass.

It was the view of the Minister for Social and Family Affairs that the application of different rules to statutory and non-statutory social welfare arrangements would not be sustainable in practice. The amendment included in the Social Welfare (Miscellaneous Provisions) Act 2004 represents an interim solution which restores the position prior to the free travel equality case, which is that for all social welfare arrangements a couple means a married couple or a couple cohabiting as husband and wife. When this amendment was introduced, a commitment was

given to a fundamental review of the overall social welfare code regarding the requirements of the Equal Status Act 2000. This review will be done in consultation with all interested parties. The review will aim to ensure that any difference of treatment on any of the discriminatory grounds, set out in the Equal Status Act 2000, can be justified by a legitimate social policy aim and that the means of achieving that aim are appropriate and necessary.

As the review will examine complex issues, with possible knock on effects to areas outside the social welfare area, and will involve a number of Departments, it will take some time to complete. The review will be based on a framework to be agreed with my Department. The scope and terms of reference of the review and the necessary arrangements for undertaking it will be decided in the coming months. Issues relating to social welfare legislation, such as deserted wives, are a matter for my colleague the Minister for Social and Family Affairs.

Registration of Title.

189. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform when maps will be sent to a person (details supplied) in County Mayo. [16040/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that there is no record of an application pending on the folio number quoted by the Deputy at present. If the Deputy can provide me with the date of lodgement of the application and a Land Registry reference number, I will make further inquiries on his behalf.

190. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform when a dealing for a person (details supplied) in County Mayo will be completed in the Land Registry. [16043/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is an application for transfer of part and charge which was lodged on 5 May, 2004. Dealing number D2004SM003738X refers. I am further informed that queries issued to the lodging solicitors on 24 May 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.

Judicial Appointments.

191. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if as a general principle District and Circuit Court judges are not allocated districts or circuits where they had previously practised as lawyers, or resided; and if

there are guidelines or procedures in this regard. [16050/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The statutory basis governing the assignment of Circuit and District Court judges is set out in the Courts Acts 1924 to 2002. Decisions in this regard are taken in the light of circumstances in each case and no formal guidelines or procedures are in place.

Closed Circuit Television Systems.

192. **Mr. O’Shea** asked the Minister for Justice, Equality and Law Reform when closed circuit television cameras will be installed in Waterford city; and if he will make a statement on the matter. [16051/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): When the approval was given to proceed with the installation of town centre CCTV systems at 17 locations throughout the country, it was decided that implementation would be on a phased basis. If work were to commence on all 17 locations simultaneously, it would prove difficult to project manage due to the complexity of the process and the geographical spread of the proposed system, and it would also require additional resources.

In phase 1, the contract for the supply, installation and commissioning of Garda CCTV systems in Bray, Dundalk, Dún Laoghaire, Finglas, Galway and Limerick was awarded to SKS Communications Ltd. The system in Dún Laoghaire has recently been completed and is now fully operational. The remaining systems are currently at various stages of completion. In phase 2, the pre-tender process for the CCTV systems in Athlone, Clondalkin, Tallaght and Waterford is at an advanced stage. In phase 3, planning for the installation of CCTV systems for Ballyfermot, Carlow, Castlebar, Clonmel, Ennis, Kilkenny and Sligo is scheduled to commence later this year. The planning process includes identifying the proposed closed circuit television locations.

Consideration is currently being given to restructuring of the manner in which these systems go to tender with a view to delivering the implementation of these CCTV systems in a more efficient and cost effective manner.

193. **Mr. O’Shea** asked the Minister for Justice, Equality and Law Reform when closed circuit television cameras will be installed in Dungarvan, County Waterford; and if he will make a statement on the matter. [16052/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that an application for a CCTV system in Dungarvan has been received by the CCTV advisory committee. This committee was established by the Garda Commissioner to advise

[Mr. McDowell.]

on all matters relating to CCTV systems. This application is currently under consideration by the advisory committee along with applications from other cities and towns throughout the country. It should be noted that there are already 17 CCTV schemes nationwide which are either at installation, tender or planning stages.

Registration of Title.

194. **Mr. Murphy** asked the Minister for Justice, Equality and Law Reform if he will intervene in a land registry matter regarding persons (details supplied) in County Cork. [16053/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that the details supplied by the Deputy refer to an application for amendment of Land Registry maps on foot of a High Court order which was lodged on 12 December 2003 and an application for a copy instrument which was lodged on 6 April 2004. Dealing number D2003CK026303H and application number C2004CK002189Q refer.

On the application for amendment of Land Registry maps on foot of a High Court order, I am sure that the Deputy will appreciate that the Land Registry must comply with the order of the High Court. I am also sure that the Deputy will appreciate that, in accordance with the provisions of our Constitution, the courts are independent of the Executive in the exercise of their judicial functions and it would be inappropriate for me to intervene in any way. I can only suggest that your clients consult their legal adviser in the matter.

I am further informed that dealing number D2003CK026303H was completed on 29 March 2004 and application number C2004CK002189 was completed on 19 April 2004.

Garda Deployment.

195. **Cecilia Keaveney** asked the Minister for Justice, Equality and Law Reform the number of gardaí of all ranks that were on duty in the Inishowen Garda district on each of the nights from 21, 22 and 23 May 2004; the number and types of vehicles manned in the same district on the same nights; and if he will make a statement on the matter. [16054/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities who are responsible for the detailed allocation of resources, including personnel, that the Inishowen peninsula is policed by the Buncrana Garda district and includes the Garda stations at Buncrana, Burnfoot, Carndonagh, Clonmany, Culdaff, Malin, Merville and Muff.

The personnel strength of the Buncrana Garda district as at 21, 22 and 23 May 2004 was 72, all

ranks. There are eight official Garda vehicles attached to the Buncrana Garda district. I have been informed by the Garda authorities that for security and operational reasons it is not Garda policy to disclose the number of gardaí working in any area over a specific period of time.

Public Order Offences.

196. **Cecilia Keaveney** asked the Minister for Justice, Equality and Law Reform the number of incidents that were reported in the Inishowen Garda district on each of the nights 21, 22 and 23 May 2004; the number that were of a public order nature; the percentage of reported incidents responded to; the number of arrests or cautions given in the same district on the same nights; the number of cases still being pursued at another level; and if he will make a statement on the matter. [16055/04]

197. **Cecilia Keaveney** asked the Minister for Justice, Equality and Law Reform the number of incidents that were reported in the Inishowen Garda district on each of the nights 21, 22 and 23 May 2004 that were of a public order nature and resembled or replicated incidents of 14 May 2004 either in terms of location involved, persons involved or in the type of disorder; and if he will make a statement on the matter. [16056/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to answer Questions Nos. 196 and 197 together.

I have made inquiries with the Garda authorities about the number of incidents reported to the Garda authorities in the Buncrana district in the period concerned and the information sought by the Deputy is outlined in the table.

I am further informed by the Garda authorities that there were five arrests in the Buncrana district in the period concerned. The number of persons cautioned is not recorded. I am informed that all incidents reported to the Garda authorities in the period concerned were responded to and that the public order issues reported during this period were similar in nature to those occurring over the previous weekend.

Incidents in Buncrana District 21-23 May 2004

| Date | 21 May | 22 May | 23 May |
|---------------------------------|-----------|-----------|-----------|
| Total incidents reported | 9 | 7 | 3 |
| Public order incidents reported | 2 | 3 | 1 |
| Incidents under investigation | 8 | 4 | 2 |

Visa Applications.

198. **Mr. Murphy** asked the Minister for Justice, Equality and Law Reform if he will review an application for a person (details supplied) for a holiday visa which was refused; and the aspect of

the application he is not satisfied with.
[16057/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question made a visa application in April 2004. The application was refused because it was not established, on the basis of the documentation supplied to my Department, that the applicant would observe the conditions of the visa. In particular, it was considered that the applicant had not displayed sufficient evidence of any obligations to return home following her proposed visit. There was no indication given in the application, or in the supporting documentation, that the applicant had any relatives in the State.

It is open to the applicant to appeal against the refusal by writing to the visa appeals officer in my Department. A full copy of the relative's passport should be submitted in support of the appeal.

Citizenship Referendum.

199. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform the need for a referendum on citizenship when only 1% of newly born babies countrywide in 2003 were born to women who were non-Irish nationals out of a total of 60,000 babies born in Irish hospitals; and if he will make a statement on the matter.
[16058/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I cannot accept that the contention implicit in the Deputy's question has any basis in fact. If it were true, the total figure for births to non-nationals in the State in 2003 would be 600 but the number of births to non-nationals for 2003 in Our Lady of Lourdes Hospital, Drogheda, alone exceeds that figure by 88. The total figure for births to non-nationals in Dublin maternity hospitals for 2003 is 5,471.

The referendum on citizenship arises from the need to eliminate an aspect of our law that exposes Irish citizenship to abuse. I have outlined the circumstances of that abuse in my contributions to the Dáil and Seanad during the debates on the 27th Amendment of the Constitution Bill 2004. In summary, the abuse comes about by virtue of the fact that under the law as it stands, it is possible for someone who has no connection with Ireland to arrange their affairs so as to give birth to a child in Ireland, whereupon that child acquires an entitlement to Irish citizenship. This is not acceptable to me nor, in my view, to the Irish people at large.

National Age Card.

200. **Ms B. Moynihan-Cronin** asked the Minister for Justice, Equality and Law Reform if he will streamline the application procedures for the Garda national identity card; the average waiting time at present for an applicant to receive their card; the advertising procedures that are in

place at present to publicise the ID card scheme; and if he will make a statement on the matter.
[16064/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that the application procedure for the national age card is governed by the Intoxicating Liquor Act 1988 (Age Card) Regulations 1999 which are made under the provisions of section 40 of the Intoxicating Liquor Act 1988 and provide for a voluntary national age card scheme. The national age card is not a Garda national identity card.

Applicants receive their national age card within four to five weeks of producing the correct documentation at their local Garda station. Delays can occur due to incorrectly completed or illegible application forms.

A number of initiatives are in place to advertise the national age card scheme. In addition to being available at Garda stations, application forms are also available at premises that are frequented by the relevant age group of 18 years and over, such as youth advisory centres, college students' unions and so forth. The application form is also available on the Garda Síochána website, www.garda.ie

Posters advertising the national age card scheme are clearly on display in all Garda stations and have been made available to all licensed and off-licensed premises as well as schools, colleges, clubs and youth groups. In addition, initiatives are organised by local gardaí who advertise age card use and availability to ensure exposure to the primary target group of persons aged between 18 years and 21 years. Some of these initiatives include advertising on local radio stations.

The Garda community relations section continues to liaise with other State agencies, the drinks industry and relevant interested groups.

Juvenile Offenders.

201. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform when he expects the implementation of the provisions of the Children Act 2001 in respect of the making of parental supervision orders; the reasons this has not yet been implemented; and if he will make a statement on the matter. [16066/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Children Act 2001, introduces a wide range of innovative measures that will provide a statutory framework for the future development of the juvenile justice system in accordance with modern thinking and best international practice. The Deputy will appreciate that the Children Act is very complex and comprehensive legislation and, for those reasons, provisions under the Act are being implemented on a phased basis.

[Mr. McDowell.]

The first commencement order under the Act in respect of my Department was signed by my predecessor on 23 April 2002. The order, which came into force on 1 May 2002, provided for, *inter alia*, the payment of compensation by parents in respect of offences committed by their children, section 113 of the Act, and a court order which would require parents to exercise proper and adequate control over their children, section 114 of the Act.

Section 111 of the Act provides that, “in any proceedings where a child is found guilty of an offence, the court may make an order for the supervision of the child’s parents (a “parental supervision order”) where the court is satisfied that a wilful failure of the child’s parents to take care of or control the child contributed to the child’s behaviour.”

A parental supervision order may order the parent of the child to do any or all of the following: to undergo treatment for alcohol abuse or other substance abuse, where such facilities are reasonably available; to participate in any course that is reasonably available for the improvement of parenting skills; adequately and properly to control or supervise the child to the best of their ability, except where the terms of any community sanction imposed on the child make such control or supervision impracticable; to comply with any other instruction of the court that would in its opinion assist in preventing the child from committing further offences.

The successful implementation of the community based options in the Act, including the new parental supervision order provided for under section 111 of the Act, will require a very significant input from the probation and welfare service. In this context, additional probation and welfare officers are being recruited. It is the intention that the community sanctions provided for in the Act will commence to be implemented on a phased basis from June 2004, as staffing and other necessary resources allow.

202. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform the progress to date in providing separate detention facilities for 16 and 17 year old girls; and if he will make a statement on the matter. [16068/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Plans currently underway for the replacement of the Mountjoy complex will address the issue of separate detention facilities for 16 and 17 year old girls.

Presidential Visit.

203. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if it is anticipated that those accompanying President Bush on his visit here will be carrying firearms; the number and calibre of such firearms; if he will

detail the circumstances in which the discharge of firearms is permitted; if any form of immunity or indemnification has been provided in respect of such persons; and if he will make a statement on the matter. [16117/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It is not the policy and it would be contrary to the public interest to disclose details of the security arrangements relating to the forthcoming visit of the US President.

The importation of firearms is strictly governed by legislation. In particular, pursuant to the Firearms (Firearms Certificates for Non-Residents) Act 2000, the Minister is empowered to grant firearms certificates to non-residents who apply for a firearms certificate for purposes other than hunting or sporting purposes. Any decision to grant a firearms certificate is made in consultation with the Garda Síochána, which at all times retains responsibility for law enforcement matters generally and in the case of visiting VIPs.

All persons in this jurisdiction, including US security personnel and any actions they may take, will at all times be subject to the full application of national law and the Constitution. In particular, there are no plans to grant immunity or provide indemnification to such personnel.

Garda Equipment.

204. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if he will honour his undertaking to provide a breakdown of equipment and Garda costs arising from the weekend of 30 April to 3 May 2004 as requested in Parliamentary Questions Nos. 113, 115 and 116 on 29 April 2004; and if he will make a statement on the matter. [16118/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The calculation of the total costs in respect of the security operation over the weekend of 30 April to 3 May 2004 is being finalised and I will write to the Deputy shortly with this information and additional details on the range of equipment involved.

Garda Deployment.

205. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of gardaí and sergeants assigned to each Dublin Garda station; the total population that each Garda station serves; and if he will make a statement on the matter. [16119/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities who are responsible for the detailed allocation of resources, including personnel, that the number of gardaí and sergeants allocated to each Garda station in the

Dublin metropolitan region as at 25 May 2004 is set out in the table:

| Station | Sergeants | Gardaí |
|----------------|-----------|--------|
| Ballyfermot | 14 | 61 |
| Ballymun | 10 | 54 |
| Blanchardstown | 20 | 114 |
| Blackrock | 12 | 48 |
| Bray | 10 | 58 |
| Bridewell | 26 | 134 |
| Cabinteely | 4 | 35 |
| Cabra | 10 | 55 |
| Clondalkin | 10 | 69 |
| Clontarf | 11 | 47 |
| Coolock | 13 | 64 |
| Crumlin | 19 | 58 |
| Dalkey | 6 | 21 |
| Donnybrook | 16 | 102 |
| Dublin Airport | 5 | 17 |

| Station | Sergeants | Gardaí |
|-------------------|-----------|--------|
| Dundrum | 6 | 55 |
| Dún Laoghaire | 19 | 69 |
| Enniskerry | 0 | 3 |
| Finglas | 10 | 55 |
| Fitzgibbon Street | 18 | 95 |
| Greystones | 4 | 25 |
| Harcourt Terrace | 9 | 65 |
| Howth | 6 | 34 |
| Irishtown | 8 | 44 |
| Kevin St. | 16 | 93 |
| Kill-O-Grange | 5 | 31 |
| Kilmainham | 15 | 59 |
| Lucan | 11 | 51 |
| Leixlip | 3 | 24 |
| Malahide | 7 | 36 |
| Mountjoy | 10 | 72 |
| Pearse St. | 27 | 200 |
| Raheny | 8 | 48 |
| Rathcoole | 2 | 19 |
| Rathfarnham | 8 | 61 |
| Rathmines | 9 | 64 |
| Ronanstown | 13 | 65 |
| Santry | 19 | 79 |
| Shankill | 10 | 46 |
| Stepaside | 5 | 27 |
| Store St. | 31 | 219 |
| Sundrive Road | 7 | 54 |
| Swords | 7 | 48 |
| Tallaght | 19 | 139 |
| Terenure | 11 | 68 |
| Whitehall | 6 | 31 |

I have been further informed by the Garda authorities that as population statistics do not correlate to Garda sub-district boundaries, it is

not possible to provide the total population that each Garda station serves.

Water and Sewerage Schemes.

206. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government his proposals in regard to the commencement of the west Waterford water scheme; and if he will make a statement on the matter. [15987/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The west Waterford water supply scheme is one of 31 projects valued in excess of €245 million that I have approved for the period 2004-6 under my Department's water services investment programme. Planning of the west Waterford scheme is being advanced as rapidly as possible by Waterford County Council and it is scheduled to commence construction in 2005.

The scheme involves the upgrading of the water supplies for Lismore, Cappoquin, Ballyduff and Tallow. It will also address water supply and quality deficiencies in the remainder of the west Waterford area, including Clashmore, Aghlish, Villierstown and Pilltown. At present, Waterford County Council's proposals for the appointment of a consultant to prepare a preliminary report for the scheme are under examination in my Department. My Department is dealing with the matter as quickly as possible and will respond to the council shortly.

Local Government Act 2001.

207. **Ms M. Wallace** asked the Minister for the Environment, Heritage and Local Government the number of recommendations for the establishment of new town councils which have been made by county councils to him since the Local Government Act 2001 became law; the towns which these applications relate to; and the outcome of same. [15988/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The statutory provisions relating to the establishment of a new town council as set out in Part 17 of the Local Government Act 2001 have yet to be brought into force. However, I hope to be in a position to commence these and other relevant provisions of the Act over the course of the summer.

Planning Issues.

208. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government if he would consider issuing planning guidance to planning authorities regarding light pollution. [16021/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Officials from my Department have met with the National Committee for Astronomy and Space Research

[Mr. Cullen.]
of the Royal Irish Academy to discuss light pollution. Further consideration will be given to the issue of guidance to planning authorities following completion of these consultations.

EU Directives.

209. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government Ireland's progress in meeting the timetable on the EU Directive on assessment and management of environmental noise, commonly referred to as the mapping directive. [16101/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Directive 2002/49/EC relates to the assessment and management of environmental noise and is due to be transposed into national law by 18 July 2004. The directive requires, *inter alia*, the making of strategic noise maps for all agglomerations with more than 250,000 inhabitants, all major roads with more than 6 million vehicle passages per year, major railways with more than 60,000 train passages per year and major airports with more than 50,000 take off or landing movements per year no later than 30 June 2007 and the drawing up of action plans to manage any ensuing noise issues and effects no later than 18 July 2008.

In a second phase, strategic noise maps and action plans are required to be completed by similar dates in 2012 and 2013, respectively, for agglomerations with between 100,000 and 250,000 inhabitants, major roads with between 3 and 6 million vehicle passages per year and major railways with between 30,000 and 60,000 train passages per year. My Department is in ongoing consultation with the relevant local and transport sector authorities on the directive's implementation in the context of preparing transposing regulations by the due date.

The regulations will provide the legal framework within which designated competent authorities will implement the various mapping and action planning requirements of the directive within the stipulated timeframe of 2007-13.

Dublin City Council, having to date published a noise map for the area between the boundaries of the Grand and Royal Canals linking land use, population density and traffic data, is proceeding to extend similar mapping to the city council boundaries. My Department wrote to all local and transport sector authorities in the greater Dublin region in February 2004 highlighting the city council's progress on noise mapping to date and requesting their consideration of a co-ordinated approach to fulfil the requirements of Directive 2002/49/EC.

Waste Management.

210. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government

the way in which category incineration, thermal treatment, waste to energy belongs in terms of reuse, recycling and recovery. [16103/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Government policy on waste management, which is based on the internationally accepted waste hierarchy, recognises the role of thermal treatment, incorporating energy recovery, as one of the mix of instruments involved in the modernisation of our approach to waste management. The issue of whether such a facility comes within the waste framework directive's definition of "recovery" falls to be determined by reference to the particular characteristics of the facility, taking account of relevant European Court of Justice judgments on this issue. In policy terms, the position of thermal treatment, with energy recovery, is well established within the waste hierarchy; after prevention/minimisation, reuse and recycling, it is regarded as an environmentally preferable approach to waste management compared to landfill.

Water and Sewerage Schemes.

211. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the position of an application for the provision of a sewerage scheme (details supplied) in County Kildare; and if he will make a statement on the matter. [16115/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): In January 2001, my Department approved Kildare County Council's application in respect of a proposed sewerage scheme at Rathangan under the serviced land initiative. The council subsequently requested the inclusion of the proposal as a major capital project in the water services investment programme where it would attract a higher level of departmental funding.

The proposal was ranked fourth in the list of waste water schemes submitted by Kildare County Council in November 2003 in response to my Department's request to local authorities to undertake fresh assessments of the needs for capital water services works in their areas and to prioritise their proposals on the basis of the assessments. The priority lists were taken into account in the framing of the water services investment programme 2004-6 which I published last month. Due to the priority afforded to the scheme by the council, it has not been possible to include it in the programme. However, the approval of the scheme under the serviced land initiative remains in place.

Interdepartmental Committees.

212. **Mr. J. Bruton** asked the Minister for Community, Rural and Gaeltacht Affairs if he will list the number of meetings in the past year

of each interdepartmental committee or body on which his Department is represented; the frequency and location of its meetings; and where it is intended those meetings will take place after decentralisation. [15017/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I take it the Deputy is referring to cross-departmental committees or equivalent. Information on each such committee

or body on which my Department is represented and the frequency and location of its meetings is set out in the following table.

Regarding the Deputy's question as to where it is intended that those meetings will take place after decentralisation, I understand that while some of the committees may have completed their work before decentralisation, in general meetings of committees will continue to be held as required.

| Dept.Committee/Body | Frequency of meetings | Location |
|--|---|----------------------------------|
| Change Management Network | monthly | Dublin |
| QCS Implementation Group | quarterly | Dublin |
| QCS Working Group | quarterly | Dublin |
| QCS Officers Network | monthly | Dublin |
| Civil Service FOI Users Network | bi-monthly | Dublin |
| Interdepartmental Working Group on FOI | quarterly | Dublin |
| Mullarkey Implementation Group | monthly | Dublin |
| MIF Consultative Committee | Quarterly | Dublin |
| MIF Project Management Group | 8 per annum | Dublin |
| Monitoring Committee for NDP/CSF | Twice yearly | Various locations nationwide |
| Southern & Eastern Regional Operational Programme Monitoring Committee | Twice yearly | Various locations nationwide |
| Border, Midland & Western Operational Programme Monitoring Committee | Twice yearly | Various locations nationwide |
| Expenditure Reviewers Network | Occasional | Various central locations |
| RAPID National Monitoring Committee | Quarterly | Dublin |
| Steering Group on Review of Family Support Services | Quarterly | Dublin |
| URBAN II Monitoring Committee | Twice yearly | Dublin |
| Cross Departmental review of supports to long term unemployed | No regular pattern | Dublin |
| North/South High Level Interdepartmental Meeting | quarterly | Dublin |
| Departmental North/South Co-ordinators Committee | monthly | Enniskillen |
| Interdepartmental Committee on the National Heritage and National Biodiversity Plans | quarterly | Dublin |
| Quality Customer Services Working Group to advise on the preparation of guidelines under the Official Languages Act 2003 | monthly | Dublin |
| Inter-Departmental Group on the Implementation of Children First | 3 times a year (max) | Dublin |
| National Rural Water Monitoring Committee | Bi-monthly | usually Mullingar, Co. Westmeath |
| Interdepartmental Committee for the Gaeltacht, the Irish language and the Islands | 4-6 times a year or as the need arises. | Various locations |
| Cross-Departmental Team on Housing, Infrastructure and Public/Private Partnerships | Monthly | Dublin |
| Interdepartmental Committee on State Aid | Quarterly | Dublin |
| National Assessment Committee of the Young Peoples' Facilities and Services Fund | Monthly | Dublin |
| Inter-Departmental Group on Drugs | 6 times a year | Dublin |
| National Drugs Strategy Team | Every 2/3 Weeks | Dublin |
| Joint Steering Group for National Drug Strategy Mid-term Review | Monthly | Dublin |
| National Advisory Committee on Drugs | Every 6/8 Weeks | Dublin |
| Inter-Departmental Group on Homelessness | 6 times a year | Dublin |
| Inter-Departmental Group on Alcohol | 6 times a year | Dublin |
| National Drugs Awareness Campaign Committee | 6 times a year | Dublin |
| EU Presidency Drugs Steering Group | Monthly | Dublin |
| National Steering Committee on Violence against Women | Quarterly | Dublin |
| Implementation & Advisory Group (IAG) of the White Paper on Supporting Voluntary Activity | Monthly | Dublin |
| Interdepartmental Coordinating Committee on European Union Affairs | Monthly | Dublin |

| Dept./Committee/Body | Frequency of meetings | Location |
|---|---------------------------|------------------------------|
| Implementation of the National Spatial Strategy. | quarterly | Dublin |
| Assistant Secretary Group on The Information Society | quarterly | Dublin |
| Senior Officials Group on Social Inclusion | monthly | Dublin |
| Senior Officials Group on Traveller Issues | quarterly | Dublin |
| Review Group on the National Traveller Task Force Report | quarterly | Dublin |
| Board member of the Children's Strategy | quarterly | Dublin |
| Heads of Internal Audit Forum | quarterly | Dublin |
| ICT Managers Framework | quarterly | Dublin |
| XML Working Group | quarterly | Dublin |
| Interoperability Framework | quarterly | Dublin |
| Webmasters Network | quarterly | Dublin |
| E-Cabinet Technical sub-group | quarterly | Dublin |
| Interdepartmental Group on Framework Arrangements | Twice yearly | Dublin |
| Training Officers' Network | quarterly | Dublin |
| Performance Management & Development System Network | quarterly | Dublin |
| Review of Local and Community Development Structures Group | every eight weeks | Dublin |
| Implementation Group of Secretaries General | monthly | Dublin |
| E-Strategy Secretary General's Group | Every 2/3 months | Dublin |
| Grúpa idir-rannach um stádas na Gaeilge san AE | Monthly | Dublin |
| Coiste Comhairleach faoi Thuarascáil Choimisiún na Gaeltachta | About every 2 months | Na Forbacha |
| Personnel Officers network | Quarterly | Dublin |
| Steering group of the Salary review of Chief Executives of North/South bodies | 6 over the past two years | Dublin |
| Decentralisation Liaison Committee | Monthly | Dublin |
| Monitoring Cttee for Productive Sector OP | Twice yearly | Various locations nationwide |
| Monitoring Cttee for Economic and Social Infrastructure OP | Twice yearly | Various locations nationwide |
| Monitoring Cttee for HR OP | Twice yearly | Various locations nationwide |
| Monitoring Cttee for Tech. Assistance OP | Twice yearly | Various locations nationwide |
| Rural Dev. Co-coordinating Cttee | Twice yearly | Various locations nationwide |
| Steering Cttee. on Cross-border Rural Development | Twice yearly | North/South (alternates) |

213. **Mr. J. Bruton** asked the Minister for Social and Family Affairs if she will list the number of meetings in the past year of each interdepartmental committee or body on which her Department is represented; the frequency and location of its meetings; and where it is intended those meetings will take place after decentralisation. [15473/04]

Minister for Social and Family Affairs (Mary Coughlan): Due to the broad range of my Department's responsibilities in delivering social welfare and related services to citizens, my officials attend meetings of a wide variety of interdepartmental committees or bodies on an ongoing basis.

Currently, officials of my Department are members of some 110 interdepartmental committees or bodies. This includes both groups for which my Department is the lead Department and those which are led by other Departments and on which my Department is represented. The frequency of meetings is determined by the lead Department for each committee or body and can

range from monthly through quarterly to periodic meetings as required.

The question of where meetings will take place and the frequency of meetings post-decentralisation will depend on the individual circumstances involved. The use of alternative ways of conducting the business transacted at these meetings will also be examined with a view to ensuring that business is conducted in the most cost effective way.

Social Welfare Benefits.

214. **Mr. Ring** asked the Minister for Social and Family Affairs the reason incorrect information was given in reply to Parliamentary Question No. 216 of 19 May 2004. [15996/04]

Minister for Social and Family Affairs (Mary Coughlan): On the basis of the information available to my Department, the position remains as set out in my reply to the Deputy on 19 May 2004.

While the Deputy contends that he submitted an application form for fuel allowance on behalf of the person concerned, there is no record of this

in the pension services office in Sligo. As already stated, an application form for fuel allowance was received together with a cover letter from the Western Health Board and a fuel allowance has been awarded to the person concerned on foot of this. Her late husband's fuel allowance book was received separately but without any covering letter attached.

215. **Mr. Ring** asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will be awarded disability benefit. [15997/04]

Minister for Social and Family Affairs (Mary Coughlan): The person concerned applied for disability allowance on 16 April 2004. Entitlement to the allowance is subject to the applicant satisfying a means test and the medical eligibility criteria that apply. In this regard, a means assessment was undertaken by an investigative officer of the Department on 19 May 2004.

Arrangements have also been made to have the person concerned examined by a medical assessor of my Department. This examination is scheduled to take place on 11 June 2004. He is being notified directly of the time and place for this medical examination. His entitlement to disability allowance will be further considered in light of the medical assessor's report and he will be notified directly of the outcome.

Under social welfare legislation decisions on claims must be made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

216. **Mr. Durkan** asked the Minister for Social and Family Affairs if rent assistance will be offered to a person (details supplied) in County Kildare who has sourced rented accommodation at Powerscourt, Newbridge, County Kildare; and if she will make a statement on the matter. [16026/04]

Minister for Social and Family Affairs (Mary Coughlan): The South Western Area Health Board was contacted regarding this case and has advised that the person concerned was refused a rent supplement on the ground that the rent being sought is considerably in excess of the board's appropriate reasonable rent limit. The person concerned has been advised that he will be required to secure more reasonably priced accommodation in order to receive a rent supplement.

217. **Mr. Durkan** asked the Minister for Social and Family Affairs the reason rent allowance has been reduced in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [16031/04]

Minister for Social and Family Affairs (Mary Coughlan): The South Western Area Health Board was contacted regarding this case and has advised that when rent supplement was initially awarded to the person concerned she was in receipt of one-parent family payment in respect of herself and two dependent children.

Since the supplement was first awarded there has been a change in the person's financial circumstances. She is now in receipt of one-parent family payment in respect of an additional child. A recent review of her rent supplement took account of the change in her circumstances and the increase of €1 per week in the minimum contribution that all recipients are required to make towards their rent. This review had the effect of reducing the amount of supplement payable by €15.20 per month, which is the equivalent of €3.50 per week. The board has confirmed that she is in receipt of the maximum amount of rent supplement payable having regard to her current circumstances.

218. **Mr. Durkan** asked the Minister for Social and Family Affairs if mortgage support is available to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [16079/04]

Minister for Social and Family Affairs (Mary Coughlan): The South Western Area Health Board was contacted regarding this case and has advised that it has no record of an application for mortgage interest supplement from the person concerned. If he wishes to make an application he should contact the community welfare officer at his local health centre so that an assessment of his circumstances can be carried out to determine whether he has an entitlement to mortgage interest supplement.

Child Care Services.

219. **Ms Shortall** asked the Minister for Social and Family Affairs if her attention has been drawn to the fact that Our Lady's Nursery, Ballymun, is threatened with closure as a result of her failure to rescind her decision on crèche allowances for parents of participating children and the failure of the Northern Area Health Board to provide substitute funding; her plans with regard to preventing the closure of the nursery; if she will immediately reinstate this crèche allowance in view of the unnecessary hardship it has caused and the similar difficulties posed to 19 other nurseries; and if she will make a statement on the matter. [16108/04]

Minister for Social and Family Affairs (Mary Coughlan): The Northern Area Health Board confirmed that the crèches in question will not close as a result of the decision to discontinue, with effect from 1 January 2004, payment of

[Mary Coughlan.]
crèche supplements under the terms of the supplementary welfare allowance scheme.

As the Deputy is aware the bulk of the funding for the crèches in question comes from the health board. The board agreed to examine the financial

support it provides to these crèches and this matter is currently under consideration. In the meantime, as an exceptional measure, health boards may continue to pay existing crèche supplements while arrangements for alternative funding are being finalised.