



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Tuesday, 1 June 2004.

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DÁIL ÉIREANN

*Dé Máirt, 1 Meitheamh 2004.
Tuesday, 1 June 2004.*

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

*Paidir.
Prayer.*

Ceisteanna — Questions.

Official Engagements.

1. **Mr. J. Higgins** asked the Taoiseach if he will report on the matters discussed and conclusions reached on his visit to the 23 European capitals in the context of negotiations of the proposed EU Constitution. [15386/04]

2. **Mr. J. Higgins** asked the Taoiseach the matters discussed and conclusions reached at the EU-Russia summit; and if he will make a statement on the matter. [15390/04]

3. **Mr. Kenny** asked the Taoiseach if he will report on his recent discussions with other European Union Heads of Government; and if he will make a statement on the matter. [15400/04]

4. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on his meeting on 19 May 2004 with Chancellor Schüssel of Austria. [15611/04]

5. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on his meeting on 19 May 2004 with Prime Minister Dzurinda of Slovakia. [15612/04]

6. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on his meeting on 19 May 2004 with Prime Minister Medgyessy of Hungary. [15613/04]

7. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on his meeting on 20 May 2004 with Prime Minister Spidla of the Czech Republic. [15614/04]

8. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on his meeting on 20 May 2004 with Prime Minister Rop of Slovenia. [15615/04]

9. **Mr. Rabbitte** asked the Taoiseach the matters discussed and conclusions reached at the EU-Russia summit on 21 May 2004; and if he will make a statement on the matter. [15616/04]

10. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on his visits to EU

capitals and his discussions with EU Heads of Government recently; and if he will make a statement on the matter. [16267/04]

11. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his meeting in Dublin with the French Prime Minister, Mr. Jean Pierre Raffarin. [16322/04]

12. **Mr. Sargent** asked the Taoiseach if he will report on his recent discussions with other EU Heads of Government; and if he will make a statement on the matter. [16446/04]

13. **Mr. Sargent** asked the Taoiseach if he will report on the May EU-Russia summit; and if he will make a statement on the matter. [16447/04]

14. **Mr. Sargent** asked the Taoiseach if he will report on his discussions with the French Prime Minister, Mr. Jean Pierre Raffarin, in May 2004; and if he will make a statement on the matter. [16448/04]

15. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on his recent visit to Mexico. [16555/04]

16. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of the EU-Latin American-Caribbean summit. [16556/04]

The Taoiseach: I propose to take Questions Nos. 1 to 16, inclusive, together.

To date I have visited 17 of the 24 member states as part of my ongoing tour of capitals in advance of the European Council later this month. On the first leg, from 5 to 7 May, I visited Sweden, Finland, Estonia, Latvia, Lithuania and Poland. On the second leg, from 12 to 14 May, I visited Cyprus, Greece, Malta, Italy, Portugal and Spain. I reported to the House on the first two legs on 18 May last.

On 19 and 20 May I visited Austria, Slovakia, Hungary, the Czech Republic and Slovenia as part of the third leg of this programme of visits. I had a useful series of discussions with my counterparts which provided the opportunity to outline in detail the Presidency's plans for the forthcoming European Council and the Intergovernmental Conference. This week, I will complete my tour of capitals with visits to France, Britain, the Netherlands, Belgium, Luxembourg, Germany and Denmark. I am also keeping my colleagues in Romania, Bulgaria and Turkey fully informed of developments in the run-up to the European Council. I spoke with Prime Minister Erdogan of Turkey, Prime Minister Nastase of Romania and Prime Minister Saxe-Coburg of Bulgaria by telephone last week.

On the Intergovernmental Conference, we are sparing no effort to make progress on the outstanding issues ahead of the European Council. We are continuing to make good progress towards an agreement with which everyone can live. I believe we are still on track for agreement at the European Council on 17 and 18 June.

[The Taoiseach.]

I will have a number of key meetings with colleagues later this week. So far, everyone with whom I have met has been constructive, positive and fully committed to early resolution of the outstanding issues. We are beginning to centre in on an agreed outcome on institutional issues. Naturally, people regard these questions — voting, the Commission and the Parliament — as inter-linked and I do not expect them to reach final judgments until there is a full package on the table. However, I believe that we are in good shape and know where we are going.

On the more technical issues, excellent work was done at the meetings of officials and foreign Ministers over the past month. While some small adjustments remain to be made, most of these do not need further discussion. On the overall balance between qualified majority voting and unanimity in the new constitution, this has obviously been a key issue in my discussions with colleagues. The areas involved are sensitive and complex. We need to find a balance acceptable to all. I will continue to explore how this might be achieved in my further meetings, including those taking place this week. I will then reflect before making a proposal.

On Friday, 21 May, accompanied by the Minister for Foreign Affairs, Deputy Cowen, I attended the EU-Russia summit in Moscow. In the immediate aftermath of EU enlargement, this was a very welcome and timely opportunity to reaffirm the Union's strategic partnership with its largest European neighbour. We agreed on a number of measures aimed at taking forward work on developing the four common spaces for EU-Russia co-operation. These spaces were established at last year's St. Petersburg summit and have the capacity to transform the EU-Russia relationship.

A key outcome of the summit was the agreement reached between Russia and the EU on Russia's accession to the World Trade Organisation. This agreement is a significant and critically important step forward for open markets and trade liberalisation here in Europe. It also marks a major step towards the full accession of Russia to the WTO. We also discussed current international issues, including Iraq, Afghanistan and the Middle East.

I met Prime Minister Raffarin of France on Monday, 24 May, during his official visit to Ireland. Our meeting provided a valuable opportunity to discuss the issue of bilateral relations. We agreed there was considerable scope for further enhancing co-operation between France and Ireland, particularly in the fields of training, research, biotechnology and knowledge based issues which are central to the European Union's Lisbon strategy. We also had a useful exchange of views on the Intergovernmental Conference. I thanked the Prime Minister for his support for our efforts aimed at concluding negotiations on the draft constitutional treaty at the European Council

later this month. We also had time to touch on a range of other issues, including the EU-Russia summit and the Middle East.

I travelled to Guadalajara in Mexico last week for the EU-Latin American-Caribbean summit, which I co-chaired with President Fox of Mexico. The main themes of the summit were social cohesion and effective multilateralism. A total of 33 Latin American and Caribbean countries were represented alongside the 25 EU member states. The main summit was followed by meetings between the EU and the Central American Association, the Andean Community, Cariforum, Chile and Mexico. It was a most productive meeting.

During my visit, I had a bilateral meeting with President Uribe of Colombia. In addition to EU and bilateral issues, we discussed the continued security and welfare of the three Irish prisoners held by the Colombian authorities. I expressed the hope that the appeal process could be expedited and that the case could be concluded as quickly as possible.

Mr. J. Higgins: Following the three-legged race around the European Union that the Taoiseach has just described, with just over two weeks to go until the final major meeting of the Irish EU Presidency, will the Taoiseach say what the outstanding issues are in regard to agreeing a proposed EU draft constitution? Given such a short timespan, I imagine the main sticking points between the various states would now be clear. Will the Taoiseach elaborate on this? If agreement is reached before the end of the Irish EU Presidency, will the Taoiseach say when we might expect a national debate and a referendum on the proposed constitution?

The Taoiseach referred to the common commercial policy. The House knows he has been a strong advocate of the Lisbon Agenda. Does the Taoiseach not agree that this is a race to the bottom as far as European workers are concerned as the cut-throat rush for profits by the major transnational corporations means a huge squeeze on workers' wages, pension rights and working conditions?

Do the Taoiseach and the Government agree with the proposed significant change in the new constitution that will remove the existing power of veto over the commercialisation of health, education and cultural services that member states have at present and go along with the possibility that these services can, therefore, be opened up to competition and privatisation?

With regard to the Taoiseach's meeting with the President of Colombia, will he be more specific about what the President said about three Irish nationals who have been in front of the courts, cleared of the most serious charges against them and whose time in custody is equal to or has exceeded that for the less serious charges? What are the prospects of those people being released into a safe environment and allowed to travel home immediately?

The Taoiseach: On the outstanding issues, I still have to speak with seven countries, including some of the larger member states and those discussions will be extremely important. The opinions of every country are important but Germany, France and the United Kingdom, which has concerns about justice and home affairs, have all raised a range of issues throughout the Convention, never mind in the discussions of the last ten months or so.

On the major institutional issues a number of points remain. The Parliament is a major issue to small countries because the Convention says they should have four members but there has been a heated debate in these countries that they should have five or even six members. It would be easy to increase the numbers but the seats must come from somewhere and that would create difficulties.

The formation of the Commission in future is an issue, whether we stay at one Commissioner per member state or reduce to a smaller number. There have been long and heated discussions on that and we have tabled a proposal on the matter. There is substantial, but not total, agreement on the issue. Those countries that would like to see a Commissioner per member state in perpetuity are still arguing their case.

On qualified majority voting there are many areas under discussion. We have set out our stall but there are others who still argue for QMV as opposed to unanimity in several areas. Many of them are individual cases but they have not been agreed.

There are many technical issues, such as the budget, because the financial perspectives of individual member states can conflict with each other. For each one we solve, we open up another on a different side. There are probably a dozen such issues and they are very important for the countries involved. Many of them concern parliamentary committee issues similar to those dealt with by our own Committee on European Affairs Sub-Committee on European Scrutiny, which makes suggestions and proposals we must examine.

There are a range of outstanding issues and in all of these we have tried to narrow discussions. The British position on justice and home affairs is still difficult because Britain has a different legal system, as we do, where common law exists. There are four or five major issues surrounding criminal law aspects and a public prosecutor. Such issues are difficult to resolve.

The main protagonists are the three Governments I am meeting this week, namely, Germany, France and Britain. I will meet Germany, France and the UK in succession because the issues involve those three. If those three agree, most of the others can, except perhaps on one issue which also affects Malta, Cyprus and ourselves, being the common law countries. They are the most sensitive issues but the most difficult issue is weighted voting. There are still several different views on that issue.

Smaller countries, which are in the majority, would like decisions to be supported by equal population and equal state size. That has been their position throughout. Other countries want a ratio 60 to 50 per cent. Spain wants 66 per cent, down from 70 per cent. I am doing my best to figure out what Poland wants. It is having some difficulty but its position is no longer the same as that of Spain.

Mr. Rabbitte: That is one country with which Mr. Royston Brady is familiar. Perhaps he could give the Taoiseach a dig out.

The Taoiseach: I could do with one. We must try to resolve that issue. I hope I am wrong, but I believe it will involve very difficult negotiations. I am not quite sure how it can be resolved because the countries have different positions and there are at least five groups.

The Lisbon strategy is the strategy that has the support of trade unions and employers. It is a strategy I have also supported. Throughout the Irish Presidency and in the year preceding it we worked very hard with ETUC and UNICE to arrive at an understanding of how best to implement it. European trade unions collectively support it. Employers have also been supportive. Some aspects of it are contentious but, generally speaking, there is support for the process. The more of it we can implement the better. It would be good if it were all implemented by 2010. The Irish Presidency did good work in setting out in every category what we are trying to achieve and how we should try to achieve it in terms of time limits and so on. All of that work has been very well presented and this country and its various Ministers got credit for that. The project is ambitious but it is achievable and sustainable and we will keep on with it.

On the issue of Colombia, from the beginning the Government has treated this as a consular case. Our paramount concern has been and remains the safety and security of the three men, who are Irish citizens. The Department of Foreign Affairs, through its Embassy in Mexico, has from the outset sought to ensure the men's well-being and provide them with appropriate consular assistance. It will continue to do so. This case has been going on for three full years. It is in this context that I discussed this case, among other matters, during my visit with President Uribe. I met the vice-President earlier this year. In 2002 I met the former President. We have continued to be involved in this case over the past two and a half years since the former Deputy David Andrews reported on this issue.

The trial has concluded. The men have been found not guilty of the more serious offences of training terrorists with which they were charged. The Attorney General, at the last hour, lodged an appeal against this decision. There are concerns for the men's safety. They must remain in Colombia until the appeal is heard. It is therefore appropriate that we should, in the first

[The Taoiseach.]

instance, make known our concerns for the men's safety at the highest level, given the opportunity. The suggestions we put were, first, that they should be allowed to return home, since there is an issue of security, so long as they agree to return for the case. The second and better option is that the appeal be speeded up. There is a view that the appeal is based on very narrow grounds. However, that is a legal matter. Usually an appeal in Colombia can take between 18 months and two years. If that is the case, the men would be in prison for almost five years before their appeal is dealt with. From a consular and humanitarian perspective, the fact is that they have been proven innocent. There is an enormous detailed judgment on this, which is extraordinary for the Colombian system.

The President said he would examine the issues. Obviously, he must check the legal position but he will be in contact with the Department of Foreign Affairs in due course.

Mr. Kenny: Will the Taoiseach outline when it is intended to circulate a new draft of the proposed constitution, incorporating any changes that have been agreed? How long in advance of the summit does he expect it to be circulated?

I am astounded that Deputy Joe Higgins refers to the use of a false passport as a minor charge. It is appalling that, while it is right and proper that the Government of the day would be concerned about the safety and health of our citizens abroad, the Taoiseach can give a guarantee to the President of Colombia, with whose country Ireland does not have extradition arrangements, of the return of three persons who have been convicted of using false passports when entering Colombia. Is the Taoiseach making this unique arrangement on the basis that these are Irish citizens or that they are members of Sinn Féin? Sinn Féin denied that one of these persons was its representative in Cuba.

The Minister for Defence is giving the Taoiseach advice as I speak but has the Minister for Justice, Equality and Law Reform given his *imprimatur* to the Taoiseach's proposal that a guarantee can be given to the president of another country of the return to that country of three Irish citizens who have been convicted of using false passports? What is the nature of this guarantee? The Irish people were given a guarantee that the killers of Detective Garda McCabe would serve their time but, according to reports, some type of deal was done last October.

An Ceann Comhairle: A question, please.

Mr. M. Smith: It was not.

Mr. Kenny: I thank the Minister for Defence. When he answered questions last week he did not pass five out of ten.

Mr. M. Smith: It was six and a half, I believe.

Mr. Kenny: What basis and what criteria did the Taoiseach use to give a guarantee of this nature to the Colombian President, when Ireland does not have an extradition agreement with that country?

The Taoiseach: With regard to the first question, on two occasions recently we produced an amended version of the constitution on the issues on which we have made progress. That happened at the two Foreign Affairs Council meetings that took place in May. We have kept everybody up to date. The only areas in which we have not produced a text is where the issues are still under discussion, mainly those I mentioned earlier. However, we have produced a full text on the future of the Commission and the reduced Commission from 2014. With regard to the other issues, we still have to finish the tour of capitals and discuss them with the Council secretariat and the Commission.

Most of the issues will be put down for the foreign affairs meeting which is to be held earlier in the week of the Council meeting. If the remaining issues are not agreed, we will not produce a text but will wait for the Council meeting. However, we are narrowing down the issues and trying to get agreement. At the contact group recently we gave it a fair indication, although we did not produce a text, of where the Irish Presidency would like this to go, so the group would at least know our thinking. We have been even handed and up front. With 27 countries, plus the Commission and the Council secretariat, there is no point in trying to surprise anyone because it would be one bloc against another. There are many different groups of like-minded countries — the Benelux countries, the Mediterranean group and so on — as well as political groupings. That is why I have tried to negotiate on the basis of not giving anyone any major surprises.

On the second issue, I do not think it will be a shock to anyone to hear that this is a consular issue. I have discussed this a number of times over the years with the families involved. Obviously any charge is serious, but some of these charges were more serious than others. The people concerned were found innocent of these. The issue now is whether they should have to stay in jail for two years pending an appeal. This seems an inordinate amount of time and it would certainly not happen in this country or most other countries. If the appeal can be heard quickly, these matters can be dealt with quickly. It seems a reasonable request, from a consular point of view, that these people should not have to spend much longer in prison as they have already spent three years there.

It is a regular occurrence that if a person returns home pending an appeal, his or her family or legal representatives are asked to make a commitment to ensure he or she will turn up at a police station if requested to do so. These people are well represented by legal teams in Ireland and

Colombia. If the guarantee were not made it would be a problem, but the families have told me there will be no difficulty with this. However, the three people, their families and their legal representatives would prefer that they stay in jail so the appeal may be heard quickly and the matter can be concluded. This is the better solution. In a case in which the judge came out strongly with the evidence — and one which has come to court so many times — it seems reasonable and fair that those involved should be released and either allowed to come back to Ireland under a guarantee that they will return if required or, better still, remain in Colombia while the appeal takes place quickly.

Mr. Rabbitte: The Taoiseach made passing reference to Iraq. Has he had discussions with the President of France, Mr. Chirac, about his Government's response to the draft Security Council resolution for the UN? What are the views of the Taoiseach, the Irish Government and the French Government on Mr. Chirac's opinion that the draft resolution — which would transform coalition forces, which are mainly American, into a multinational force — would only be acceptable to him in circumstances in which they were subject to the dictates of the temporary Iraqi Government and, similarly, that the Iraqi Government should enjoy all aspects of sovereignty, including control over the natural resources of Iraq? What is our Government's position on this and what position is the Taoiseach advancing on behalf of the European Union?

The Taoiseach: I will be discussing this issue tomorrow with Mr. Chirac and I have already discussed it with many people. We welcome the decision of the USA to circulate a draft Security Council resolution on Iraq. A new resolution would be helpful in gathering broad international support, which could assist in stabilising the new Government that takes office at the end of this month. The draft resolution is a basis for negotiation and discussions which are now under way with other Security Council members. We hope a consensus can be achieved and that the unity of the Security Council will be preserved.

I had an opportunity to speak to a number of Latin American members — not full members — of the Security Council. The Government will welcome any resolution which endorses the earliest possible restoration of sovereignty to a democratically elected Iraqi Government which gains the requisite support and satisfies the concerns of the UN about the mission in Iraq. I understand that President Chirac said during a press conference that he wants to ensure any force is UN-based and that the UN will be the driving force in the area in the future. This is not very different from what others are saying.

I discussed the issue with President Putin who said that the Americans must be involved

centrally because of the number of their people involved in the area. The UN mandate must be clear. I spoke to the President of Chile at the weekend who made the same point. People are determined to try to get this right for all sorts of reasons, not just because of the difficulties that occurred last year but because of the difficulties after the new interim administration takes up office on 1 July. That administration will have its own pressures and difficulties. The feeling is that it must have autonomy over its decision-making in as far as it is possible, which it must now work on. There is a need for cohesiveness not just on the part of America but of all the others involved in extending the force as time goes on. In the next fortnight or so there must be a consensus on the position the EU is advocating. To go forward without a consensus will result in a continuation of what has been happening for 15 months.

Mr. Rabbitte: I understand this is not the content of the draft resolution. The draft resolution would still have the forces responding to the United States. In regard to control over oil deposits, in particular, the temporary Iraqi Government would not be able to enter into contracts and so on. There appears to be a major difference in this regard. As I am not entirely clear from the Taoiseach's answer where the Irish Government stands on the matter, I would like him to address that issue. I would also like him to address the growing feeling one detects in this country that a majority of people would be much happier if the European Union-United States summit took place in Brussels rather than Ireland. Has the Taoiseach a view on this matter?

The Taoiseach: Our position is that the draft resolution is the basis for negotiation and discussion, not the final resolution. We believe it is necessary to get a consensus on the issue. The position we have been advocating is that a consensus must be achieved and the unity of the Security Council must be preserved. I have made this point during several meetings. We would like to see a resolution which endorses the restoration of sovereignty to a democratically elected Iraqi Government which would gain the requisite support and satisfy the concerns of the UN on its mission in Iraq. This is our stated position. Everyone is putting enormous effort into the negotiations. Everyone one meets is very taxed on the issue. However, if it does not get support, there will be a continuation of the present position. The United States and everyone else must realise that there needs to be support for the draft resolution. If the new interim Government is to work, sovereignty must be restored to it. As it moves towards the elections, which people are determined to have in the spring, it has to act as a sovereign administration. I spoke to Premier Wen when he was here a few weeks ago, I spoke to President Putin, to Chileans and to members of the permanent representatives

3 o'clock

[The Taoiseach.]
and they all say the same thing. I will speak to President Chirac tomorrow.

I answered questions on the second issue before. I am aware of the controversies and difficulties involved. This is an EU summit and the EU is on the agenda. It has always been the case that the summit is held in the country which holds the Presidency and nowhere else. That is the position regardless of difficulty that might arise. People have a right to peaceful demonstration and to express their views, and I have said that for months. It would be wrong of us not to have that summit in this country and I would not contemplate not holding it here.

Mr. Sargent: Is the Taoiseach aware of the considerable concern and unease among many environmental NGOs at the lack of progress being made in the draft constitution on sustainability? Did last month's decision to insert price stability in Article 1(3) take into account the predictions aired on "The News at One" today that oil will cost \$50 a barrel in five to ten years? In the Taoiseach's discussions with colleagues from other member states, is there an awareness that that needs to be confronted, given our reliance on oil and the impossibility of maintaining price stability in that regard? Will he tell the House what has happened to the proposal from Commissioner Wallström on the protocol on sustainability? Has it been pursued or dropped from his discussions with other Heads of State?

In the Taoiseach's discussions with Russia at the EU-Russia summit, was progress made in persuading Russia to sign up to the Kyoto Protocol? It might be wise not to mention Ireland's record on this as it does not give a great example to the Russians.

As it is a concern of many people in this country, what does the Taoiseach feel about the statement of the French Prime Minister that qualified majority voting on taxation is still an open question, given his own views on that? Are his views representative of the EU view in general?

The Taoiseach: The environmental aspects of the treaty have not been opened up since last year. The position has been maintained on everything other than the issue which the Deputy has raised a number of times with me and which I continue to support, the declaration on EURATOM. We have worked particularly with the Austrians on that issue.

Mr. Sargent: Does price stability not have something to do with oil?

The Taoiseach: A request was made last year and earlier this year by Jean Claude Trichet, the President of the European Central Bank, that in the long term price stability should be included as a principle of the economic policies of the Union, as it has been for the past 50 years. It has

nothing to do with oil. The oil issue is an enormous one which is being discussed today at the ECOFIN Council meeting in Brussels. I understand an OPEC meeting will be held this weekend but it is not related to the Constitution.

On Russia, one can only surmise on these matters but I believe President Putin is seriously considering moving on the Kyoto Protocol. He is facing a number of difficulties. There are a number of industries on which, if they were here, we would be 1% non-compliant and Russia would be 100% non-compliant but he is determined to move towards compliance. Russia is examining its position. It faces difficulties but if the Deputy is asking me to guess President Putin's views, I believe he wants to do this because he believes it is the right thing to do. Obviously Russia has a huge trading position because of its emissions and what it would mean to Russia but he appears far more likely to do it than not. The Commission pressed President Putin on the issue and while he did not give a certain answer, he was more forthcoming than I thought he might be. He believes it is the right thing to do and if Russia came in on this it would give the Kyoto Protocol campaign a major boost with the position of the United States. He would be very impressed with what we do here——

Mr. Sargent: Really?

The Taoiseach: ——but let us not compare his energy industry with ours since we hardly have one when one considers his position.

Mr. Sargent: It is worth 29% over 1999——

An Ceann Comhairle: Please, Deputy, allow the Taoiseach to conclude.

The Taoiseach: What was the Deputy's other question?

Mr. Sargent: It was about the French Prime Minister and qualified majority voting.

The Taoiseach: If I have a fixation one way, the French have a fixation the other way. If I leave off my Presidency——

Mr. Sargent: Which is the EU fixation?

The Taoiseach: We have to wait and see.

An Ceann Comhairle: Deputy Sargent, Deputy Ó Snodaigh is waiting to ask a question. You are not entitled to continue to interrupt.

The Taoiseach: It is a major issue. The French will go into discussions arguing that it should be QMV and not unanimity. That is their position. They feel strongly about that. They are supported by others. In regard to the view we advocate, obviously in the Presidency we are trying to be even-handed but when it comes to taxation issues our views are well known and I expressed those

again to Prime Minister Raffarin. The French position does not hold up. I have no doubt I will have another discussion on that tomorrow, but I continue to disagree with that view. I agree that qualified majority voting should be used in the majority of cases but there are a limited number of areas on which we should stay with unanimity. Our view is that tax is one of those and it is a view shared by everyone in this House.

Aengus Ó Snodaigh: I want to raise two issues. First, I welcome the intervention of the Taoiseach on behalf of the three held in Colombia.

An Ceann Comhairle: Deputy, I ask you to confine yourself to questions.

Aengus Ó Snodaigh: I was about to ask the Taoiseach if he would make Deputy Kenny aware of the consensus of human rights groups that nowhere in Colombia is safe for the three men. Can he confirm that is he aware of death threats against the lawyer and the men?

Mr. Kenny: All the more reason they should not have gone there on false passports.

Aengus Ó Snodaigh: On the other issue, in any of his recent EU discussions has the Taoiseach or his colleagues raised the issue of the full official and working status of the Irish language because progress was promised after the Dáil and Seanad passed motions unanimously calling on the Government to avail of the opportunity of Ireland's Presidency of the European Union? What progress has been made, and an mbeidh stádas iomlán ag an Ghaeilge roimh dheireadh Uachtaránacht na hÉireann san Aontas Eorpach?

Has the Taoiseach had discussions with other EU leaders regarding their approach to Iraq during the EU-US Summit given that Britain is an occupying power in Iraq and that this summit will be held here? Will the Taoiseach tell the British and the US Governments to discontinue their brutal occupation, which is illegal and must end, and that Iraq's transition to democracy must be supervised by the United Nations?

The Taoiseach: On the Irish language, we have continued since January and have put forward our positions. We are getting a good hearing on this issue. An interdepartmental group is working on it. We have been trying to improve the position of the language but without going to full status which would create a number of practical difficulties. We will make some progress but I cannot say when.

Enhancing the status of Irish would have implications for the EU translation and interpretation service, which would have to be examined. We are doing that. There may be wider implications for other European languages which are recognised under the EU treaty of regulation of 1958, of which the groups involved in this issue are well aware. A change in the status of Irish would also need to gain unanimous

support from member states. I believe we will achieve an enhancement of the status of Irish. I believe there is support for that. Commissioner Neil Kinnock has been helpful on this issue. We will achieve an enhanced position.

As I said to Deputy Rabbitte, there should be agreement and consensus on the resolution within the Security Council. That cannot be taken for granted. It must be negotiated and it will take a considerable effort. However, it must be done. It is much better that an effort be made behind the scenes. Our ambassador at the United Nations will continue his efforts until a consensus is achieved.

Priority Questions.

Garda Equipment.

37. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the procedures followed in the acquisition of electronic equipment for use by the Garda, in particular the procedures used in acquiring speed detection radar guns which cannot or do not produce a record of their results; the dates on which this equipment was acquired; and if he will make a statement on the matter. [16604/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the Garda Síochána possesses 408 laser speed detection units which were purchased between 1 December 1995 and 8 January 2002. All of these laser speed detection units were purchased strictly in accordance with national and EU public procurement guidelines. In all cases sanction was received from the Government contracts committee and the Department of Finance for their purchase.

A speed detection unit produces a visual measurement of the speed of a vehicle, but does not record this in a form which can be subsequently reproduced. The unit records the speed but does not give rise to a permanent record of it. The garda who detects a speeding offence, using such a unit, intercepts the motorist on the spot and issues a fixed charge notice on which the garda records particulars of the speed measurement.

The Department of Transport is carefully studying a recent case in which the District Court in Cork dismissed a prosecution for speeding where a garda had used a hand-held speed detection unit on the basis that no record was produced by that unit and furnished to the accused person before the commencement of the trial for the offence. The issue arises from the District Court's interpretation of section 21 of the Road Traffic Act 2002. Section 21 of that Act provides that the onus of establishing *prima facie* proof of a constituent of a range of road traffic offences, including speeding, may be discharged by tendering evidence of measurements or other

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indications that were given by electronic or other apparatus, including a camera, and that are contained in a record produced by that apparatus. It further provides that, in proceedings for an offence, a record or a copy of the record shall be *prima facie* evidence of the measurements, and that a copy of the record must be given to the accused before the trial.

The Department of Transport has sought legal advice from the Attorney General on the implications for the use of speed detection units, including the question as to whether a change to the Road Traffic Act is required. If an amendment to the Act is required, I understand that the Minister for Transport is likely to include it in the Road Traffic Bill which is due to be published shortly.

Mr. J. O’Keeffe: The Road Traffic Act 2002 makes it clear that a speed measuring device must issue documentary evidence and that a copy must be given to the accused person. The Minister, in his reply, mentioned that 480 of these radar guns were acquired, apparently prior to the passing of the 2002 Act. Can the Minister give an idea of the cost of those?

Why did the terms of the 2002 Act not conform to the standard of the existing Garda Síochána equipment, or was it envisaged, when the Act was passed, that the equipment would be replaced?

Mr. McDowell: I am not responsible for the legislation to which the Deputy referred. As he rightly pointed out, that legislation was enacted after the equipment had been purchased. I am not conceding the point because I do not wish to throw away the Minister for Transport’s legal case in this matter. As regards the Deputy’s point that the Act does not reflect the nature of the equipment, I must point out that the equipment was in position first. In that regard, one would expect the Act to deal with the reality on the ground rather than the other way round.

I am not in a position to assist the Deputy as regards the cost of the units during the five years. However, I will provide the Deputy with the information at a later stage if he so requires.

Mr. J. O’Keeffe: What we do with taxpayers’ money is relevant when one takes into account the amount spent on unused electronic voting machines.

Given that the legislation was enacted after the Garda Síochána had acquired the equipment, does the Minister accept gardaí have been put in an impossible position? I note the Minister’s expertise in sending a hospital pass to his colleague, the Minister for Transport, who is responsible for the Road Traffic Act. He is passing the ball away from himself. The Minister for Justice, Equality and Law Reform is responsible for the Garda Síochána and, as a result of the enactment of that legislation, it has been put in an impossible situation in that instead

of upholding the law, gardaí are forced to break it as a consequence of the Government’s failure to enact road traffic legislation which conformed to the equipment being used or, alternatively, to provide new equipment which complied with the Act.

Mr. McDowell: I do not wish at this stage to concede the point that the Act has the meaning suggested by the Deputy.

Mr. J. O’Keeffe: It is as plain as daylight.

Mr. McDowell: It may be but I am not here to——

Mr. Durkan: It might not be plain enough.

Mr. J. O’Keeffe: Judge Con O’Leary in Cork was a well-trained lawyer.

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

Mr. McDowell: The Deputy spoke of hospital passes. It would be a large hospital pass for me to concede the correctness or incorrectness of any case which the Minister may be advised to bring to court. I assume Deputy O’Keeffe would agree it would be unfortunate if I were to do so.

I am not side-stepping the issue. The Garda Síochána has certain functions under the Road Traffic Act. This is not the first occasion on which I have had to stress the importance of complete and total consultation between the Garda Síochána and the sponsoring Department of legislation so that situations do not arise, whereby following the event, people ask why this or that was included in the Act. I am not suggesting there was no consultation in this case.

Mr. J. O’Keeffe: Such consultation would have taken place through the Minister?

Mr. McDowell: I agree with the Deputy that if it turns out in court that the position is as suggested by him then, unfortunately, the equipment in use by the Garda at the time the law was changed was not comprehended by the terminology of the statute.

Presidential Visit.

38. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the expected nature and cost of security arrangements required by the planned visit of President Bush; the purpose of visits made by members of the Garda to homes in the Shannon area requesting information on the persons likely to be staying in the houses at the end of June 2004; the purpose to which this information will be put; the legal basis on which this information is being sought; and if he will make a statement on the matter. [16357/04]

Mr. McDowell: For obvious reasons, I am sure the Deputy will appreciate that it would not be

appropriate for me to go into the details of the security measures being put in place in respect of President Bush's visit later this month. The Deputy will appreciate the visit is one of the aspects of Ireland's Presidency of the European Union. It is customary that a meeting between the President of the United States and the holder of the Presidency of the EU take place. Extensive security arrangements are being put in place in the Shannon area. These arrangements involve not only all aspects of the US President's safety and security but also the maintenance of normal life and traffic flow in Shannon.

In this regard, I am informed by the Garda authorities that homes are being visited by members of the Garda Síochána to inform residents of the planned security arrangements and to ascertain what steps may need to be taken to ensure all residents and workers in the area can travel freely during the visit. It is in the interests of residents in the area that a survey of inhabitants take place to ensure they are not inconvenienced by whatever arrangements are put in place.

I am further informed that this information, which is given to the Garda Síochána on a voluntary basis, will be used to ensure the necessary procedures are put in place to ensure that no major inconvenience will be caused to the residents of the localities concerned.

With regard to costs, as the security arrangements are continuing and will continue until the visit is successfully concluded, it is not possible at this time to quantify the expenditure involved. I will be happy to quantify such costs for the Deputy following the event. The visit by President Bush is important nationally and, in the context of Ireland's Presidency of the European Union. Accordingly, any costs involved should be considered part of the normal expenditure required for Ireland to maintain its national and international obligations *vis-à-vis* the United States and the European Union. The arrangements put in place for a visit by a President of the United States do not vary from President to President. We undertake to take good care of a particular President and in that regard put in place any arrangements necessary.

I am satisfied the Garda authorities are progressing security arrangements in a measured and balanced manner having regard to the nature of the visit and the corresponding requirement to minimise disruption to the affected localities.

Mr. Costello: Will the Minister agree there is no popular support for the visit by President Bush to Ireland at this time? The cost of the May Day security arrangements must have been quite extensive given the Minister already declared in this House that some 5,000 gardaí were on duty that day. Given the considerable hostility and opposition to President Bush's visit, will the Minister provide the House with the number of gardaí likely to be on duty during the visit? I will

be happy to submit a question regarding costs at a later date.

What is more sinister is the fact that the Garda Síochána is conducting a survey of every home in the Shannon area. Why is a survey being conducted? If one wants to inform people of the plans and security arrangements for the visit, why not issue them with a circular? It is not necessary that one should survey each occupant of a house. On what legal basis is the survey taking place? For what purpose will the private and sensitive information collected be used? Perhaps the Minister will clarify why a survey, as distinct from the distribution of a circular, is the method by which people are being informed of the arrangements being put in place.

Mr. McDowell: It would be invidious of me to vary the extent of security by reference to the perceived popularity or unpopularity of any foreign visitor or Head of State. As Minister for Justice, Equality and Law Reform, I have a duty to uphold the rights of not just the individual concerned but the Irish people to conduct their international relations in an appropriate manner.

As I stated in my reply, the survey is voluntary. Nobody is being compelled to disclose to the Garda Síochána any information which they do not wish it to have. When putting in place a form of security cordon which encompasses any area in which there are civilian inhabitants going about their ordinary business, surveillance of progress through the area is much easier if the Garda Síochána has available to it a clear picture of who is or is not likely to be in the region at the time, to identify strangers and to facilitate in every possible way the local population by not having to unnecessarily check people out. By exercising a little politeness in advance and doing a little homework, the process will be made less painful for the community concerned.

Mr. Costello: The Minister said at the outset that the normal procedures that take place in respect of every presidential visit are being adhered to. As far as I am aware, this is not the case. What is happening has not happened before. As part of the May Day security activities——

An Ceann Comhairle: The Deputy should ask a brief question because we are running out of time.

Mr. Costello: ——a circular was distributed in Castleknock. Residents were met in other areas, but this is a different area. What will happen to the information being gathered? Is it being put into a computer? Is it being processed in any fashion and who will have access to it? Does the Minister not consider that it would have been better had the normal procedures been adhered to?

Mr. McDowell: Given the circumstances of the operation being put in place by members of the Garda Síochána, it is a gesture of courtesy and politeness on its part to do some homework so the tactics used to uphold security on the ground will not be unnecessarily heavy-handed or unmindful of the wishes of the inhabitants of the area in question. There is nothing sinister about the operation and the Garda Síochána would not make any wrongful use of any information it obtained. On the contrary, it will use the information to facilitate all those involved to the maximum possible extent.

Citizenship Referendum.

39. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform his views on the final observations of the Irish Human Rights Commission on the Government's proposed citizenship referendum. [16359/04]

Mr. McDowell: The Irish Human Rights Commission produced a 32-page document of observations on which it would not be possible for me in the limited time available for parliamentary questions to give a detailed response. I propose to concentrate on the principal points made in those observations.

In summary, the commission asserts that being an Irish citizen makes the enjoyment of human rights in the State certain whereas, for the non-citizen, there is legal uncertainty and possible exclusion from the enjoyment of those rights. I do not accept the soundness of this assertion because its logical conclusion would be that in order to guarantee the protection of the human rights of a non-national present in the State, the State must confer Irish citizenship on every non-national who is in or comes to the State. This is a patently unacceptable proposition.

In publishing this assertion, the commission has not identified any respect in which the protections afforded by Irish law for the fundamental human rights of a non-national within the State would be diminished, either because that person is a non-national, or because that person would be affected by the acceptance of the referendum proposal. When I first saw the aforementioned arguments sketched out in an initial response by the commission I said they were weak, tendentious and fanciful. My view has not changed. The arguments have not been fleshed out in a way that would give them any greater weight, although they have greater size in the 32-page document.

The commission also asserts erroneously that the referendum proposal may be inconsistent with the State's obligations under the UN Convention on the Rights of the Child, which Ireland ratified in 1992. The referendum proposal is that the Oireachtas be given power to determine by legislation the future acquisition and loss of citizenship of a class of persons born in the State to parents neither of whom was an Irish citizen or was entitled to be an Irish citizen

at the time of the child's birth. The proposal, if accepted, will restore in part the position that prevailed at the time of Irish ratification of that convention, a position in which the Oireachtas had power to make such legislation in respect of all classes of persons whether born in Ireland or not. If the present proposal were inconsistent with the UN Convention on the Rights of the Child, then so would have been the Irish constitutional position that we ratified in 1992. However, that was clearly not the case. Accordingly, I reject this second assertion also.

Additional information not given on the floor of the House

The commission acknowledges that there is an inconsistency between the British-Irish Agreement, at Article 1(vi) and Annex 2, and the wording of Article 2 of the Constitution which was included in the multi-party agreement at Annex 1 to the British-Irish Agreement. The commission's observations do not appear to take proper account of the joint interpretative declaration made on 21 April last by the two Governments, whereby they acknowledge that it was not their intention in making the British-Irish Agreement that it should impose on either Government any obligation to confer citizenship on persons born in any part of Ireland whose parents do not have a sufficient connection with the island of Ireland and that the proposed constitutional change was not an amendment of the British-Irish Agreement.

I remind the House that I have asked the commission for its observations on the draft implementing legislation published by the Government in conjunction with the referendum proposal. This is the legislation that will follow in the event of a "Yes" vote in the referendum. I am anxious to ensure that the commission's observations in due course on that draft legislation will inform the debate on the implementing legislation.

Aengus Ó Snodaigh: I could not expect the Minister to give a full answer to the document which, in its entirety, concluded that the data on which the Government has relied to date are totally insufficient to allow anybody to infer the motives of non-nationals giving birth in Ireland. The document also concluded that the Government had not given sufficient consideration to the future constitutional protections of children born in this State whose parents are not Irish citizens. Moreover, it points out that the Government has failed to demonstrate that the interest of the child has been fully considered or that the proposal will not lead to discrimination in the enjoyment of rights or that it will not be applied in a discriminatory fashion. It is obliged to demonstrate this under international law.

Will the Minister clarify whether he regards the Human Rights Commission as a ginger group, given the terms he used to denigrate another

credible statutory body last week? Does he believe human rights will lead to feudalism?

Will the Minister comment on the detailed analysis of the Children's Rights Alliance, bearing in mind that I do not expect him to give a detailed response as it is 34 pages long? The alliance's conclusions support not only those of the Human Rights Commission but also the views of those of us who identified problems and asked questions in respect of the referendum proposal and its motives.

Mr. McDowell: Implicit in the Deputy's line of argument is that a child who came into this country with his non-national parents and who is in a playground standing beside a young Irish child born to Irish parents has different fundamental protections under our Constitution than the other child. I reject that suggestion. Despite the 32-page document and the conclusions of the Children's Rights Alliance, not one credible argument has been forwarded to support the suggestion. If we believed that a child of non-national parents, who itself is a non-national, had fewer fundamental rights and freedoms under the Constitution than an Irish child born to Irish parents, we would be under an obligation to reform the whole Constitution to extend the rights of the child born to Irish parents to every person within the State. It is very strange that this argument was never addressed to us by the Human Rights Commission until this referendum was proposed.

Deputy Ó Snodaigh made the slightly irrelevant but nonetheless timely remark that I had somehow denigrated the Equality Authority. I did not do so. I said the Equality Authority was both a statutory body and a ginger group. By the term ginger group, I meant, in a most uncritical way, a body whose job it is to formulate ideas and make proposals ahead of the consensus of a society in order to advance the debate. That is a fair description of what the Equality Authority has done in respect of many matters.

By statute, both the Human Rights Commission and the Equality Authority are independent institutions. It would be remarkable, therefore, if all their opinions were shared by a Minister automatically. On this occasion, I say respectfully to the Human Rights Commission that I believe its arguments are not substantial. It came as a disappointment to me that it did not consult my Department on any of these issues before it advanced its 32-page document. I felt it was a bit unworthy that a number of its leading members went into print in advance of the consideration by that commission of the issues on a collective basis.

Freedom of Information.

40. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the procedures employed in his Department in the processing of requests under the Freedom of Information Acts from the date of receipt of a request to the date

of supplying the information or declining to supply; if he, his advisers or other persons within his private office have sight of, are notified of or have their attention drawn to such requests or to information being released pursuant to such requests; and if he will make a statement on the matter. [16606/04]

Mr. McDowell: The procedures followed by my Department in the processing of Freedom of Information requests are as governed by the provisions of the Freedom of Information Acts 1997 and 2003. When a freedom of information request is received by the Department, the request is acknowledged in writing not later than ten working days after receipt of the request. The letter of acknowledgement also notifies the requester of the Department's statutory responsibility to issue a decision within 20 working days of receipt of the request. In circumstances where a request is deemed non-personal, an application fee of €15 is imposed. A freedom of information file is prepared in the freedom of information unit, details of which are recorded on the freedom of information database, and the file is forwarded to the relevant deciding officer, normally at assistant principal officer rank within the Department. In instances where the request covers more than one division of the Department, a freedom of information file issues to each relevant deciding officer for decision.

Assuming the request is sufficiently clear to avoid a requirement for clarification, the deciding officer, upon receipt of the freedom of information file, will proceed to undertake a search and retrieval in respect of the relevant records. Section 47 (1) of the Freedom of Information Act 1997 provides that a charge may be imposed in respect of an undertaking for the search and retrieval of non-personal documents. The deciding officer will complete a schedule of documents, detailing the records considered under the freedom of information request and will decide on the release or non-release of each record, stating whether the request is granted, part-granted or refused.

In cases where records are part-granted or refused, the requester is provided with the relevant legislative provisions under which the records are withheld. The file is then returned to the FOI unit where the decision is documented and issued to the requester. The requester is notified of a right of appeal within the Department as outlined in the Act. The appeal is conducted by a principal officer within the Department who will undertake an independent review of the request. Upon receipt of the appeal decision the requester is afforded a further right of appeal to the Information Commissioner.

Where a request is submitted in respect of records directly held by my office, my officials will bring the matter to my attention so that both I and my office can fully comply with the requirements of the Act. There are also many circumstances in which correspondence relating

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to a specific area of my Department will be addressed directly to me as Minister or to my office. Any such correspondence is acknowledged in my office and passed to the relevant division for its attention. In such circumstances, a record will have been created in my office and may therefore be subject to the provisions of the Act. Should access to any such records be sought, the procedures in place are as I have described.

As a matter of good administrative practice, FOI requests in respect of documentation held in my Department, which upon release is likely to give rise to significant public comment, are brought to the attention of my office so that I too can be informed that the request has been made and how it is being processed.

Mr. J. O’Keeffe: The Minister sets out fairly rigorous procedures that are in place to ensure FOI requests are handled with great propriety. However, the central aspect of my question was whether the Minister or his advisers filter information before it is released. I am thinking in particular of a request filed by my party leader, Deputy Kenny, on 11 March seeking the minutes of the Minister’s meeting with the masters of the maternity hospitals. After a delay beyond the 21 working days in issuing the information, it was given to a journalist, Sam Smyth, before the FOI documentation was released to Deputy Kenny.

Will the Minister not accept that this raises serious questions about the impartial operation of the Freedom of Information Act in his Department? Will he not accept that to an outside person it appears that the handling of Freedom of Information Act requests in his Department is being politicised by him?

Mr. McDowell: On the contrary, a request for information under the Freedom of Information Act does not bind the Minister not to release that information to any other person before the request is dealt with. There is no monopoly on information under the Freedom of Information Act. I know some Ministers have made a habit of releasing such information to everybody if one person asks for it except in the case of personal information. The Deputy’s view of the matter is misconceived. It is perfectly open to a Minister to release information even though it is the subject of a request under the Freedom of Information Act, and to act on it and make use of it in any way the Minister requires or believes is proper. A request for information under the Freedom of Information Act does not of itself somehow mark off that information as only to be released to the person requesting it.

Mr. J. O’Keeffe: Does the Minister not accept that it seems to be his policy to politicise requests under the Freedom of Information Act, which clearly was not the intention of the Act? Does he not accept that in this case the furnishing of the information was delayed, deliberately or

otherwise and that just before it was released in response to the request it was released apparently deliberately by the Minister to Sam Smyth of the *Irish Independent*? Was this done to reduce its political impact or was it a coincidence that accompanying the information publicised by Sam Smyth was an article which bent over backwards in its understanding of the Minister’s position and in its praise for his efforts in handling the referendum?

Is the Minister telling us in a barefaced way that he stands over this approach on his part? No blame attaches to Sam Smyth. If information is slipped to him of course he will use it. Is this the Minister’s understanding of how this Act should operate? Is this how he will operate it in the future? Will he try to milk any requests lodged under the Freedom of Information Act for his own political gain? Will he not accept that is totally contrary to the entire spirit and to some extent the letter of the Act?

Mr. McDowell: I accept none of those propositions. It is perfectly reasonable to put important information, which is about to be released, into the hands of somebody who will be objective about it rather than put it in the hands of somebody who will make political use of it. Far from politicising the process, by handing it to an independent journalist rather than to a political opponent, the public is much more likely to get a fair-minded view of the matter than is suggested.

Mr. J. O’Keeffe: On the basis that he would praise the Minister. That is outrageous.

Mr. McDowell: There is a misconception, particularly among Opposition Deputies, that if they make a freedom of information request they will be the first to receive the information and that nobody else will receive the information, so that they can put the first spin on it and hunt through it for the bits of it they want to release to put the worst possible complexion on any matter.

Mr. J. O’Keeffe: Why did the Minister not put it on the Department’s website instead of giving it to Sam Smyth?

Mr. McDowell: I am very sorry to say that I do not play a naïve game of politics like that. While I play a robust game in politics, I will not enable my opponents to spin against me without having at least the opportunity to put my side of the story into the public domain.

Mr. J. O’Keeffe: We know where we stand for the future.

Mr. McDowell: I will uphold the rights of a free and independent press wherever necessary.

Mr. J. O’Keeffe: God help us. I am glad he has gone off the idea of a controlling press council.

Computerisation Programme.

41. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform if he has plans to make available to the Garda a geographical information system, crime mapping system, his views on the operation to date of the PULSE system; and if he will make a statement on the matter. [16350/04]

Mr. McDowell: I am advised by the Garda Síochána that it is examining the costs and benefits of developing spatial information functionality as an extension to the PULSE system. When this has been done, the merits of developing such a system will be considered alongside other information systems priorities. In this regard, my Department has recently given approval to the Garda authorities to carry out an information and communications technology strategy for the period 2004-09. I expect that the development of a spatial information system will be considered with all the other Garda requirements as part of the study.

The operation of the PULSE system has provided the Garda Síochána with unprecedented support in its operational and strategic roles. Travelling around the country from time to time, one hears criticism of the system. However, it is improving substantially. PULSE provides a co-ordinated system, which is far superior to anything that came before it and has replaced a range of older computer and paper-based systems to enable on-line access to information thereby maximising its use throughout the Garda organisation.

The final release of the system has been rolled out to the Garda organisation in recent months and is now complete. On my trips around the country I have noticed training sessions in progress in which members of the force are being brought up to speed with the last release of the system. This release provides new functionality in a number of areas, including warrants, driver licence and insurance production, bail sign-on, electoral register for checking addresses etc., crime notification systems and domestic violence orders.

Over the coming years further systems will be implemented in the Garda Síochána which will be linked to PULSE and will leverage further benefits from the system. This ensures a co-ordinated approach is adopted for future developments and ensures that so-called "islands of information", which presented a problem in the past, are eliminated.

Mr. Cuffe: My question was prompted by a concern that the latest systems for detecting and solving crime were not being utilised or made available to the Garda, which is confirmed by the Minister's answer. I assume the Minister is aware that the radio systems in use by the Garda are on the verge of collapse. I am sure he is aware that Michael Kirby, head of the GRA, has said that

the system of inservice training is inadequate and in some cases non-existent.

It is curious that we are now only examining the possibilities for a GIS, when in the US many states and cities, such as New York, have been using geographical information systems for up to a decade and such systems are enormously successful in detecting and solving crime by allowing the force to map crimes on an hourly, daily or weekly basis and apply the resources where the need is greatest. Should we not introduce this kind of information technology forthwith rather than commissioning yet another study on it? When does the Minister intend to allow the Garda to move forward with technology and in many cases to make the leap from the 19th to the 21st century? Will the Minister consider allowing the force to proceed with a geographic information system now rather than waiting to permit the commissioning of yet another consultancy report on the issue?

Mr. McDowell: The Garda radio network is the subject of a later question and I do not want to trespass too much on another Member's business. A proposal to roll out a €100 million to €200 million digital radio network for the Garda is under consideration and a pilot project has already been conducted. I am addressing the issue head-on.

Mr. Cuffe: Does the Minister concede that the current system is on the verge of collapse?

Mr. McDowell: I do not concede that. It is technologically poor by reference to the capability of a proper digital system. As Minister, I am facing head-on the issue of the introduction of a digital radio communications network for the Garda. The necessary resources will be substantial and it will require considerable effort to ensure that whatever system we chose is the right one and economical. The same arguments apply to geographic information systems and crime. While there are systems available, they must be compatible with PULSE. There is no point in having an island of information. To make a system compatible without compromising the PULSE system, slowing its use or making it more difficult to access and operate, I must undertake an advance study. Any added capacity through a stand-alone or more fully integrated system linked to PULSE must not prove counterproductive.

While it is of assistance to provide information pictorially on a map to show where crimes are occurring, the importance of such a system should not be exaggerated. While it would allow one to see that a rash of murders had happened in a particular area, this could also be accomplished without electronics if it were considered useful. I would not exaggerate the usefulness of a pictorial depiction of the spatial distribution of crime as an aid to policing. If gardaí in Donnybrook station knew there were ten burglaries in Leeson Street,

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seeing the information depicted on a map would not change the matter dramatically. They would know it anyway.

Any system must be used properly and in a way which provides additional value to the Garda. It should not be an elaborate toy. I believe in a common sense approach. I want to ensure that if we spend large sums of money on a pictorial and geographical system, it is not simply to produce pieces of paper which can be waved around in public but which do not add very much to the efficacy of policing. Different circumstances exist here to those in the United States of America which is a highly mobile society. It is useful, particularly with regard to inter-state crime, for various police forces, of which as the Deputy knows there are a number in the USA, to be able to examine geographical patterns of crime. US police forces exist in information islands and the sharing of spatial information is important to them.

Mr. Cuffe: Will the Minister consider a pilot project in the Dublin metropolitan area?

Mr. McDowell: I imagine that as part of the strategy for 2004 to 2009, a pilot programme to evaluate spatial technology will probably be deployed.

Other Questions.

Road Safety.

42. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform when he intends to roll out fixed speed cameras; and if he will make a statement on the matter. [15816/04]

Mr. McDowell: I am strongly of the view that some non-core functions carried out by gardaí could just as effectively be carried out by persons without full Garda powers. This is especially true of some aspects of the enforcement of road safety. The current provisions of the Road Traffic Acts specify that certain elements of the administration of its provisions should be carried out by members of the Garda, including the utilisation of cameras to detect speeding. Towards the end of 2003 and following consultations with the Garda Commissioner and my colleague the Minister for Transport, Deputy Brennan, I established a working group to examine what scope existed to outsource the installation and operation of speed cameras. The group is chaired by my Department and comprises its representatives as well as those of the Garda Síochána, the Department of Transport and the National Roads Authority.

As part of its work, the group is considering what elements of speed detection might be outsourced, how camera sites should be chosen, what legislative changes are necessary to enable

this to happen and how the financing of such a venture might be structured. The criteria by which camera sites will be chosen is of crucial importance. I understand that the Garda will continue to play a central, supervisory role in this regard. The working group will make recommendations on how to ensure public support for the new regime to prevent it being seen by people as a revenue generation racket. The group will draw on the considerable expertise of the National Safety Council to achieve this.

It seems likely that the emphasis will be on mobile camera devices rather than on fixed sites consisting of grey boxes on poles. This will facilitate a speedier and more flexible response to monitoring locations of particular concern. Outsourcing the installation and operation of speed cameras will require legislative change. Members of the working group have been involved in work on the road traffic Bill being prepared by the Minister for Transport. The Bill will provide for non-Garda involvement in the operation of speed cameras. Its preparation is well advanced and the Minister for Transport hopes to bring it before the Houses of the Oireachtas during this session.

I am informed that the working group is continuing its detailed examination of the issues involved. At issue is a fundamentally new approach. Deputy Jim O'Keeffe will appreciate that it is vital to take the time to get the system right, especially in view of our earlier discussion of where things may have gone wrong.

Mr. J. O'Keeffe: What is the position on fixed speed cameras? I presume the same law will apply to them as applies to hand-held radar detection guns and that operators will be obliged to carry a document which can be shown to an accused person. Who would hand the document over and what procedures will be put in place from that point of view? Have any fixed speed cameras been purchased and employed or are we starting afresh with procedures to be put in place following the report of the working group? What costings are involved? Will the Minister provide the House with more practical details of the proposals? He might also indicate the expected timeframe.

Mr. McDowell: I do not wish to anticipate the results of the working group's studies. By definition, fixed grey-box speed cameras produce a record of the kind in question. As there is no garda sitting inside the box, whatever it produces must constitute a record of a car and its speed. Nobody else is there to witness an offence. While the record is not furnished on the spot to the motorist, it is furnished at a later point to the registered owner of the car with the usual request where he or she was not the driver at the time of the offence to identify the driver or to accept responsibility and pay the penalty.

Deputy Jim O'Keeffe asked about costs. Mobile cameras are much more flexible in their operation. A number of commercial concerns have shown me their wares in an effort to interest me in the matter and I can inform the Deputy that a wide variety of technologies are available. There are a significant number of commercial operators with systems to offer.

Mr. J. O'Keeffe: At what cost?

Mr. McDowell: I am not in a position to state what the costs would be. It would be unwise to do so as there will eventually be some form of tendering process.

Mr. J. O'Keeffe: I am interested in being given a ballpark idea of the kind of money which will be involved. I understand the Garda already has 480 of the hand-held devices known as hairdryers which apparently do not comply with legislation subsequently passed to apply to them. That is a separate issue.

If the Minister's colleague, the Minister for Transport, proposes to provide fixed speed cameras, I would like to be given some idea of the sums being talked about, the number of devices in question and the proposed date of their introduction. There should be a proper arrangement between the Ministers on this matter. The issue of speed cameras is up in the air while there is dreadful carnage on the roads. The public wants to know when an effective system which complies fully with the law will be put in place.

Mr. McDowell: This is the responsibility of my colleague, the Minister, Deputy Brennan. I am not passing the buck or trying to abdicate responsibility but, as far as the legislation is involved, responsibility for developing policy and choosing different systems rests primarily with the Department of Transport. It used to lie with the Department for the Environment, Heritage and Local Government. I agree with the Deputy that there should be full co-operation between the Garda and the relevant office of the Department of Transport so that there are no cracks in the floor boards through which things would fall, and that legislation is fully compatible with practice and what is practicable in any case so that it is not driven from a theoretical point of view which excludes practical experience.

The Garda Commissioner has pledged complete involvement and support for the reforming legislation of the Minister, Deputy Brennan, in this area. The type of cameras to be used depends on the system chosen by the Department of Transport. It will not be chosen exclusively by my Department or by the Garda. I am not in a position to elaborate further. We must put in place a durable and flexible statutory basis for the operation of these systems and for

their outsourcing so that the system does not fall foul of rigidities in the legislation which are unnecessary in the first place.

Prison Building Programme.

43. **Ms Burton** asked the Minister for Justice, Equality and Law Reform if he has made a decision on the expressions of interest in the construction of a new prison in a greenfield site close to Dublin to replace Mountjoy Prison, which he told Dáil Éireann he expected to make by the end of March 2004; when he will announce a decision on the matter; and if he will make a statement on the matter. [16305/04]

Mr. McDowell: The Office of Public Works was asked earlier this year to assist in the identification of possible sites for a complex to replace the current prison facilities centred around Mountjoy Prison. The Office of Public Works subsequently made inquiries which included the placing of advertisements in the national press and, arising from this process, approximately 30 potential sites have been submitted for consideration.

In view of the importance of identifying the most appropriate site and in the light of the large number of potential sites, I have decided to establish an expert group, chaired by my Department with input from the Office of Public Works and the Irish Prison Service, to examine the potential sites on the basis of comprehensive and objective criteria and to report back to me. I propose to await the results of the considerations of this group before proceeding further.

This is a priority of mine and I am establishing the group with a view to speeding up the process rather than slowing it down. This project is long overdue and needs to be progressed energetically. The new prison campus holds open the prospect of a much enhanced prison infrastructure for Dublin city and of much better facilities for prisoners, along with better working conditions for prison officers and a much more civilised prison regime.

I look forward to early results from the expert group and to the selection of a site so that the process can begin. It will clearly not be a city centre site because that no longer makes economic sense. Recreational space is needed and the prison needs to be away from places where drugs might be thrown in over walls. It will be outside Dublin and must be accessible to motorway transport. That narrows the field to some extent. We are operating on the basis that the prison campus would need to be extended to between 80 and 100 acres to accommodate the range of institutions and service support facilities required for a modern facility of that kind.

Mr. Costello: I am not clear what is intended by the Minister. Could he clarify matters? He said he intended to make a decision by the end of March yet he is now setting up an expert group which presumably will have an open-ended

[Mr. Costello.]
timeframe in which to report. When is it likely to make its report? Does the Minister intend to demolish Mountjoy men's prison, Saint Patrick's juvenile institution, the training unit, the women's prison and Mountjoy Garda station? Will all that go in one fell swoop to deprive the entire area of the penal and Garda facilities? Is it intended to demolish the entire structure? There is a good deal of concern about this given that Mountjoy Prison is 150 years old. It has been home to patriots and poets and has many architectural, historical and heritage characteristics. All that must be taken into consideration.

Regarding greenfield sites, there are considerations for families travelling there. Mountjoy Prison is adjacent to the city centre, so there is a major consideration regarding the new prison in terms of public transport. There are not many areas of north Dublin easily accessible by public transport. The situation is not much better on the south side.

Mr. McDowell: I detect a certain reluctance on the part of Deputy Costello to see this change take place. If I thought for a minute that it made sense to continue developing the city centre location as a prison site, I would have found that much more convenient, but it is not acceptable. It is not possible to provide a proper modern prison on the Mountjoy site with all the necessary medical and other facilities which a proper prison complex should have.

The Deputy asked if it is intended to have the training unit, St. Patrick's Institution, the women's prison and the Mountjoy Garda station included in the property disposal. It is the initial intention to dispose of all of these. The Deputy asked what would happen to the historic buildings there. I have seen one figurative redevelopment scheme which was prepared with a view to ascertaining the value of the site, in which a number of the landmark aspects of the prison were preserved as architectural features of a re-development which included water spaces and so on, along with an attractive apartment complex. The Deputy should look forward to that as an enhancement of his constituency rather than anything else.

Regarding the possibility of preserving the entire prison on the basis that it is 150 years old, we cannot preserve all our prisons as museums. Kilmainham Gaol is a magnificent facility in terms of a preserved prison, but we do not need to have two competing museum prisons in Dublin. Individual features of Mountjoy Prison might have an architectural or historic interest. One of those has been mentioned, namely, the gallows and the building in which it is housed. Some might think this macabre but others may think it of huge significance. We will address these issues later. Many Irish patriots gave their lives for this country in that place and it would be sad if it were simply demolished and cleared away as builders' rubble.

Mr. J. O'Keeffe: I take it that the Minister is not flying blind financially. Will he give us some idea of the guidelines he has on costings? Even on a ballpark basis, what value would be placed on the Mountjoy complex in terms of redevelopment? What sort of costings are involved for building the new structure? Size is clearly relevant. How many prison places has the Minister in mind? What sort of ballpark figure is involved? Will the Minister give some indication of the possible sites? He said he is restricted because of the need to have sufficient space for security and other reasons. Has he a list of possible locations for the new prison? How long will all this work take?

Mr. McDowell: Regarding the timescale, I aim to make an early decision on this project. We have under consideration approximately 30 sites proffered by their current owners. Some of these appear to be suitable for our purpose. I do not propose to publish this list for the obvious reason that these people have tendered their land in confidence and have indicated prices.

Mr. J. O'Keeffe: Are they all in County Dublin?

Mr. McDowell: They are all within easy access of Dublin city.

Mr. Costello: Are any in Dublin 4?

Mr. McDowell: What was Deputy O'Keeffe's other question?

Mr. J. O'Keeffe: I am interested in the cost.

Mr. McDowell: While it is difficult to put an exact value on the complex of buildings at Mountjoy in the context of redevelopment, I imagine it is somewhere between €40 million and €80 million. The cost of acquiring the land for a new premises would be possibly between €7 million and €15 million in current use terms.

Mr. J. O'Keeffe: What of the new buildings?

Mr. McDowell: Depending on what is built, the new buildings would cost approximately €100 million to €120 million.

Mr. J. O'Keeffe: How many beds would there be?

Mr. McDowell: It depends on how many cell spaces are put into the prison and its exact configuration. While I am not in a position to give an exact number at this stage, it would be substantially larger accommodation.

There is also the question of the Dóchas women's centre, which is a high quality facility but grossly inadequate in terms of capacity for the needs for which it was established. I am sorry to say the goals of the facility were overly optimistic even relatively recently. It is important

to emphasise that I have no intention of downgrading or producing a facility which is of lower quality than that in place at present. An equivalent women's institution of an equivalent architectural quality would cost a significant amount of money to build. We must generate a public private partnership model for this. A design, build and finance model, including maintenance for a period, is what we have in mind to ensure we get good quality. The facility would be one which would be affordable within the prisons capital and current programme, which is substantial at present.

These issues will be fleshed out in the near future. There are other questions such as ancillary medical supports.

Mr. Costello: The Minister has taken much time to deal with this issue.

Mr. McDowell: I am sorry. However, I wish to point out that there are questions surrounding the improvement of ancillary medical services.

Mr. J. O'Keeffe: Who would run it?

An Ceann Comhairle: Since I entered the House today, Deputy O'Keeffe is the only one who has been asking unscheduled supplementary questions.

Mr. J. O'Keeffe: They were five second, genuine inquiries.

An Ceann Comhairle: As Deputies Costello and Ó Snodaigh are offering, I will take a supplementary question from each of them.

Mr. McDowell: The Prison Service will continue to run the facility as long as that is economically possible.

Mr. Costello: When the capital punishment legislation was going through in 1990, the then Minister for Justice, Mr. Ray Burke, agreed with me that the hangman's cells would be transferred to the National Museum. Will the Minister consider this?

Aengus Ó Snodaigh: With regard to Question No. 43, has consideration been given to the building of the new criminal courts complex close to this huge new prison which the Minister plans? While he said there will be motorway access to the prison, will there be public transport access of the type required?

Mr. McDowell: The execution shed at Mountjoy is a place where people sacrificed their lives for this country and where many brave people died for the creation of an independent Ireland. The Deputy has suggested one possible location for it. Another possibility would be to relocate it to Kilmainham.

Deputy Ó Snodaigh's question trenches on the next question, which I do not want to anticipate.

It would be better to leave the issue until the next question.

Aengus Ó Snodaigh: Will there be a court facility?

Mr. McDowell: There will be some form of transport.

Adjournment Debate Matters.

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Michael D. Higgins — the circumstances in which a family (details supplied) have been deprived of rent allowance, food allowance and necessary medical benefit; (2) Deputy Ó Caoláin — the need for the Minister for the Environment and Local Government to carry out an immediate assessment of the environmental damage to flora, fauna and landscape in the massive fire which broke out on 23 May at Bragan, County Monaghan; and (3) Deputy Connolly — the need to discuss the impact of underfunding in the North Eastern Health Board area.

The matters raised by the Deputies Connolly, Ó Caoláin and Michael D. Higgins have been selected for discussion.

Leaders' Questions.

Mr. Kenny: In recent weeks, the people's confidence in banks, especially Allied Irish Banks, has been rocked. We have experienced a drip-feed of stories involving overcharging, dodgy dealing and tax evasion. This latest catalogue of scandals comes to us from a bank that was bailed out by the taxpayer in the 1980s and was at the heart of the bogus non-resident accounts scandal exposed by the Committee of Public Accounts, chaired by the late Deputy Jim Mitchell.

Every time this bank has been embroiled in a scandal, we are told it is all in the past and that the culture is different now. Every time this bank is caught playing fast and loose with the laws of the land, we are told that those involved are no longer with the bank and that things are different. How can the plain people and the business people of Ireland have confidence that this will be the last scandal to hit this bank? How can the customers of Allied Irish Banks, who never get to benefit from sweetheart deals and perks, are charged for every transaction and pay for every service through the nose, believe nothing more is to come? How can the 25,000 staff of AIB, the vast majority of whom do their work exceptionally well, have confidence in their employer?

The culture of greed and low standards which spawned this and which these scandals now reveal is reminiscent of the culture that permeated Fianna Fáil in Government many years ago. Every time a scandal broke in that party, we were

[Mr. Kenny.]

told that the events had happened years before. We were told that that was then and this is now and that things had changed. However, despite the establishment of a number of tribunals aimed at exposing corruption and low standards in political life, we have made slow progress in restoring confidence to the political process.

What assurances can the Taoiseach give that this culture of sleaze and greed will be eradicated from the banking sector once and for all? Is the Taoiseach satisfied that the regulatory bodies involved have the capacity to restore confidence to consumers and to the international community so that everybody will understand that we will put an end to this? If it happened elsewhere, people would be in handcuffs and being interviewed.

The Taoiseach: Deputy Kenny has outlined a number of facts. There is no point in my talking about the facts because I have already done so. The Deputy is correct that we have had a series of announcements from Allied Irish Banks and the Irish Financial Services Regulatory Authority, IFSRA, which cover a range of matters from foreign exchange charges to the transactions of AIBIM in the early 1990s. Lapses of control and improper practices of this kind are clearly unacceptable. Every bank has a duty to ensure that regulations are complied with and that its clients' money is handled appropriately.

IFSRA is involved in substantial investigation of Faldor and the foreign exchange overcharging matters. While we should await the investigation before drawing final conclusions, many of the issues raised by Deputy Kenny in this regard are facts. I have already stated that I believe customers must be recompensed, systems must be fixed and all the regulatory authorities informed, and that I want disciplinary matters pursued in regard to any offences committed. It is essential this happens.

IFSRA is determined that the highest standards must apply in financial institutions. If issues of general culture or compliance practice need to be investigated and corrected in any other institution, this will also have to be done.

Last year in this House the Central Bank and Financial Services Authority of Ireland Act radically changed the structure of financial supervision in the State. It established IFSRA, bringing together a range of supervisory functions that were previously spread over four separate institutions. It also made for better arrangements for co-operation between regulatory bodies such as IFSRA and the Revenue Commissioners and we are seeing the fruits of this in recent events. Report Stage of a further Bill will resume in this House today to make available to IFSRA a more comprehensive set of penalties which can be applied in appropriate cases as well as giving the regulator considerable powers to require compliance statements from financial institutions. These statements are required in addition to those following recent changes to company law.

The Director of Corporate Enforcement will also carry out investigations.

The Central Bank and Financial Services Authority of Ireland Bill before the House today will add to consumer protection, establishing for the first time a statutory financial services ombudsman scheme and consultative panels to allow IFSRA to consult consumer as well as industry interests more easily. New offence provisions have been added to the Bill for bank charges.

IFSRA and the Government have been active in carrying out their respective roles in the financial system. It has been necessary to do that, although it is a pity that is the case. It is also important that we continue to be progressive in ensuring that regulations in other financial sectors are properly monitored.

Mr. Kenny: I share the view of the Taoiseach and the Government that it is necessary for the banking system in this country to be above reproach and be seen to be so in the context of our international financial reputation. Out of all the drip feed of stories in the past week, the last semblance of hope comes from a person with whom I worked in Government, who is now chairman of AIB Bank, Mr. Dermot Gleeson, whom I always found to be a man of total integrity.

The Taoiseach referred to the inquiries being carried out by IFSRA, the Revenue Commissioners and the Director of Corporate Enforcement into AIB Bank. There was a time when the Central Bank operated on a prudential base, only inquiring into a bank's solvency. Is the Taoiseach happy now that the necessary correlation exists between these investigations in terms of sharing information and making progress? Will he consider the appointment of a Minister of State or senior Minister, such as the Minister for Finance or the Minister for Enterprise, Trade and Employment, to correlate the investigations so we can get to the bottom of this as quickly as possible? It would be in everyone's interests and would keep the financial reputation of the country intact.

Does the Taoiseach agree it is late in the day for the Revenue Commissioners and the Director of Corporate Enforcement to initiate their inquiries? Does he have any idea from his discussions at Government level how long this will take? I share with the Taoiseach the view that as a trading nation, we must not be damaged from this perspective.

The Taoiseach: Mr. Gleeson and previous holders of his position are people of outstanding probity and credibility who do their best to ensure these things do not happen. Unfortunately, people do not do what we expect them to do within the normal standards of business. That is the disappointment, we would expect more of many of the people involved in these issues at different levels. It is not always the

case that the people at the top or on the boards can keep track of everything. All of them will now use IFSRA, the Central Bank and the Director of Corporate Enforcement to look for things they did not think would happen and they will do their utmost to stop them.

I would like to be able to say that, because we have introduced much legislation in this area, every malpractice in the financial sector can be fully controlled, but the Deputy knows I cannot give that promise because there is always someone who finds another way around these issues, that is how these things happen. Obviously, the investigations will be of help but in some of these cases wise people know where bodies are buried and it is not easy for regulatory bodies to find them. It is important, however, that all powers and controls, as far as is possible, are used.

I have noticed in the past few days that some people outside the State have been gleeful about some of these things. Apart from these issues, however, I believe that we have a good financial system. We cannot say it is perfect but there are many good people who work hard to make it what it is and I hope we can correct these issues and not let a few people do damage to a valuable Irish industry.

Mr. Rabbitte: IFSRA, the Revenue Commissioners and the Director of Corporate Enforcement have separate inquiries under way. Will the Taoiseach assure the House and the public that information will be shared between these three distinct and separate inquiries?

IFSRA is under no obligation to make its findings public, the Revenue Commissioners will not do so and the Director of Corporate Enforcement is likely to confine himself to breaches of company law. Does the Taoiseach accept that the public will not accept a situation where some secret settlements are entered into in a matter as grave as this?

I point to the record on this. Since DIRT was a self-assessment tax, the bank was legally complicit in evasion but the Government took no action to cause it to be prosecuted. It made a monetary settlement and there was no prosecution. Will the recommendation of the Committee of Public Accounts, that "the Government consider the imposition of a levy on the financial institutions the proceeds of which to go towards the funding of the Foundation for Investing in Communities", now be implemented? Does the Taoiseach think it appropriate that there should be a surcharge?

People do not believe they are equal before the law. The window cleaner who had a part-time job and was drawing social welfare is screwed to the ground until he pays back the social welfare, even if he is only employed on a part-time basis. That does not apply here. One of the reasons it does not apply is that many years after €700 million was recouped by the DIRT inquiry, when George

Lee and Charlie Bird broke the NIB story, the Minister for Finance said:

The sums uncovered are very small in the context of the level of tax paid each year, so I think you need to put it in context. It is an insult to the vast majority of tax payers to say that tax evasion is widespread.... So these things should be borne in mind, rather than people going off half-cocked and making ridiculous and outlandish allegations, both against the Revenue Commissions and against other people as well.

That was the culture and the Minister for Finance was easy with it. There was no prosecution of the bank when it was legally complicit in the evasion of DIRT, but if a window cleaner works in the black economy, he is nailed to the back of the door until he repays the money secured in social welfare.

The Taoiseach: On the different investigations, last year there was a radical overhaul of the institutional structures for financial services regulation and many of these regulations had not been tried or tested before now. This year we are enacting a second, complementary Bill that will give more powers to IFSRA to protect consumers and the financial system. Today we are debating Report Stage of the Central Bank and Financial Services Authority of Ireland Bill that will give further powers, with appropriate constitutional safeguards, to apply financial sanctions to financial institutions that are not acting responsibly and to individuals within those institutions.

Those powers now exist. For institutions the penalties proposed can be up to €5 million. Individuals may be disqualified from working in the financial sector. New offence provisions are also being added on Report Stage relating to bank charges. Regarding reporting, I understand that IFSRA, having held a meeting of the authority on Wednesday, 26 May, made a public statement on the matter at 4 p.m. on Thursday, 27 May. It went public, which is a change.

The rule regarding settlements is contained in legislation. We have substantially improved the legislation on reporting and compliance. If anything there are now more complaints regarding people who have made a settlement being still listed. The Revenue Commissioners now list quite small settlements made by individuals, including window cleaners.

On the issue of IFSRA carrying out a full check on AIB, IFSRA is involved in substantial investigations with Faldor on foreign exchange. We must rely on IFSRA to design its investigation process to focus on what it sees as the important issues. As I have said, customers must be recompensed, systems fixed, regulatory authorities informed and disciplinary action taken where offences have taken place. I am not in disagreement with any of this. The regulatory

[The Taoiseach.]
organisations now have the necessary powers to take tough action and impose tough penalties.

Mr. Rabbitte: Does the Taoiseach agree it beggars belief that the most senior executives in the bank profess to know nothing of how they became implicated in these affairs? How can that make sense to the average person? Mr. Roy Douglas, for example, seems to implicate the bank as an institution when he says that when he climbed the corporate ladder he was invited to participate in this scheme. He makes it sound like he was being offered the key to the executive loo, that this was just a perk of the job that came when he achieved high office. I remember questioning Mr. Douglas at the DIRT inquiry, and it was reported in *The Irish Times* on 14 September 1999. I asked whether it was not the case that the Ansbacher procedure was “a fairly extraordinary legal construct”, to which Mr. Douglas replied that it was the simple straightforward set of relationships that exist between a depositor and a bank.

I do not know what that implies. I would like to have the opportunity to examine him again now. I do not know from the Taoiseach's answer whether the information will be shared as between the three inquiries. I do not know whether the Taoiseach has any intention of causing the people concerned to be prosecuted and I do not know whether a surcharge will be levied as a result of the manner in which the banks have betrayed their trust and the trust of the public.

The Taoiseach: IFSRA has already made details public. I presume it intends to follow such a policy. Since the DIRT inquiry Revenue has been making many more details public. It now has the power to put into the public domain information regarding cases and settlements. There is not now a veil of secrecy as there was in the past. I have mentioned that substantial penalties can be imposed on corporate companies and individuals. I am sure this will be done in respect of all these cases.

Regarding the Deputy's first question as to how people at the top in these institutions could be involved without knowing anything about it, I do not understand that and I find it hard to believe it.

Mr. J. Higgins: For very many working people in this State, the revelations about massive fraud and tax evasion in the banking system and the air of injured innocence of the most senior people involved might come from a Monty Python script. A chief executive who had €40,000 invested for him with magnificently generous returns is giving the impression that the closest he ever came to hearing a word like “Faldor” might be in a Dubliners' song containing the words “with me right fal-de-o”. The same chief executive claims he is an unknowing beneficiary of this structure,

resulting in “the generation of an unexpected tax liability”, while another senior executive had €33,000 invested in 1989 and, inexplicably, a few short years later it has grown to a massive €81,000, at which he professes amazement. This must be the banking sector's own phenomenon of immaculate conception — amazing things happen but nobody knows how.

How can the ordinary taxpayer have confidence that these crimes will be investigated when we have a Fianna Fáil-led Government and, while the banks were defrauding taxes, speculators were bribing top Fianna Fáil politicians and getting rotten rich on consequent rezoning, and the Taoiseach was writing blank cheques for Charvet shirts? The Tánaiste found her voice yesterday and called for Garda involvement years after the full revelation of much more serious tax evasion, racketeering by the banks. Is the Minister for Justice, Equality and Law Reform, perhaps as we speak, ordering a wing of Wheatfield Prison to be cleared to make way for senior executives of the banks suspected of serious tax evasion as he did around Mayday for young persons suspected of stealing a garda's cap? Perhaps he is sending water-cannon into the bank's boardrooms to flush out the truth about those who organised all this racketeering. The Taoiseach will not be surprised, or perhaps he will be, that ordinary working people are completely cynical regarding the willingness of the political establishment to investigate another powerful sector of the establishment and bring those guilty of fraud to justice.

The Taoiseach: I have already stated the powers that exist. These issues should not be treated in a light-hearted manner. The result of doing so is that they are not taken seriously. These are very serious matters.

Mr. J. Higgins: When all else fails one must resort to humour.

The Taoiseach: Thanks to the work of this House and the legislation brought forward by the Government we have good corporate compliance, a good IFSRA Bill and good financial regulators. All these, individually and collectively, have a role to play. They have the powers and functions to investigate, and I have no doubt they will do that. As I said earlier, one can never be certain that any regulatory authority will catch everything but IFSRA has power to investigate. It has shown it is prepared to speak openly on these issues and has done so already. Revenue and Corporate Compliance are also speaking openly. From the point of view of the Government and the House, it is important that these matters are investigated thoroughly and that action is taken. In accountancy terms, internal audit is one aspect that always worked in a company, particularly a bank. Nobody has raised the question, but it does arise, as to where

were the internal auditors in the financial institutions.

Mr. J. Higgins: The banks wield enormous power over the economy and over the lives of millions of ordinary working people. Why should unelected senior executives, faceless to most people, be able to control the lives of so many people in this way? Is there not an unanswerable case now for the major banks to be taken into public ownership and to have democratically appointed boards to run them? These would represent the real interests of the majority of people who deal with the banks. Is there not a case to break up, for example, the alliance of land speculators, profiteering developers and greedy banks that enchain young working people for the rest of their lives because they need to buy a home?

An Ceann Comhairle: The Deputy's minute has concluded.

Mr. J. Higgins: Should we not have a bank policy that is dictated not by greed for super profit but by social need and the provision of what is necessary for people to be able to live reasonable and dignified lives? Is that not the question raised by what has been revealed not just in the past week but in recent years?

The Taoiseach: The Deputy is correct that the banks wield a great deal of power and control. They have many responsibilities and there are regulatory bodies to deal with them at all levels. There is disappointment about this issue. The banks are important for international trade and investment. This country does extraordinarily well from foreign direct investment. It is also an export economy, exporting approximately €80 billion worth of goods each year.

I part with the Deputy with regard to nationalising the banks. That would not be a bright idea.

Requests to move Adjournment of Dáil under Standing Order 31.

Mr. Connolly: I seek the adjournment of the Dáil under Standing Order 31 to discuss the following matter of urgent public and national concern, namely, the report recently furnished by the North Eastern Health Board to the Minister for Health and Children outlining the deficiencies in services and infrastructure in the North Eastern Health Board; clearly detailing the level of under funding in the north east, which is 21% below the national *per capita* average funding, thereby impacting adversely on the level of services provided in the North Eastern Health Board region in disability, mental health, acute hospital and community care services; the fact that 23 major projects are still outstanding and that services in the region are seriously under staffed in comparison with the national average, that is, a population to staff ratio of 100 people

per health staff member in contrast with the national average of 70 persons per health staff member.

Dr. Cowley: I seek the adjournment of the Dáil under Standing Order 31 to debate a matter of major national importance, namely, the scandal of 63 beds lying idle in Mayo General Hospital, 33 of which are orthopaedic beds, which we are told will never open because the hospital is awaiting sanction of staff, and another 28 of which are elderly medicine beds while two are palliative care beds. These have been lying unused since 2001 while 30 ill older people lie for days on trolleys, blocking corridors and over filling cubicles in accident and emergency departments, due to the failure of the Minister for Health and Children to lift the embargo on recruitment so the 13 nurses required to open those beds can be recruited.

Mr. Morgan: I seek the adjournment of the Dáil under Standing Order 31 on the following important matter of public interest requiring urgent consideration, namely, the need to debate the comments by the Minister for Justice, Equality and Law Reform that inequality is good for the economy, his dogged opposition to rights based equality legislation and the necessity to appoint a reasonable person as Minister for Justice, Equality and Law Reform who would have at least some understanding of the title of the ministry and his or her responsibilities thereunder.

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

Order of Business.

The Taoiseach: It is proposed to take No. 9, Motion re Ministerial Rota for Parliamentary Questions; No. 10, Referral to Select Committee of proposed approval by Dáil Éireann of Certain Acts of the 1999 Congress of the Universal Postal Union; No. 19, Central Bank and Financial Services Authority of Ireland Bill 2003 — Report Stage (resumed) and Final Stage; No. 20, International Criminal Court Bill 2003 — Second Stage (resumed).

It is proposed, notwithstanding anything in Standing Orders, that Nos. 9 and 10 shall be decided without debate. Private Members' business shall be No. 41, Motion re Rural Development.

An Ceann Comhairle: There is one proposal to put to the House. Is the proposal for dealing with Nos. 9 and 10 without debate agreed to?

Mr. Broughan: With regard to No. 10, there are some concerns about the erosion of the universal service provision in postal services both in Europe and between Europe and the United States. It would be helpful if the Postal

[Mr. Broughan.]
(Miscellaneous Provisions) Bill were available as well.

An Ceann Comhairle: The content of the motion can be discussed at the committee. Is the proposal agreed? Agreed.

Mr. Kenny: I wish to raise a number of matters on the Order of Business. Is it true that neither the Taoiseach nor the Tánaiste will be in the House tomorrow? I have only been told this in the last half hour. The Taoiseach has answered questions on a number of occasions in the past about freedom of information. He made it clear that the political process has no input into the answers given under freedom of information requests. However, an hour ago, the Minister for Justice, Equality and Law Reform, in response to a question from Deputy Jim O'Keeffe, said that if the matter at hand is one of public comment or of concern to his Department, not only will he see it he will also have the opportunity to put it out the back door if he so wishes.

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

Mr. Kenny: It does because——

An Ceann Comhairle: The Deputy should find another way of raising it.

Mr. Kenny: ——I asked the Minister for Justice, Equality and Law Reform, in a freedom of information request, for the minutes of the meeting he had with the masters of the maternity hospitals. It involved four pieces of paper and it could have been acceded to in five minutes. Twenty eight days after the request, the information still had not been received until the morning it appeared in the *Irish Independent*.

An Ceann Comhairle: The Deputy will have to find another way of raising the matter.

Mr. Kenny: The Minister for Justice, Equality and Law Reform obviously has a different view from the Taoiseach.

A letter has been sent to you, a Cheann Comhairle, by Deputy Richard Bruton, who raised the matter of decentralisation in the House last week. You refused an opportunity for proper discussion of the issue. The decentralisation programme does not contain a risk assessment of the effect of any agencies being transferred, no human resource plan has been developed, no proper assessment of the financial projections and implications have been presented, none of the selected locations has been justified against criteria for successful regionalisation and no answer has been given to the many people who, because of family, education or other ties, do not want to move. Can you explain, Sir, with regard to Deputy Bruton's letter to you, how it is proposed that this House can have a measure of

accountability on a major programme that was announced in the House?

We were due to receive a proposal from the Government today for dealing with matters relating to Judge Brian Curtin. What is the up to date position with this?

Mr. Rabbitte: I have questions on the same issue. You, Sir, kindly sent to my office a letter from solicitors——

An Ceann Comhairle: Sorry, Deputy, before you proceed I must intervene, as I have done on a number of occasions when this issue has come before the House. Members will be aware that to ensure the interests of the House and natural justice are best protected, they should refrain from engaging in public comment or discussion which could prejudice the decision of the House and the discharge of its obligations at a later stage.

Mr. Rabbitte: What is the Taoiseach's response to the letter on behalf of Judge Curtin, which seems to assert that there is no constitutional basis for the committee being put in place and advances the proposition that a constitutionally proper process would be full hearings by the Houses of the Oireachtas? Is there any truth in the rumour, heard in some circles in the Law Library, that an action in the courts is being contemplated on behalf of Judge Curtin to delay proceedings? When is it the intention of the Government to advance the motion it proposes?

With regard to the second matter raised by Deputy Kenny, my party wants guidance from you, a Cheann Comhairle. Given the extent of widespread concern among civil servants of long standing——

An Ceann Comhairle: The Deputy has made his point. I will deal with the issue raised by Deputy Bruton but we cannot debate the content of the matter now.

Mr. Rabbitte: I do not want to debate this, a Cheann Comhairle. I am talking about people who have lived in Dublin for a long time, whose families are in education and who have put down roots in this city. They do not want to be driven out of it without consultation.

An Ceann Comhairle: That does not arise at this stage.

Mr. Rabbitte: May I finish my sentence?

Mr. Sargent: On the same matter, a Cheann Comhairle——

An Ceann Comhairle: I will not hear anyone else on the same matter. It is out of order.

Mr. Rabbitte: I do not see why not.

An Ceann Comhairle: Deputy Richard Bruton raised a procedural matter here last Thursday. The Chair will deal with that now. The content of the issue he wanted to discuss cannot be debated on the Order of Business.

Mr. Rabbitte: I do not want to discuss the contents. I want to underline the urgency of the need for guidance from the Ceann Comhairle to the House——

An Ceann Comhairle: It is not necessary to underline it. The Deputy has made his point.

Mr. Rabbitte: ——because of the degree of disquiet among public servants——

An Ceann Comhairle: The Deputy is out of order. I ask him to resume his seat. Deputy Sargent may speak on a matter that is related to those before the House at the moment.

Mr. Sargent: My comments are in order. Members of the House must be absolutely clear on the constitutionality and probity of the intended procedure in the matter of Judge Brian Curtin. The letter from Judge Curtin's solicitors, as well as comments from members of the media that this may never get off the ground, must be responded to. It is important that Members are clear about the grounds on which we are proceeding. I ask that the Taoiseach clarify these matters.

Caoimhghín Ó Caoláin: I seek the guidance of the Ceann Comhairle in addressing the issue mentioned by Deputy Richard Bruton. The Joint Committee on Finance and the Public Service, which is the substantive body entrusted with addressing matters pertaining to the public service, has now been gagged by virtue of the Government members' voting down a proposal by eight votes to six.

An Ceann Comhairle: That does not arise at this stage.

Caoimhghín Ó Caoláin: It closes off the only avenue through which this matter can be dealt with in these Houses. I seek the Chair's guidance on how Members may now address the issue of decentralisation and all that entails.

An Ceann Comhairle: On the matter raised by Deputies Rabbitte and Sargent, the Committee on Procedure and Privileges will be meeting later this afternoon and will deal with the letter in question. Does the Taoiseach wish to respond?

The Taoiseach: I apologise for the fact that Deputy Kenny was not informed about the Tánaiste's being away, although he knew I was away. She is on European business.

Mr. Kenny: We will slug it out with the Minister for Defence tomorrow.

Mr. J. O'Keeffe: We will use the heavy artillery.

The Taoiseach: I am told, although I am not absolutely positive about this, that Judge Curtin has commenced proceedings this afternoon. I do not have any details about the nature of the litigation as no proceedings have been served. I have heard the same information as the Deputies.

I reported last week that by letter on 21 May 2004 Judge Curtin's solicitors requested of me the opportunity to make submissions on the motions it was envisaged would apply in this matter. On 25 May 2004, the Secretary to the Government outlined, by letter, to Judge Curtin's solicitors the proposed scope of the process in great detail. Yesterday a short letter was received from the solicitors in which they suggest, as mentioned by Deputy Rabbitte, that submissions will not now be made to the Government but may be made to the Oireachtas. Other correspondence was received and replied to last week concerning the reports of the Garda Commissioner and the Director of Public Prosecutions. Copies of all correspondence will be given to Members of this House and the Seanad in due course.

I intend to continue to follow the procedure I outlined previously. I understand that the necessary changes to Standing Orders will shortly be finalised. After the resolutions adopting the new Standing Orders are passed by both Houses, specific motions dealing with Judge Curtin will be moved at the most appropriate time this week.

There is one further matter I wish to bring to the attention of the House. Yesterday evening the Secretary to the Government received another letter from Judge Curtin's solicitors in which they indicated that they have instructions to commence legal proceedings on behalf of the judge against the State, including myself as Taoiseach. As yet I have not had sight of any proceedings so I do not know the nature of the litigation. However, I am satisfied, in light of the legal advice I have received from the Attorney General and senior counsel, that the procedure we have proposed to adopt is constitutionally sound. Needless to say, I welcome the fact that the judge is in a position to instruct his solicitors this week.

The removal of a judge is a solemn process provided for by law. It is not an impeachment, as that term is used in the context of the President in Article 12 of the Constitution. It is not a trial, as such. There is, however, a duty to accord fair procedures. Over the past five weeks, from 27 April 2004, the judge has been given opportunities to make representations and submissions and provide explanations. The matter is to be considered this week by the Houses of the Oireachtas in the context of motions to be laid before the Houses. I am satisfied that we can proceed with the matter as previously outlined.

In reply to the comments of Deputy Sargent, the process of removal from office is a matter for

[The Taoiseach.]
this House and the Seanad. It is exclusively within the constitutional sphere; it is not a matter for Government. Our Constitution is clear that the Houses of the Oireachtas will be in exclusive control of the process. Nothing can happen in or to that process without the approval of the Houses and that will remain the position.

I will now outline the procedure we are following. These are the procedures we propose for the consideration of the Dáil and the Seanad. First, a resolution will be moved by the Minister for Justice, Equality and Law Reform in both Houses calling for the removal of Judge Curtin. However, Members of the Houses will not decide whether to vote in favour of or against this motion until after all the relevant evidence is gathered and fair procedures are accorded to Judge Curtin. Second, a second resolution will be moved in both Houses which will allow for the establishment of a joint committee, to be known as the Joint Committee on a Matter Pursuant to Article 35.4 of the Constitution and Section 39 of the Courts of Justice Act 1924. Third, the joint committee will perform the functions set out in the resolution and will investigate the circumstances and matters relating to the information provided to the Oireachtas by the Minister for Justice, Equality and Law Reform which pertains to Judge Curtin.

Fourth, the joint committee will afford all fair procedures and due process to Judge Curtin, who will be entitled to advance such evidence and make such submissions as he deems appropriate. The joint committee will not sit in public session unless otherwise requested by Judge Curtin. Fifth, the joint committee will exercise the powers provided by the Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) Act 1997. In particular, it will have the power to compel any person whose evidence is required to attend before it and to give any evidence and produce any document in his or her possession as may be requested.

Sixth, pursuant to my statement in this House on 27 April last that amending legislation may be required to facilitate the process, the Houses of the Oireachtas last week passed an amendment to the Act of 1997 which, when signed by the President, will permit a committee of the Houses that is involved in a process pursuant to Article 35.4 to direct the judge who is the subject of that process to give evidence to the committee. Seventh, the Legislature has also passed a short amendment to the Child Trafficking and Pornography Act 1998 which will facilitate the investigation by Members of the Houses of the Oireachtas of matters relating to child pornography.

Eighth, it is envisaged that the joint committee will record all the evidence given before it and set it forth in a report to be transmitted to each House. The joint committee will not make any finding of fact, make recommendations or express any opinion to either House. Ninth, the Houses

of the Oireachtas will consider said report and hear any address or submission Judge Curtin wishes to make. Having considered the report and any address made by Judge Curtin, the Members of the Houses of the Oireachtas will vote on the proposed resolution calling for the removal of Judge Curtin. The resolution may be passed by a simple majority of votes of each House. Tenth, if the resolution calling for the removal of Judge Curtin is passed I shall notify the President according to the provisions of Article 35.4.2° of the Constitution.

In order to facilitate the process outlined, the Committee on Procedures and Privileges is now examining any amendments to the Standing Orders of the Houses which may be required. The preparation of such changes is proceeding on an all-party basis with the assistance of a full-time official. It is expected the Houses may adopt the new orders tomorrow. The resolutions referred to would be proposed shortly after the adoption of new orders and after the signature by the President of the amending regulations.

I referred to three or four letters I received. I will refer to the letter Deputy Rabbitte mentioned. I have given an outline of the procedures the House jointly proceeded with. The letter from Pierse & Fitzgibbon to the Ceann Comhairle's Office dated 31 May, and circulated to all the Leaders, reads as follows:

His Honour Judge Brian Curtin.

I refer to our correspondence.

Having considered the proposals put forward by the Government to provide for the impeachment process against our client, we have to state unambiguously that we regard the proposals as constitutionally flawed and inherently unfair.

Firstly it appears to us that there is absolutely no constitutional basis for the committee structure proposed by the Government.

Having considered this matter and taken advice in respect thereof, we submit that the proper constitutionally mandated process for the impeachment of our client must consist of full hearings before the Houses of the Oireachtas.

Further, in our opinion Judge Curtin is entitled to a trial before both Houses of the Oireachtas as this constitutional function of both Houses of the Oireachtas cannot be delegated to any committee or other body.

Judge Curtin is entitled to fair process. This comprises, inter alia of:-

giving him factual allegations or wrongdoing against him,

giving admissible evidence in support thereof before each House of the Oireachtas,

giving Judge Curtin the consequential entitlement to challenge same by cross-examination, and giving Judge Curtin the

right to make submissions through his Counsel so that he may defend himself before both Houses of the Oireachtas.

This submission and the advice received is grounded and supported by constitutional historical precedent.

We respectfully ask you to confirm by return that this letter will be made available to each member of Dáil Eireann in advance of that House proceeding to consider any matter relating to Judge Curtin.

I contend that the procedure as set out by the House is a far better due process procedure with regard to his Honour, Judge Curtin.

An Ceann Comhairle: I want to deal with the issue raised by Deputy Bruton. I thank the Deputy for giving me notice of the matter.

As the Deputy is aware, there are many avenues open to him to raise the matter in the House. These include, for example, parliamentary questions, the Adjournment debate, or perhaps more suitably, Private Members' time. The Deputy will appreciate that, as Ceann Comhairle, I do not have a role in the way business is transacted in the committee, which is a matter for the committee itself. Under Standing Order 97(1), the Dáil CPP has a general role in overseeing the procedure of committees, whether by request from the relevant committee or otherwise. However, this would be general and would not permit CPP to deal with specific cases where the committee has voted in a particular way on a particular issue.

Mr. R. Bruton: While I appreciate your ruling, in your long experience in the House, a Ceann Comhairle, is it unprecedented that the Dáil would be denied an opportunity by Government to have hearings on a decision of such enormous importance?

An Ceann Comhairle: That is not a matter for the Chair. The Chair has pointed out to the Deputy how the matter might be raised in the House. I call Deputy Burton.

Mr. R. Bruton: Reading between the lines, you in your few words indicated how hopelessly deficient is the suggestion re the Adjournment debate.

An Ceann Comhairle: The Deputy should not read anything like that into it.

Mr. R. Bruton: Five minutes for an Opposition spokesman and five minutes for a Government spokesman on an issue that will affect 10,000 people is a farce.

An Ceann Comhairle: Private Members' time consists of an hour and a half on Tuesday and an hour and a half on Wednesday. I call Deputy Burton.

Mr. R. Bruton: The Government is using its majority to silence the Opposition, which is reprehensible.

Deputy Durkan: Hear, hear.

Ms Burton: What remedy do we have in regard to the functioning of the finance committee? Decentralisation is one of the most important issues——

An Ceann Comhairle: The Chair will not debate any issue regarding procedure on the floor of the House. If the Deputy has a specific issue, she should do what Deputy Bruton did and give notice of it. I call Deputy Boyle.

Ms Burton: The Government is railroading decentralisation——

An Ceann Comhairle: I call Deputy Boyle.

Mr. Boyle: Will the issue at hand be referred to a meeting of the committee on procedures and privileges?

An Ceann Comhairle: The Deputy is aware of the procedure in that regard.

Mr. Kenny: I asked the Taoiseach a question he may have forgotten about. This relates to the difference of interpretation of the Freedom of Information Act between himself and the Minister for Justice, Equality and Law Reform.

An Ceann Comhairle: That does not arise on the Order of Business. The Deputy should raise the matter through the proper channels.

Mr. Kenny: The Taoiseach answered clearly. The Minister for Justice, Equality and Law Reform takes a different view.

An Ceann Comhairle: We cannot debate the Freedom of Information Act. It is the responsibility of the Minister for Finance. The question referred specifically to another Minister.

Mr. Kenny: The Taoiseach has answered questions on this matter about his Department.

An Ceann Comhairle: That is correct. I suggest Deputy Kenny submits a question to whatever Minister he wants to question, including the Taoiseach.

Mr. Kenny: That is what was done. The Minister for Justice, Equality and Law Reform said, "Yes, I see all these replies and I will vet them as I think fit", and the Chair thinks that is not important.

An Ceann Comhairle: I suggest the Deputy submits a question.

Mr. Kenny: Deputy O'Keeffe submitted a question an hour ago which was answered.

An Ceann Comhairle: I suggest that the Deputy submits a question. Everything should be dealt with in a proper and structured fashion in this House. I call Deputy Joe Higgins.

Mr. Kenny: One of the fundamentals of this House is that people have information.

An Ceann Comhairle: Deputies cannot get up on the Order of Business and discuss anything they like. The Order of Business and Standing Order 26 are quite specific. I do not intend to read the Standing Order again for an experienced Deputy like Deputy Kenny. I call Deputy Joe Higgins.

(Interruptions).

Mr. Durkan: On a point of order. The point raised by Deputy Kenny is relevant.

An Ceann Comhairle: The Chair has ruled on the matter. It is not a point of order. I call Deputy Joe Higgins.

Mr. Durkan: It is a point of order because the manner in which——

An Ceann Comhairle: I ask the Deputy to resume his seat and allow Deputy Joe Higgins.

(Interruptions).

Mr. Durkan: A Cheann Comhairle, you said the Deputy should find another means of raising the issue.

An Ceann Comhairle: Yes, and I gave a number of ways it can be raised. I call Deputy Higgins.

Mr. Durkan: I want to give fair warning now that means will be to withdraw co-operation from the Government. That is the means at our disposal.

An Ceann Comhairle: Whatever threats the Deputy wishes to use, he cannot turn Standing Orders on top of their head. I call Deputy Higgins.

Mr. Durkan: A Cheann Comhairle, you might not like it, but it is our only remedy.

Mr. J. Higgins: What is the latest Government decision in regard to the legislation promised for the break-up of Aer Rianta? Is it envisaged the legislation will come before the Dáil before the summer recess? Has a final decision been made on it and have the apparent difficulties between the Minister for Transport and the Minister for Finance been resolved?

The Taoiseach: The Bill is in preparation. I hope it will be in the House before the summer recess.

Ms O. Mitchell: The European working time directive is due to be implemented in the next couple of weeks. Hospitals throughout the country are distraught as to how it will be implemented——

An Ceann Comhairle: Has the Deputy a question on legislation? I call Deputy Rabbitte.

Ms O. Mitchell: ——and its impact on services. Is it still the Government's intention to introduce the directive and when will the appropriate Statutory Instrument be published if it is the intention to continue with it?

The Taoiseach: The intention is to continue with it.

Mr. Rabbitte: Last week, when answering for the Taoiseach, the Minister for Defence appeared to say the whistleblowers Bill was dead in the water, which is the first time we heard that. Given recent and current events, is it intended to legislate for the protection of whistleblowers?

The Taoiseach: The Whistleblowers Act 1999 exists. There have been several difficulties in bringing forward an Act. In the meantime, the Government has implemented whistleblowers' protection provisions in a number of important areas covered by the Competition Act, the Company Law Enforcement Act and the Protection of Persons Reporting Child Abuse legislation. Given the complexity in drafting a general whistleblowers Bill, the Government is identifying priority areas where whistleblowers need protection. A process of putting the protection into individual Acts is being followed, rather than trying to create a general one. There are great difficulties, not only in this country but elsewhere, in creating a general Bill. We will continue to put it into individual Acts.

Mr. Sargent: Looking at promised legislation and taking into account the predictions at lunchtime of a 21 year high in the price of oil——

An Ceann Comhairle: The Deputy should speak on the legislation he has in mind.

Mr. Sargent: ——of \$50 per barrel, I notice that it is not expected to bring forward the petroleum Bill to update the 1960 Act until 2006. Will the urgency of this matter bring forward such legislation any quicker? Is it not time that we gave this matter further priority?

The Taoiseach: The petroleum Bill will update the 1960 Act. There is very little work done on this. It consolidates all Acts over the past 44 years.

Caoimhghín Ó Caoláin: In light of the unfolding scandals at Allied Irish Banks, when does the Taoiseach expect publication of the investment intermediaries (amendment) Bill?

The Taoiseach: I expect it will be this year.

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

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

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

Minister for Communications, Marine and Natural Resources

Minister for Education and Science

whereupon the sequence established by the Resolution of 6 June 2002, shall continue with questions to the Minister for Arts, Sport and Tourism.

Question put and agreed to.

**Congress of the Universal Postal Union:
Motion.**

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

That the proposal that Dáil Éireann approve the terms of certain acts of the 1999 Congress of the Universal Postal Union, signed at Beijing on 15 September 1999, namely:

—the Sixth Additional Protocol to the Constitution of the Universal Postal Union;

—the General Regulations of the Universal Postal Union;

—the Universal Postal Convention and the Final Protocol thereto; and

—the Postal Payment Services Agreement;

copies of which have been laid before Dáil Éireann on 26 May 2004, be referred to the Select Committee on Communications, Marine and Natural Resources, in accordance with paragraph (1) of the Orders of Reference of that committee, which, not later than 28 June 2004, shall send a message to the Dáil in the manner prescribed in Standing Order 85, and Standing Order 84(2) shall accordingly apply.

Question put and agreed to.

Private Notice Questions.

Financial Services Regulation.

Mr. Boyle asked the Minister for Finance, further to recent revelations which show the application of poor standards in the banking and financial services of this country, to outline how seriously he and the Government view the situation, and what measures if any he proposes to restore national and international consumer confidence in the financial services industry here.

Minister of State at the Department of Health and Children (Mr. B. Lenihan): I am pleased to be able to respond to this question in the absence of the Minister for Finance, who is in Luxembourg to chair the Eurogroup Finance Ministers and the ECOFIN Council tonight and tomorrow.

We have now had a series of announcements by AIB and the Irish Financial Services Regulatory Authority, IFSRA. These cover a range of matters from foreign exchange charges to transactions at AIB Investment Managers in the early 1990s. It is clear that every bank has a duty to ensure that regulations are complied with and client moneys are handled appropriately. Lapses of control and improper practices of the kind which have been reported are simply unacceptable. These are serious matters that must be addressed in a serious and systematic manner through the application of the investigative powers available to the appropriate regulatory agencies.

Deputies are aware that IFSRA is involved in a substantial investigation of the Faldor foreign exchange overcharging matters, and that other investigations are ongoing. As always in such cases, we should await IFSRA's investigation before drawing any final conclusions. We all want customers to be recompensed. We want bank systems to be fixed, all relevant regulatory authorities to be informed and disciplinary matters and any offences which have been committed pursued.

Specific breaches or failures are one thing, but we must strive to ensure an appropriate culture of compliance within financial institutions. I understand that IFSRA is determined to ensure that the highest standards apply in financial institutions and, if issues of general culture or compliance practices at a general level need to be investigated and corrected either in AIB or any other institution, this will be done.

It is therefore important that the various investigations continue to their conclusion. It is also important that we continue with the very considerable progress made in recent years in the regulation of the financial sector. In particular, Deputies will be aware that, following the enactment of the Central Bank and Financial Services Authority of Ireland Act 2003, there is a second, complementary Bill before the House.

[Mr. B. Lenihan.]

Last year's legislation radically changed the structure of financial supervision in Ireland, establishing IFSRA and bringing together a range of supervisory functions that had previously been spread over four separate institutions. It also made much improved arrangements for co-operation between regulatory bodies such as IFSRA and the Revenue Commissioners, and we are seeing the fruits of this in recent events.

This second piece of legislation — on which Report Stage will be resumed today — will make available to IFSRA new powers to impose stiff administrative penalties following an inquiry process. These penalties can be applied where there is breach, for example, of any financial services legislation, codes of conduct issued by the regulator, or any condition, requirement or direction imposed under legislation or codes. Penalties available will include the issue of a reprimand, orders to refund charges improperly applied, monetary penalties of up to €5 million and orders to pay the cost of the investigation. Most importantly, individuals may also be subject to penalties. A senior manager might be disqualified from employment at management level in the financial services sector and a monetary penalty of up to €500,000 might be applied.

This new Bill will also give the regulator considerable powers to require compliance statements from financial institutions. These statements will be in addition to those to be required under recent changes to company law. The current Bill will add to consumer protection, in particular by establishing for the first time a statutory financial services ombudsman scheme and by establishing consultative panels to allow IFSRA to consult consumer as well as industry interests more easily. New offence provisions are also being added on Report Stage regarding bank charges.

The financial services industry is important to this country. It delivers jobs — often of high value — both directly and indirectly to many thousands of individuals. It delivers tax revenues, and its success helps to attract other industries and investments to our shores. The economically important nature of this industry makes it all the more important that it maintains its reputation for high standards and integrity in its dealings, and the financial institutions in Ireland should contribute to that reputation.

There will be lessons to be learned from the issues that have arisen at AIB. These will have to be taken on board as appropriate by the financial institutions concerned, banking institutions and their shareholders, IFSRA and the other regulatory agencies, and the Government and the Oireachtas.

Mr. Boyle: The Minister for State may not be aware that there has been a discussion today at the Joint Committee on Finance and the Public Service. The Governor of the Central Bank

pointed out that in the period that the most recent revelations apply, 1989 to 1996, there was no effective regulation in place for subsidiaries, including the subsidiary involved — AIB Investment Managers Limited. Does the Government not fear that other financial institutions might reveal similar stories of how they have dealt the issue during that period?

Regarding the Government's attitude towards general remuneration packages, it seems that executives of banks not only expected handsome remuneration packages but also perks and privileges packages on top of that. Is this an area that needs to be regulated or even legislated for in future, given the expectations that seem to exist for people in the highest position in the banking industry?

Does the Minister accept that the Government has made a fundamentally flawed approach in the way that it has brought forward both the original Central Bank and Irish Financial Services Authority Act 2003, and the current Bill that is on Report Stage? We have a farcical situation with a regulatory authority that can identify problems which exist but seemingly has no real powers to deal with those problems as and when they arise.

Mr. B. Lenihan: I do not accept that the legislation is inadequate. It is important we continue with the progress made in recent years on regulation. Following the enactment of the Central Bank and Irish Financial Services Regulatory Authority Act 2003, a second, complementary Bill is before the House. Last year's legislation radically changed the structure of financial supervision in Ireland, establishing IFSRA and bringing together a range of supervisory functions which had been spread over four separate institutions. It also made much better arrangements for co-operation between the regulatory bodies and the Revenue Commissioners, and we are seeing the fruit of that in recent events. Far from the initial measure being defective, as canvassed by Deputy Boyle, the measure we have already adopted was one of the reasons we have made progress and the reason these events have come to light.

The second Bill, Report Stage of which will be dealt with in the House this afternoon or this evening, will make available to the authority a more comprehensive set of penalties. I accept the Deputy's point that the penalties will be stiffened in this legislation, and that is a welcome development, which can be applied in appropriate cases. It will also give the regulator considerable powers to require compliance statements from financial institutions and these statements will be in addition to those required under recent changes to company law. Moreover, the current Bill will add to consumer protection, in particular by establishing for the first time a statutory financial services ombudsman scheme and consultative panels to allow the authority more easily consult consumer as well as industry interests. New offence provisions are also being

added on Report Stage in respect of bank charges. The regulator and the Government have been very active in carrying out their respective roles in regard to the financial system.

The second issue raised by Deputy Boyle related to the question of remuneration and fringe benefits, which are often accorded to senior bank employees and staff on their retirement. I take it that was the point raised by the Deputy.

Mr. Boyle: Early retirement?

Mr. B. Lenihan: Or on early retirement, as the case may be. These are matters for the Minister for Finance to consider in the formulation of his budget and in the submission of proposals in a Finance Bill on an annual basis.

On the question of whether other subsidiaries may have been involved, that again is a matter for the investigative authorities. What we have seen is of deep concern and the Government is determined to take action.

Mr. R. Bruton: Does the Minister of State believe it would be useful to have a rapid probity check within AIB, carried out by IFSRA, which would give us assurances that the compliance systems, as of now going forward, are adequate? That is a separate issue from the necessary investigation of the malpractices that have been turned up. I would like to hear the Minister of State's view on that.

Also, after Ansbacher, Rusnak and all the other scandals, why did the Minister's regulators not ensure there was the internal compliance within AIB, and perhaps in other banks, that was necessary to highlight these sorts of problems? In 2002, the Central Bank, immediately after the Rusnak scandal, requested that such procedures be put in place. Why did the regulators not guarantee that they were robust?

In the final part of the Minister of State's reply he said there will be lessons to be learned and he hoped they will be acted upon by the Oireachtas and others. What procedure does the Minister of State propose to put in place for the unfolding of these lessons to ensure that the Oireachtas can act upon them? Will there be some formal procedure whereby this occurs?

Mr. B. Lenihan: I do not quite follow the last issue raised by the Deputy.

Mr. R. Bruton: For example, some have suggested a banking commission. If it was just another report it would not commend itself to me but if action is to be taken they need to be quickly identified and a procedure for acting on them put in place.

Mr. B. Lenihan: On whether there is a need for a banking commission or forum, the Minister for Finance has no plans for such a commission. The investigations under way into the Allied Irish Banks issues need to be completed as speedily as

possible so that all the interested parties — the institutions concerned, the regulators, the Government and the Oireachtas — can take the appropriate steps based on the lessons learned.

On the issues about previous difficulties that have arisen with the bank, and two celebrated episodes were referred to by the Deputy, the Oireachtas put legislation in place last year to empower the authority and the regulator to deal with this matter.

On whether compliance systems and probity checks should be put in place, we have to see a rapid conclusion to this investigation before we draw conclusions from it. In any event, it is a matter in the first instance for the authority and the regulator, not the Minister.

Ms Burton: Is the Minister of State aware of the statement made to me by the Governor of the Central Bank at the Joint Committee on Finance and the Public Service this afternoon that until 1996 or 1997, Allied Irish Banks Investment Managers, AIBIM, was an unregulated entity? Has the Minister any plans to order a look-back in respect of such unregulated entities in the banking sector such as AIBIM, which handles the pension funds of many workers, as do similar subsidiaries of other banks? Will the Minister intervene to ensure a look-back takes place in respect of the activities of these unregulated entities, as described by the Governor of the Central Bank, and what are the taxation implications? Apparently, the Central Bank had no knowledge of Faldor because it was a vehicle connected to an unregulated entity. That is an astonishing disclosure.

An Ceann Comhairle: The Deputy should confine herself to questions.

Ms Burton: Will the Minister comment on this disclosure by the Governor of the Central Bank and in what way do the Government and the Minister propose to address this astonishing lapse?

Mr. B. Lenihan: The Revenue Commissioners announced yesterday that they have commenced a full investigation of all tax matters arising from recent disclosures regarding the AIB Group and related entities and individuals. The team is led by the Revenue's investigations and prosecutions division and it includes officers from the large cases division. That Revenue investigation is under way.

Ms Burton: I asked about the Central Bank, which is the regulator, having identified unregulated entities which were in existence up to 1996 or 1997. Does the Minister propose that the Central Bank should specifically look back at the activities of such unregulated entities? The actions by the Revenue Commissioners are welcome but they do not address the job of the Central Bank in this regard.

Mr. B. Lenihan: In fact, IFSRA is the appropriate regulatory body until the legislative——

Ms Burton: No, I am talking about the time——

An Ceann Comhairle: The Deputy should allow the Minister of State to reply without interruption.

Mr. B. Lenihan: IFSRA has done a good deal of work in the 13 months since it was formally established, arising from its new statutory remit. I will not give the House the entire list of the work it has done but it is substantial. The various actions taken today clearly demonstrate that it has powers, and it is willing to use them on behalf of the consumer. The chief executive of IFSRA has said that already.

I understand the actual series of events was that IFSRA, having held a meeting of the authority on Wednesday, 26 May, made a public statement on the matter at 4 p.m. on Thursday, 27 May. While AIB alone is responsible for its public statements on this matter, I understand IFSRA strongly encouraged AIB to make a public statement. The matter is under full investigation by the appropriate authority, which has authority in this matter. If there are other matters involved, they will be investigated as well.

Ms Burton: Not according to the Governor of the Central Bank.

Caoimhghín Ó Caoláin: Will the Minister of State advise the House if he has any concerns about the recent revelations regarding Allied Irish Banks, all of which have arisen as a result of the activities of whistleblowers and not as a result of the regulatory authority's work in uncovering bad practice, illegal activity or whatever may be the case within any of these institutions? Would it not give rise to further concern about the level of regulation and the powers of IFSRA in this regard? In light of the Bill we are about to address shortly in respect of Report and Final Stages and given the advent of these revelations, is the Minister of State not concerned that the Bill does not go far enough in respect of these matters?

In response to Deputy Boyle earlier the Minister spoke of penalties. Given the practice heretofore, which is already signalled with regard to the €25 million lodged by AIB with the Central Banks for excess charges for foreign exchange transactions — a conservative figure which will inevitably grow——

An Ceann Comhairle: Does the Deputy have a question?

Caoimhghín Ó Caoláin: Given that fines and penalties imposed on financial institutions inevitably make their way to the consumer, is the only way to root out these practices not to make

the people responsible for drawing them up and for ordering, arranging and conducting them, individually accountable for the abuses? Otherwise they will be covered against personal penalties in perpetuity. The financial institutions——

An Ceann Comhairle: The Deputy must confine himself to questions.

Caoimhghín Ó Caoláin: ——are not bearing any serious burden by virtue of the penalties that are likely to apply, just as happened with the DIRT situation. Should penalties not be applied to the functionaries of the banks? Is that not the only way of rooting this out?

Mr. B. Lenihan: That is a matter which can be examined during the debate on Report Stage of the Central Bank and Financial Services Authority of Ireland Bill. The Bill provides for disqualification of individuals, as the Deputy is aware. Investigations are ongoing regarding the issues which have arisen in AIB. I do not wish to comment on individuals. There are internal disciplinary proceedings in AIB which should not be prejudiced.

As Deputies are aware, IFSRA has made it known that it will be reporting publicly on the outcome of its investigation. It will then be a matter for AIB to take the appropriate action regarding any of its staff who are involved, bearing in mind its legal and commercial obligations and its public reputation. IFSRA is involved in a substantial investigation of the Faldor and foreign exchange overcharging matters. We must rely on IFSRA to design its investigative process to focus on the important issues. IFSRA is determined to ensure that the highest standards apply in financial institutions, and if issues of general culture or compliance practice at a general level need to be investigated and corrected, in AIB or in any other institution, this will be done.

Message from Seanad.

An Ceann Comhairle: Seanad Éireann has passed the Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunity of Witnesses) (Amendment) Bill 2004, without amendment.

Message from Select Committee.

An Ceann Comhairle: The Select Committee on Communications, Marine and Natural Resources has completed its consideration of the Maritime Security Bill 2004 [*Seanad*], and has made amendments thereto.

Central Bank and Financial Services Authority of Ireland Bill 2003: Motion to Recommit.

Ms Burton: I move:

That Dáil Éireann, pursuant to Standing Order 128(1) of Standing Orders Relative to

Public Business, directs that the remaining sections of the Central Bank and Financial Services Authority of Ireland Bill 2003, and all amendments thereto, be recommitted to a committee of the whole House.

In recent days we have heard an extraordinary number of additional revelations regarding what has been going on in parts of our banking sector, which is much valued for its contribution to the economy and for the employment it generates and which has large sections of the pension funds of Irish workers under its care.

The Minister has introduced a number of amendments on Report Stage which significantly water down the sanction and penalty procedures of the Bill. In particular, it now appears that large elements of the sanctions regime is at the discretion of the Irish Financial Services Regulatory Authority, IFSRA, so that once again there will be behind the doors discussions in which the guilty may get away with no more than a slap on the wrist. The Minister of State has spoken about fines and potential disbarment but the Minister's Report Stage amendments would allow much of the structure of disciplinary action and sanctions to be discretionary rather than mandatory.

The primary role of the Central Bank is prudential. It is to safeguard the standing of our banks. It is not primarily an advocate for the interests of bank customers. It is there to protect the banking organisations. This means that when a scandal happens in a bank, rather than having a full and open discussion and an attempt to clear up the matter, the closed culture among the golden circle who run our banks and financial institutions comes into play. Many of the members of this golden circle sit on each others boards. As a consequence, public debate is stifled. The public has no confidence that the issues involved will be addressed, and there is a long-term serious risk to the viability of our banking industry.

The Minister's amendments were rushed. IFSRA is carrying out an important inquiry into the foreign exchange charges of Allied Irish Bank in the past ten years. We now know that IFSRA has been involved with AIB since last September in an inquiry into a company called Faldor in the British Virgin Islands and the actions of ten former and current executives and directors of AIB. As a result of the Minister's amendments, which allow get-outs, let-outs and back doors for the banking industry, being introduced on Report Stage, we are rushing through the legislation without due consideration by the Dáil. It was bad enough that, last week, the Opposition's motion to recommit amendments tabled on Report Stage was not accepted by the Government. After what we heard last weekend, it will be a disgrace for the Government to fail to recommit the Bill.

We need to hear from IFSRA what went wrong in Allied Irish Banks and whether or not the problem exists in other banks. The Governor of the Central Bank stated today that, until recently,

an important area of the operations of banks, including AIBIM, was unregulated. For all of these reasons, I ask the Dáil to accept the Labour Party's motion to recommit the Bill, in the interest of a proper discussion and evaluation of the various disclosures made last weekend.

Today, the chairman of Allied Irish Banks refused to appear before the Select Committee on Finance and the Public Service until the IFSRA investigation is complete and the bank has had time to consider it. Despite this, the Government is railroading this legislation through the Oireachtas and giving no opportunity to consider whether the watering down of the procedures of IFSRA by the Report Stage amendments introduced by the Minister at such a late stage should be proceeded with. I speak in the interests of the customers of the banking system, of the 50,000 employees of the financial services industry and of the long-term viability of the sector. This is in all of our interests.

An Leas-Cheann Comhairle: I call the Minister of State. We can only hear a statement from the Member who moved the proposal to recommit the Bill.

Mr. R. Bruton: Last week when I submitted a similar motion to recommit, a spokesman from each of the Opposition parties was given an opportunity to comment.

An Leas-Cheann Comhairle: I will accommodate the Member.

Mr. R. Bruton: I thank the Leas-Cheann Comhairle. I will be brief. The Minister of State has been thrown into this matter at the 11th hour. This Bill has been coming along the track for a long time. There was, supposedly, deep consideration within Government circles of making the financial system robust and getting it up to a standard of best practice. The Minister's recent replies outlined that consideration. Nonetheless, at IFSRA's very first test, it was discovered that there was no sanction in any legislation for the offence of overcharging consumers.

The Minister of State will later move a hastily cobbled together offence in that regard. It is abundantly clear that systems we believed were working were not and are not working. We believed, following Rusnack, that strong internal compliance procedures within the banks were monitoring such matters and that they were being escalated to the highest level so that when problems arose somebody would take responsibility for them. That is not happening.

The Governor of the Central Bank said the culture has changed and that everything has been transformed. However, we find it is like pulling up an ivy root in that every time one pulls it, something else comes up with it. We need to apply a little caution in terms of how we debate this issue in that such debate should not be

[Mr. R. Bruton.]

confined to a general statement and two minute contributions. Members should be provided with an opportunity to tease out the legislation.

On the last occasion, the Minister gave an extremely brief introduction of the legislation, Members asked questions and the Minister, who was confined to two minutes when responding was unable to answer them. We then proceeded to a vote and sanctioned provisions about which Members had several questions unanswered in this House. The Minister of State has been around the law for a long time in terms of practising and making it. He has experience on both sides of the fence. It is clear that if we rush through this legislation without providing Members with an opportunity to consider it or to hear from outside opinion in terms of the lessons to be learned from what is happening before our eyes, we are likely to make mistakes. A little prudence in handling this matter, coupled with a little flexibility from Government would go a long way to achieving the best possible answer at this stage.

Mr. Boyle: I support Deputy Burton's motion to recommit the Bill. Events since our last discussion make it imperative that we give every consideration to it. I have several questions which I believe would best be answered on Committee Stage.

The substantive ministerial amendment, as referred to by Deputy Bruton, is 11.5 pages long, longer than much of the legislation which comes before this House. It was introduced on Report Stage and the manner of discussion and debate was as described by Deputy Bruton. It is unacceptable for any legislator to stand over such a process. I would like to think the Minister of State also believes it is unacceptable. On those grounds alone, serious consideration should be given to recommit the Bill.

However, that issue is outside what we have learned since our last discussions on this Bill. There are serious issues, despite Opposition arguments, in terms of the need to provide IFSRA with true independence and powers to implement badly needed provisions in the financial services sector. We are rushing through legislation which includes amendments that weaken IFSRA's ability to put those powers into action. What has happened in the time since we last discussed Committee and Report Stages to influence the Minister to draft such amendments? Has the Minister and Department received correspondence on the matter from the Central Bank? Have they received correspondence or representations from the Irish Bankers' Federation or from the large financial institutions? If so, what was the nature and effect of the representations? The Minister is, at the last minute, introducing a substantial amendment which not only alters much of the nature of the Bill but renders null many of the amendments

which Members of the Opposition tabled to it on the last occasion we discussed Report Stage.

The Minister for Finance has not allowed a fair assessment in terms of the passage of this legislation. No legislature in the world would be governed by the principles we have been following on this legislation which is badly needed if we are to have an effective regulatory authority for our financial services sector.

Caoimhghín Ó Caoláin: I, too, support the proposal to recommit the Bill. The substantive amendment tabled by the Minister which we did not have an opportunity to address on Committee Stage is reason enough to recommit. Unfortunately, a previous proposal was rejected.

Much has unfolded since we last discussed this legislation. When I raised a related matter with the Minister on the back of a Private Notice Question earlier today he indicated that I would have an opportunity to address some of my concerns during the course of Report Stage. With all due respect, damn the chance of it. The reality is, we will not have such an opportunity. The Minister of State is not accepting amendments, a common practice of the Department of Finance. Some Ministers accept the wise counsel of Opposition voices. However, that is something which Department of Finance representation in this House has yet to do.

The Minister of State said earlier he is being dropped in at the deep end. I do not accept that. He is a part of this process and we will offer him no escape clauses. Let there be no doubt about what we are speaking of: in excess of 500 mortgage holders have been charged, without their approval, up to €50 per month for mortgage insurance; senior AIB executives have evaded tax by way of special offshore accounts set up by their co-employees in the British Virgin Islands. We know the names of some of the beneficiaries. However, we do not know who devised the financial packages, the apparatus for tax evasion. We do not know who they are. Unless penalties are to apply in such a way as to create a disincentive for employees to co-operate in these practises, they will continue. When I speak of employees, I do not mean the ordinary at the coal face bank employee but those from executive level down, those who devised these scams and who continue to operate them.

I have no doubt as I stand here this evening that all these scams have not been exposed. There is more to be revealed. I have no doubt that is the case. As we speak, people working within the financial services sector continue to perpetuate these practices. The culture continues. I do not believe this legislation, as currently drafted, will be sufficient or adequate to change that culture. Recommitting the Bill will provide us with an opportunity to reconsider it together because, it is only together that we can ensure the passage of legislation that will effectively address such scams and ensure the public has confidence in the

financial services sector to succeed and perform its important role.

Minister of State at the Department of Health and Children (Mr. B. Lenihan): I move amendment No. 1:

That the Bill be recommitted in respect of amendments Nos. 125 to 128, inclusive, and amendment No. 134.

The onus is on the Opposition to establish why we should recommit the Bill. We had a lengthy and detailed Committee Stage debate for two days. I accept that the Minister has tabled further amendments. That said, they are clearly and self-evidently required. There was a great deal of consultation, negotiation and drafting during preparation of this Bill. This complex legislation required a very considerable effort to balance the needs of consumers, good regulation principles and the particular perspectives of a wide range of industrial and consumer groups. Also, constitutional and complex legal issues arose at various stages in the development of the Bill with regard to the penalties and disqualification procedures. All of this takes time and effort but the Bill is a much better product as a result.

A substantial number of actions have been taken or are under way on the part of the authority. The Government's actions will continue to speak for themselves. Last year was the time for a radical overhaul of the institutional structures for financial services regulation. This year, we are in action again with the Bill before us. It complements the legislation enacted last year. The Minister is anxious to make a change to the Consumer Credit Act to rectify a deficiency highlighted by recent events in the banking sector, of which Deputies are fully aware. However, he is anxious to proceed with the legislation in general and consequently he opposes the motion.

Reference was made to statements made earlier today by the Governor of the Central Bank. He has indicated the importance he attaches to this Bill as part of the comprehensive regulation legislation he considers necessary in this sector.

Mr. R. Bruton: Does the Dáil not have a duty of care?

Mr. B. Lenihan: The events of recent days should remind us of the urgency of this legislation and should oblige us, as a matter of care, to proceed with it as quickly as possible. I do not draw the inference drawn by Opposition Deputies that we should delay and reconsider this Bill in greater detail. The events of recent days make it all the more important that we proceed with it.

Mr. R. Bruton: The Minister does not need the Dáil at all.

Mr. B. Lenihan: Far from it.

Ms Burton: He will ram it through.

Mr. B. Lenihan: Two days have already been spent on this Bill on Committee Stage.

Mr. R. Bruton: We had only two minutes in which to hear the Minister's response to dozens of questions on the key sections.

An Leas-Cheann Comhairle: Order, please. Allow the Minister of State to proceed without interruption.

Mr. B. Lenihan: The Minister is anxious to proceed with the legislation and he opposes the motion, save where it relates to his amendment No. 128.

Ms Burton: I understand from the Minister of State's reply that he was just landed with dealing with this Bill today and therefore he may just be answering to the Minister's tune. However, what the Minister is doing is deeply unwise and totally anti-democratic.

There are a number of Report Stage amendments that have not yet been considered and they have a profound effect on the structure of the regulatory penalties and sanctions. In addition, the Minister has tabled an amendment dealing with compliance statements by directors. We have not considered it either. Bearing in mind the events we heard about this weekend, the reality is that we now have a financial services regulatory authority Bill and a penalties and sanctions Bill that make no serious reference to the internal audit or to the role of audit committees within the banks. There are references to options that banks may wish to exercise in this regard but no mandatory requirements.

We know from today that none of the disclosures of recent weeks emerged as a result of any kind of investigation by IFSRA. Rather, in the case of foreign exchange they emerged because of the activities of a whistleblower and, in the case of the activities of the offshore investment company Faldor, the tax implications of which are so profoundly repugnant to ordinary, decent taxpayers who are now paying tax at 42% in the euro, I understand they emerged because of moves on the part of one of the parties involved in Faldor to clear up his own tax affairs with the Revenue Commissioners.

IFSRA is now beginning to run after the hare although others have already started running. The Minister of State is now proposing to give to the authority penalties and sanctions powers that are profoundly discretionary, do not require publication and are not, according to the legislation, subject to freedom of information. Therefore, we may never know when things go wrong. We will proceed no further than Mr. Hurley's confessions to the committee today. He stated that, until 1995, there was no way of enforcing regulations regarding companies such

[Ms Burton.]

as AIBIM. This is an astonishing revelation. The governor was at pains to assure us today that circumstances have changed. How can they really have changed if guilty people who hold powerful positions, who, in the case of many of the directors and executives, earn more than €1 million per year, more than many workers earn in half a lifetime of work, are not seriously held responsible?

Today I had an opportunity to examine what Mr. Douglas, one of the parties to the Faldor controversy, had to say. On 14 September 1999, it was reported that he denied that the Ansbacher procedure was a fairly extraordinary legal construct, as it was described by the leader of the Labour Party, Deputy Rabbitte. He said he believed it concerned the simple straightforward set of relationships that exist between a depositor and a bank. This is what he had to say about the Ansbacher scandal in 1999. He himself was a beneficiary of an offshore investment scheme, apparently without his knowledge.

The Minister of State is now implying that Fianna Fáil will ram through a set of amendments but these amendments fail to take account of the most recent revelations. We will only get a crack at this once. The Minister has already softened his tune substantially. We do not know if the banks got at him, but we do know that if they come forward and put their hands up, the system that will apply will be discretionary. We now know that the penalties and sanctions process will be discretionary if any of the penalties give rise to a risk of bankruptcy on the part of a financial institution or an individual. The penalties are not discretionary in the case of a motorist who breaks the speed limit and travels on a four-lane highway at 60 mph rather than 50 mph.

The Opposition, including the Labour Party, is prepared to sit down and have a reasoned discussion but it has been receiving a drip-feed of allegations and scandalous information from AIB in recent weeks. IFSRA is exercising its limited inquiry powers. It cannot sanction. For God's sake, will the Minister not wait until we receive the report so we can give powers to the internal auditors, for instance, and reconsider why the financial services ombudsman will also be under the thumb of the Central Bank? We should consider why the Minister's amendments deal only with compliance statements by directors given the confession made in the past two days that two of the bank's most senior directors knew absolutely nothing about the offshore vehicle.

In 1989 one of the directors, through his wife, invested approximately €79,000 in an offshore scheme, which at the time would have bought a four-bedroom house in Rathgar. They claim they did not know anything about it. They popped it in as one would pop a cake into the oven. Did the investment produce fruit? It doubled in value at a time when many workers' pension funds were earning less than 3% or 4% per year, and even

less still when the charges were deducted. The top executives had a vehicle available that had miraculous rates of return, yet nothing in these late amendments tabled by the Minister addresses these issues. For the sake of sense we ask that the Bill be recommitted so that the Minister along with the officials from the Department of Finance and the Central Bank can re-examine the very clear gaps and lapses in this legislation. It will also allow us to reconsider the outcome of several current inquiries.

I refer to a person the Minister knows and for whom he has expressed admiration in the past, Ms Dorothea Dowling, chairperson of the PIAB. The Government has referred to her work in a laudatory manner. She put the following questions to members of the committee today by e-mail:

What commission earnings are there for the bank, then and now, for selling "payment protection insurance" which the media says was sold to customers without their prior knowledge or consent when top-up loans were being sought? If the original loan was 40k and top up was 5k, was an insurance policy sold for just the extra 5k or a new policy effected for the full 45k and could the sum insured on the original policy not just be increased to 45k for those who wanted such insurance; do higher rates of commission apply for selling a new policy than renewing an existing one?

An Leas-Cheann Comhairle: The Chair was tolerant to the Deputy in allowing her to speak a second time. There is no provision to speak a second time.

Ms Burton: I accept your point a Leas-Cheann Comhairle. I will finish on this point. Dorothea Dowling is one of the most respected figures in Irish financial regulation. She has put the most serious questions to the Oireachtas Joint Committee on Finance and the Public Service. We have had no opportunity to examine those questions and determine whether more scandals are yet to be revealed. Yet Fianna Fáil and the Progressive Democrats — the party that was supposed to keep an eye on Fianna Fáil — are ramming through this legislation even though it has serious gaps and holes. I originally said the IFSRA legislation was like a camel. It now appears to be a camel with eight to ten humps. We have no idea how they link with each other or how they seek to seriously protect the consumer.

An Leas-Cheann Comhairle: I ask the Minister of State to clarify the matter.

Mr. B. Lenihan: I object to one expression Deputy Burton used in suggesting that the Minister had been "got at" by the banks. The Minister has not been "got at" by anybody. He tabled amendments based on advice he received from the Attorney General about very difficult

issues. It was stated that we have only one opportunity to address this matter. Deputies are concerned about the scandals that have emerged in the banking system. However, it is to the credit of the Minister that he introduced legislation last year and that he has further legislation before the House now.

Ms Burton: It is seven years late.

Mr. B. Lenihan: It is to the credit of the Minister that legislation is enacted and another Bill is well on the way towards enactment. I do not see any case for delaying the process of enactment of the measure before the House. At least it will improve the structure that exists. As a result of further investigations into the scandals we are discussing it may be that further legislative change may be required. However, I believe the Minister will act with expedition if that is the case. For the present this is fine legislation, which is well conceived and addresses many complex issues. It is important that we put it in place. If we can improve the regulation system here and now, we should do so.

I oppose the motion except where it relates to the Minister's amendment No. 128, which forms part of a group of amendments Nos. 125 to 128, inclusive, and 134.

An Leas-Cheann Comhairle: The question would appear to be that the Bill be recommitted in respect of amendments Nos. 43 to 124, inclusive, and 129 to 133, inclusive. Is that what Deputy Burton is moving?

Mr. R. Bruton: We have the Minister's amendment.

An Leas-Cheann Comhairle: I ask Deputy Burton to state her proposal. We will take the amendment first. If it is carried, it becomes the substantive question. Is that agreed?

Ms Burton: No.

Caoimhghín Ó Caoláin: On a point of order. This might not be the right sequencing and should be re-examined. I would wish to see the Bill recommitted in whole, as Deputy Burton proposes. However, the Minister is suggesting that a particular section dealing with his own amendment and the allied amendments would be recommitted.

Mr. B. Lenihan: As my amendment effectively negatives the Deputy's motion, I assume it must be taken first.

Caoimhghín Ó Caoláin: The Minister's amendment only deals with amendments Nos. 125 to 128, inclusive and 134.

Mr. B. Lenihan: My amendment negatives the Deputy's motion and it is put on that basis. The

amendment should be taken before the substantive question.

Caoimhghín Ó Caoláin: However, the Minister is agreeable to allow those amendments to be recommitted.

Mr. B. Lenihan: I must.

An Leas-Cheann Comhairle: The amendments Nos. 125 to 128, inclusive, before the House—

Caoimhghín Ó Caoláin: And amendment No. 134, which is associated.

An Leas-Cheann Comhairle: And amendment No. 134. Is that agreed?

Ms Burton: No.

Amendment put and declared carried.

Motion, as amended, agreed to.

Central Bank and Financial Services Authority of Ireland Bill 2003: Report Stage (Resumed).

Mr. R. Bruton: I move amendment No. 43:

In page 30, line 27, after "providers" to insert the following:

“, but the Council shall not impose any levies or fees until such time as the Consultative Industry Panel has been established pursuant to section 57DA of this Act”.

This amendment deals with the Ombudsman's council, one of the functions of which is to impose fees for the cost of the completing its work. As matters stand the council can proceed to introduce those fees. My amendment proposes that this should not occur until the consultative panel has been established so that the views of the industry can be heard before the fee structure is introduced. Concerns have been raised by, for example, the credit unions about the cost of these procedures. They have expressed the view that the Ombudsman should only rule after provisions internal to the credit unions have been exhausted. As there are concerns as to how this should work and given that the Minister is establishing a consultative industry panel, it would be prudent to get the views of industry before introducing fees.

Minister of State at the Department of Health and Children (Mr. B. Lenihan): As set out in section 13, the function of the industry and consumer consultative panels is to advise the regulatory authority. The industry consultative panel has a specific mandate to provide the authority with comments on the levies and fees imposed by the authority to fund its activities. Neither panel has any role in respect of the financial services ombudsman, which has its own council drawn from industry and consumer

[Mr. B. Lenihan.] interests. Under section 57BE, the council has the function of prescribing the fees and levies to be paid by financial service providers to fund the Ombudsman's bureau. Since the Minister envisages that approximately half of the members of the Ombudsman council will be from the financial services industry, this should provide a sufficient input on such levies and fees. I hope the Deputy will revisit his amendment on that basis.

Mr. R. Bruton: While the Minister of State makes some valid points, I would like to be provided with assurances that the industry membership of the council will include representatives of credit unions which are significant players in the financial sector. The membership should not consist only of the usual suspects from the hardcore financial services providers. It should represent a broad base within the industry.

Mr. B. Lenihan: I give that undertaking to the House with regard to the credit union movement.

Amendment, by leave, withdrawn.

Caoimhghín Ó Caoláin: Deputy Boyle asked me to explain that he has had to attend a committee meeting but will return as soon as he can. Is it within the bounds of permissibility that his amendment can be moved by another Deputy?

An Leas-Cheann Comhairle: An amendment must be moved by the Deputy in whose name it was tabled.

Amendment No. 44 not moved.

An Leas-Cheann Comhairle: Amendments Nos. 45 and 46 are related and can be discussed together, by agreement. As Deputy Boyle is not in the House, amendment No. 45 cannot be moved.

Amendment No. 45 not moved.

Mr. B. Lenihan: I move amendment No. 46:

In page 38, to delete lines 3 to 9 and substitute the following:

“57BS.—(1) Within 3 months after the end of each financial year, the Financial Services Ombudsman shall publish a report containing—

(a) a summary of all complaints made to that Ombudsman during the preceding financial year and of the results of the investigations into those complaints, and

(b) a review of trends and patterns in the making of complaints to that Ombudsman.”.

This amendment arises from an amendment tabled by Deputy Boyle on Committee Stage which he tabled again as amendment No. 45. In

fact, it reflects the amendment Deputy Boyle is not in a position to move. Amendment No. 46 provides that the ombudsman's report on complaints received must include a review of trends and patterns in complaints as well as a summary of those complaints. I have not adopted Deputy Boyle's amendment in its entirety as it is not the ombudsman's role to provide an overall commentary on the state of financial consumer protection. That is a function of the regulatory authority. I have, however, sought to address the concerns expressed by the Deputy.

Mr. R. Bruton: Among the issues which have caused the public increasing concern as various scandals have unfolded has been the low priority given to consumer protection by financial services operators. Deputy Boyle's amendment offers a better version than that offered by the Minister of State. We will want to hear the views on consumer protection of the council which I hope will be a significant player in the financial services framework and of the ombudsman to whom it reports. Recently, we have seen instances of the mis-selling of products, overcharging, failure to notify and failure to observe obligations under consumer credit legislation. Consumers are not being told in layman's terms exactly what they are signing up to. They are not being provided with an opportunity to consider what is involved and there is no explicit sign up as was clearly the case with the mortgage protection policies which were doubly sold with the extending of loans.

We want to see more than a list of complaints. A well-informed council of the financial services ombudsman should bring new thinking and good practice from elsewhere to bear and express strong views in its annual reports on whether or not we are moving towards where consumers ought to be in the system. The Minister for Finance's amendment provides simply for a tight reportage on specific complaints and what was done with them. Deputy Boyle's amendment has the advantage of providing the council and the ombudsman with the opportunity to provide a more general, state-of-the-nation commentary on whether or not the regulatory authority is succeeding in putting consumers into an important position in the regulatory structure. That is something they have never had in the past.

Mr. Boyle: I apologise for being unable to move amendment No. 44. A meeting of the Committee on Procedure and Privileges is taking place at the moment. I wish to move amendment No. 45.

An Leas-Cheann Comhairle: We are on amendment No. 46.

Mr. Boyle: Are not the amendments being debated together?

An Leas-Cheann Comhairle: The Deputy will have to speak to amendment No. 46. Amendment No. 45 has fallen.

Mr. Boyle: I regret that also. While I acknowledge that amendment No. 46 takes on some of the substance of amendment No. 45, it leaves out key elements. I ask that the provisions be reconsidered even at this stage. While the review of trends and patterns will be incorporated in the report of the financial services ombudsman, 57BS (1)(a) refers only to a summary of all complaints the ombudsman receives in the proceeding financial year. This involves a philosophical difference between the Minister for Finance and me. It is one we have had on earlier legislation, particularly the Freedom of Information (Amendment) Act 2003.

I tabled amendment No. 45, which has regrettably passed into the ether, on the basis that we had a very good example of where an authoritative commentary by an ombudsman has been made. The Information Commissioner offered a considerably authoritative commentary on the Freedom of Information (Amendment) Bill. If we are serious about financial regulation and consumer confidence in it, we should provide the financial services ombudsman with a similar right to produce an authoritative commentary on trends and activities within the financial services sector. This should include the right to comment on proposed Bills and legislative changes to add to the powers of IFSRA and of his or her office. On those grounds, I regret that the Minister has not travelled fully in the direction I proposed. The Bill will be much weaker as a result.

Mr. B. Lenihan: While the Minister has gone half way to meeting the amendment tabled by the Deputy, he cannot go the full distance. Much of the difficulty stems from the Deputy's insistence on the use of the word "authoritative" in his amendment. The ombudsman can make comments and recommendations on financial consumer protection in the State in the context of any investigation he or she carries out. Nobody is taking away from that. The ombudsman could include those comments in his or her annual report and I am sure the Minister would not seek to censor or limit what he or she might wish to say. The Deputy insists in his amendment on including the word "authoritative" but authority must be earned by an ombudsman as with a politician. Authority cannot automatically be bestowed by an Act of Parliament. That said, the review of trends is provided for in the Government amendment. What the Deputy seeks in the balance of his amendment is something the ombudsman might well do in the proper course of his or her functions.

Mr. Boyle: The Minister of State is hung on the word "authoritative" which I am prepared to put to one side. The more important word in my amendment is "commentary". The important part

of my amendment dealt with the effect of a commentary by an independent person with a vigilance role on legislation and, particularly, the activities of the Government. I regret that the Minister chose to look at an adjective rather than a noun when considering my amendment.

Mr. B. Lenihan: The adjective qualifies the noun. The ombudsman is not in a position to provide an authoritative commentary. The authoritative character of an ombudsman's report stems from its character and the eloquence and ability with which the point is written up.

Amendment put and declared carried.

An Leas-Cheann Comhairle: Amendment No. 48 is an alternative to amendment No. 47 and amendment No. 49 is related. Amendments Nos. 47 to 49, inclusive, may be taken together.

Mr. R. Bruton: I move amendment No. 47:

In page 40, to delete lines 41 to 43.

This amendment relates to the circumstances in which a consumer is not entitled to make a complaint to the financial services ombudsman. It sets out in section 57BX(3)(a) that a consumer is not entitled to make a complaint if the conduct complained of is or has been the subject of legal proceedings before a court or tribunal. I share the concern expressed that this allows a much more resourceful institution than the consumer complaining of a practice to issue proceedings in order to prevent a case being heard by the financial services ombudsman. This is a power that should be qualified. In amendment No. 49 I have offered a way in which it could be qualified. It sets out that if the conduct complained of is or has been the subject of legal proceedings before a court or tribunal, the financial services ombudsman may decide that it shall not investigate or shall defer its consideration of the matter if it believes that this would best serve the ombudsman's procedures. Under my amendment we would give the financial services ombudsman discretion to decide if such a matter were something which despite the proceedings having been issued, the ombudsman should nonetheless proceed to investigate because he or she felt it was in the best interests.

What I envisage is that if the Minister is agreeable to my proposal, the ombudsman would make a judgment call. If the ombudsman found that a financial services institution was using this part of the Bill in an obstructive way by trying to prevent fair procedures or trying to prevent a case being adjudicated upon, the ombudsman would then take the action outlined and would decide to go ahead with the investigation notwithstanding the proceedings having been issued. If there was another case where it was felt that the proceedings were well founded and that there was a case which should properly go to the courts for a hearing, the ombudsman would then take the opposite view.

[Mr. R. Bruton.]

My amendment meets the Minister's obvious concern in inserting this in the section but also prevents any abuse occurring, particularly abuse by a very resourceful financial institution compared to an individual who would not have resources at his or her disposal and could not anticipate taking on a large financial institution in a legal battle over an issue of perhaps relatively small sums of money, or even if a large sum was involved.

Mr. Boyle: Amendment No. 48, which is tabled by Deputy Ó Caoláin and I, seeks to insert the phrase "brought by the consumer" into this section of the Bill. I mentioned it earlier to the Minister for Finance and I now mention it to the Minister of State because he seems to be continuing the custom that the Minister for Finance has adopted in this Bill. At no point on Report Stage has the Minister accepted any amendment that mentions the word "consumer". He has proposed only one amendment with the word "consumer" in it, and that was to delete the term elsewhere in the Bill. That is curious in a Bill which is meant to promote the concept of consumer protection. There are references to consumers throughout the Bill, but when we as the Opposition propose amendments which seek to strengthen the consumer role in this process and the area of consumer protection, it is curious that this Government is unwilling to accept the arguments.

Deputy Bruton noted that this is an area which involves legal difficulties. We cannot charge agencies with being parallel courts or with contesting legal proceedings which are already in place. However, there is also the question of scales of justice in terms of the levels of remuneration being sought and the monetary cost to the individual in any particular instance. We must have flexible procedures to allow this to happen. On the other hand, if consumers were following legal actions through the courts system that would forbid them from taking an action with IFSRA or the financial services ombudsman, it is also open to financial institutions to frustrate, delay and deny justice for consumers by taking legal proceedings against them. For those reasons we need to look very closely at this matter and allow the flexibility the consumer needs to make sure that his or her rights can be enforced quickly and efficiently in a way this section of the Bill will not allow. It will further frustrate consumers to be caught up in the legal system at larger personal cost and at very little inconvenience to the financial institutions which very often should find themselves compensating individuals who have been wronged by the way in which those institutions have been providing their services.

Caoimhghín Ó Caoláin: In tabling amendment No. 48 along with Deputy Boyle, my main intention is to emphasise that the only debarment to making a complaint by the consumer in this

instance is where the consumer has initiated legal action or complaint, and the due process is either attending to or has already addressed the issue involved. The concern relating to the construction of section 57BX(3)(a) is that the financial institutions would see this as an "out", an opportunity to initiate legal action as a means of debarring a complaint by the consumer. Examples could be given where that risk exists. This Bill should be primarily devoted to protecting the interests of the consumer. This particular phrase, "the financial institutions for whom legal action poses no financial concern", would close off that avenue to consumers. The proposed amendment provides greater precision in the construction of subsection (3)(a) under this particular section of Chapter 5. The clause would then read, "is or has been the subject of legal proceedings brought by the consumer before a court or tribunal". It is clearly intended to specify that it is where the consumer would have initiated the legal action but that the opportunity for the financial institution to do so, thereby closing off the consumer's right of referral of the issue, would no longer apply. I appeal to the Minister of State. This is a sensible proposition and one which, as I can see by his nod of assent, he understands and agrees with. The problem is whether he will be allowed to assent to it.

Ms Burton: I have a question which the Minister of State might put to his officials. When this legislation was introduced some months ago, we were not aware of what we have been made aware of in the past two weeks. Yesterday we heard a statement by the former managing director of AIB, Mr. Scanlan, who said that his wife had made a substantial investment in 1989 and passed it to Allied Irish Banks Investment Managers. He and his wife subsequently added to the investment. Mr. Scanlan's statement said he could take legal action but would not do so because of his good relationship with the bank. I assume Mr. Scanlan's wife was not an employee of the bank but simply a customer, despite being related to the chief executive of the bank by marriage. What is the situation now? Is she entitled to make a complaint? She entrusted money to AIBIM and it ended up in the Virgin Islands. They have only found this out now, many years after the investment was made and many years after it was repaid with an extraordinary amount of growth — it was a very lucky investment for them. Mr. Scanlan's wife would not rank as an employee but as a customer. If Mrs. Scanlan is faced with questions from the tax authorities, under this legislation she is effectively disbarred on a time basis and may also be disbarred because there have been proceedings before a court or tribunal.

I do not have a problem with what is suggested by the Minister in regard to ordinary, everyday cases. However, I have a problem with the independence of the financial services ombudsman. We have heard in recent months

and will hear more of a number of people who were persuaded by dint of advertisements in banks or the persuasiveness of bank staff that they should put their money into overseas deposits and sign up as non-residents. The point they are making is that they did this, like Mr. Scanlan and his wife, on the advice of this very powerful institution, the bank. In most cases, they appear to have been non-compliant and in the wrong from a tax point of view. Some time later, the Revenue Commissioners correctly sought an appropriate sorting out of their tax positions.

This legislation would copper-fasten the banks from having to answer to individual customers. In other words, as with AIB, a bank could make a settlement with the State. However, this would not be the case for individual customers, who in their tens of thousands of cases were misdirected by unknown persons, perhaps bank counter clerks but not the directors, to put their money into bogus non-resident accounts or vehicles in the Virgin Islands. They have no recourse under this legislation to the financial services ombudsman.

While I accept that in regard to banking the primary advice must be *caveat emptor* and that people are responsible for their own financial decisions and investments, nonetheless, there is a significant disproportion in terms of power in this regard. On one side is a very large bank with over 20,000 employees all straining to one purpose — to make money and sell products — and, on the other, individual customers who may not be particularly knowledgeable in this area but who want to make as much money as possible. The bank acts as a salesperson for schemes which may be dubious from a tax perspective while the customer is anxious to earn significant returns. However, the schemes have gone belly-up for many people, including many of the elderly who feel they were at the least mis-advised or misled by the banks. We witnessed yesterday the outrage of Mr. Scanlan, the chief executive of the bank, on behalf of his poor wife who put her money into AIBIM only for it to end up in the Virgin Islands. They are also without recourse.

This is one of the reasons I suggested that this legislation needs more thought. It contains a financial services ombudsman structure designed by the banks to channel run of the mill complaints, for which the legislation will be fine. However, when there is extraordinary behaviour by a powerful organisation such as a bank, its customers are reduced to single individuals and their right of complaint is severely constrained. In the context of fairness and equity, there is an imbalance in favour of the banks as institutions and against the rights of individual customers. This also applies to business people who may be negotiating loans, and we heard from Ms Dowling about the practice of the negotiation of insurance policies where top-up loans are involved. In the context of what we have heard over the past few weeks, this legislation seems fine for the simple, straightforward cases but not for the kind of

activity that our banks, our biggest bank in particular, seem to be heavily involved in.

Mr. B. Lenihan: To deal with the particular amendments proposed by Deputies Richard Bruton, Ó Caoláin and Boyle, subsection (3)(a) which the Minister introduced on Committee Stage already addresses the danger which the Deputies have raised. It means that if a financial institution acts in bad faith by commencing legal proceedings in order to frustrate the actions of the ombudsman, the ombudsman can still deal with the complaint. This provision goes as far as we can reasonably go without risking a legal challenge based on the constitutional prerogatives of the courts.

I refer Deputies to the precise wording of subsection (3) of section 57BX which states, “A consumer is not entitled to make a complaint if the conduct complained of — (a) is or has been the subject of legal proceedings before a court or tribunal...”. To some extent, this answers the point raised by Deputy Burton.

To take the example of a financial institution which takes court proceedings to recover an amount allegedly due from a customer, nothing in the subsection suggests that this should prevent the customer from complaining to the ombudsman that, for example, the institution had mis-sold the financial product concerned. That said, there is a six-year limitation of time backwards in the legislation. However, I hope Deputies can accept that subsection (3) addresses the concerns they have raised.

Mr. R. Bruton: To which subsection did the Minister refer?

Mr. B. Lenihan: Subsection (3). An amendment by the Minister on Committee Stage brought in the new section 57BX(3)(a).

Mr. R. Bruton: The Minister’s point refers to “the conduct complained of”.

Mr. B. Lenihan: Yes.

Mr. R. Bruton: Therefore, if they take an action——

Mr. B. Lenihan: The consumer is not entitled to make a complaint if the conduct complained of has been the subject of legal proceedings.

Mr. R. Bruton: Does that mean that one complaint about such conduct blocks every single person who is so affected from pursuing his or her case to the ombudsman?

Mr. B. Lenihan: No.

Mr. R. Bruton: In the context of overcharging, if one person who lost a lot of money pursues a case, does that mean that everyone else who might have a similar complaint, and hopes the

[Mr. R. Bruton.]
ombudsman will give them relief at low cost, will be blocked?

Mr. B. Lenihan: Subsection (3A), as amended on Committee Stage, states:

Despite subsection (3)(a), the Financial Services Ombudsman may accept a complaint against a regulated financial services provider who has begun legal proceedings in relation to a matter to which the complaint relates, but only if that Ombudsman reasonably suspects that the regulated financial services provider has begun those proceedings in order to prevent the making of the complaint, or to frustrate or delay its investigation.

That was inserted on Committee Stage and that is as far as the Minister feels he can go in the matter.

Caoimhghín Ó Caoláin: I listened to the Minister of State's response to Deputies' arguments with interest because I believed with some justification that he understood and was sympathetic to those arguments. Deputy Richard Bruton, however, has correctly focused on the point of the plurality of the words "the conduct" complained of. It is no longer the central hook on which the Minister of State hangs his argument, it no longer refers only to the individual experience. If the Bill refers to "the conduct" complained of and that can apply to a multiplicity of people and if there is one court action on the conduct complained of, does that debar others seeking redress?

This is not just word play, there is an important point here that must be examined. A consumer is not entitled to make a complaint if "the conduct" complained of is subject to legal proceedings before a court or tribunal — that is not specific to the individual consumer's case but it can refer to the experience of that consumer applying to 1,000 consumers, any one of whom could have taken a case. That would close off the opportunity of referral to the financial services ombudsman. This must be teased out. I ask the Minister of State to re-examine this and allay the fears now being expressed as a result of the Minister of State's response.

Mr. B. Lenihan: I do not share Deputy Ó Caoláin's fears because I referred to the phrase "the conduct complained of" in ease of the jurisdiction of the ombudsman, not in restriction of it. We are debating a restriction on access to the ombudsman and a provision that a consumer cannot make a complaint if the conduct complained of is or has been the subject of legal proceedings before a court or tribunal. Legal proceedings are proceedings in an individual sense. Any legal proceeding bears a record number and has a distinct party and clearly, therefore, the conduct complained of takes its colour in the Bill from that expression — it must

relate to particular parties. The conduct complained of must be individuated to the particular legal cases involved.

Caoimhghín Ó Caoláin: Will the Minister of State reassure us of that?

Mr. B. Lenihan: I reassure the House that this clause cannot be used to exclude a person. The clause which excludes the jurisdiction of the ombudsman will always receive a strict construction and any fair reading of this provides that a person cannot make a complaint if that person is or has been the subject of legal proceedings before a court or tribunal. That is the clear sense of the provision and it does not bear the interpretation placed on it by Deputy Ó Caoláin.

Mr. R. Bruton: If the Minister of State is assuring us that the conduct complained of cannot be a single action that removes an entire group of people who might be hoping for such a judgment, I must accept his wisdom on the matter.

Amendment, by leave, withdrawn.

Caoimhghín Ó Caoláin: I move amendment No. 48:

In page 40, lines 41 and 42, after "proceedings" to insert "brought by the consumer".

Amendment put and declared lost.

Amendment No. 49 not moved.

Mr. B. Lenihan: I move amendment No. 50:

In page 41, line 5, to delete "services" and substitute "service".

Amendment agreed to.

Mr. B. Lenihan: I move amendment No. 51:

In page 41, lines 9 and 10, to delete "services" and substitute "service".

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 129 to 131, inclusive, are related to amendment No. 52 so they will be taken together by agreement.

Mr. R. Bruton: I move amendment No. 52:

In page 41, line 32, after "it" to insert the following:

"and in the case of a Credit Union has made reasonable efforts to use fully the dispute resolution options which are available to the consumer as a member of the Union".

This arose on Committee Stage when we discussed the complaint system within the credit union and the point at which a complaint being pursued within the credit union structure should move on to be considered by the ombudsman. The Irish League of Credit Unions expressed the view that there should be a requirement that before a member had recourse to the financial services ombudsman, he or she should use the procedures available to him or her as a member of the credit union.

The crucial words in the amendment are “made reasonable efforts”. It is open to the financial services ombudsman to take the view that while he or she may not have exhausted every avenue, the member has made some reasonable efforts to have his or her case dealt with internally. It seems a reasonable way to proceed. Most ombudsman services require a person to exhaust the internal complaints procedures before moving to the next level. The credit union movement felt this would be a better way to deal with the matter since people are members and mutually supportive and should avail of the rules available to them before going outside the credit union.

Ms Burton: Amendment No. 129 is similar, it relates to the scheduled amendments the Minister will make the Credit Union Act. Does the Government agree that in seeking to place the credit union movement under the control of IFSRA, which primarily deals with large financial institutions, some of the requirements for the movement do not reflect its ethos? It is voluntary, collective and its members are the controllers of the movement. It is a different organisation from a commercial bank. Some credit unions are small and localised while some reflect large-scale public service employment.

My amendment No. 129 proposes that a complaint by a credit union member should first be dealt with through the credit union’s internal complaints procedure. The reason for that is that in the previous Bill, which established the Irish Financial Services Regulatory Authority, the Minister introduced an amendment promising that the ethos and the nature of the credit union movement would be respected. Deputies are concerned that the impact of the Minister’s approach, particularly on small-scale credit unions, lacks due process in terms of the history and style of the credit union movement. If a member makes a complaint, it ought to go to the committee of the credit union, which should seek to address it. As in other voluntary organisations, there are arguments and disputes within credit unions. The type of regulation now being introduced by the Government is enormously onerous and detailed, far more so than the comparative regulation of banks and for-profit financial institutions. In order to respect the ethos of the credit union movement I suggest it would be good to encourage it to have its own complaints procedure utilised by members who are unhappy with its services. That in turn would

support the accountability of the management committee of the credit union and the resilience of the credit union movement in being accountable to its members.

Some of the legislation relating to the credit union movement will prove to be particularly onerous, particularly for small credit unions. The Minister should encourage the ethos of the credit union movement, of the membership acting collectively, of the management committee of the credit union reporting to the members and, where there are complaints, of the credit union itself taking responsibility to address the complaints.

The financial services regulator will be busy drawing up codes of practice relating to complaints. So will the financial services ombudsman. I am quite sure they will be advising credit unions on how a complaints procedure should operate under this Bill. The credit unions already have a complaints procedure. The purpose of the Labour Party amendment is to ensure it is utilised and that the regulator is not the first recourse. That is similar to what is being offered to the banks whereby a customer must go first to the bank or financial institution to make a complaint. We are suggesting that the same rules should apply in the case of our very important and very valued credit union movement.

Caoimhghín Ó Caoláin: I have tabled amendments Nos. 130 and 131. They seek to have written into the sections identified that the complainant must have exhausted all dispute resolution options available under a credit union’s rules save the referral of the matter to arbitration or to the District Court for resolution. These amendments, with the earlier ones already mentioned, are a further safeguard and recognition of the special position of the credit unions within the overall configuration of financial services delivery in this jurisdiction. They recognise that credit unions are voluntary bodies with their own rules and established dispute mechanisms that are deserving of full respect. The basic thrust of the argument presented by earlier speakers and by me is that this is about ensuring that we reflect the position of the credit unions in line with the recognition they already have in the Act of 2003. We wish to see this restated, renewed, reaffirmed, and the concerns of the broad credit union sector addressed substantively. These amendments will do that. They are realistic in so far as they recognise, as did the earlier set of amendments which we have discussed, that referral to the court would not be a suitable action in advance of referral to the office of the financial services ombudsman, nor equally would arbitration, but that under all the other rules governing credit unions, normal procedures should be adhered to before the financial services ombudsman would take on any case referred. That is a very reasonable proposition. I commend amendments No. 130 and 131 where they specifically impinge on the text of the Bill as presented. I support the

[Caoimhghín Ó Caoláin.]
amendments already tabled by my colleagues,
Deputies Bruton and Burton.

Mr. Boyle: In this Bill and in the Act of 2003 the Minister for Finance seems to have adopted a babushka doll attitude to credit unions with the Central Bank being the largest doll, underneath which there is the Irish Financial Services Regulatory Authority, and underneath which again there is third doll which is the office of the credit union regulator. That analogy might make credit unions seem very secure, being protected by two larger and wider bodies. However, it is also very claustrophobic and suffocating for credit unions which, quite deliberately, through representations of the larger financial institutions, have been put in this legislative position to discourage their further growth. It has for long been argued, in both the 2003 Act and in this Bill, that credit unions were being treated unfairly, that they represent a different approach to banking, an approach that, particularly given recent events, should be looked at far more kindly. It is all about economies of scale, local access to services and, in particular, a voluntary ethos that is all too obviously lacking in larger financial institutions. In particular the Minister seems to have a philosophy that professional, meaning people who are paid large amounts of money to adopt attitudes that we see are far from professional, is different from voluntary, which is seen as amateur and shambolic. By refusing to accept these amendments the Minister is making a bad situation worse for a movement that is badly needed as a viable alternative in the financial services sector.

Debate adjourned.

Message from Select Committee.

An Leas-Cheann Comhairle: The Select Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs has completed its consideration of the following Estimate for the public service for the service of the year ending 31 December 2004: Votes 18 and 35.

Private Members' Business.

Rural Development: Motion.

Caoimhghín Ó Caoláin: I move:

That Dáil Éireann notes the failure of the current Government to fulfil the commitments made in the White Paper on Rural Development:

- to maintain vibrant sustainable rural communities;
- to ensure sufficient employment and income opportunities;

- to improve access to education and training;
- to encourage participation in the decision-making process;
- to ensure gender balance on rural development bodies such as Leader and CLÁR;
- to provide adequate housing and to address the problem of planning permission;
- to promote all-Ireland integration and co-operation;
- to ensure balanced regional development;
- to maintain public services;
- to provide adequate health care provision;
- to provide broadband communications for all parts of the State;
- to ensure the safety of people living in rural communities by providing adequate levels of policing; and

that these failures require a radical new approach to the question of rural development on the whole island of Ireland that will guarantee an equal level of provision of public services for all citizens and will ensure that there is real decentralisation of both the public and private sectors and that local and regional authorities with community representatives are given a greater say in the manner in which local programmes are administered.

I wish to share my time with Deputies Morgan, Twomey, Connolly and Boyle.

I commend the motion to the House and welcome the opportunity to debate the future of rural Ireland. Some of these issues have been addressed many times in the Dáil but the crucial focus in the motion presented by the Sinn Féin Deputies is that communities in rural Ireland must be given the capacity to address the problems they face and plan their future development.

It is appropriate that, as we prepare to elect new local authorities, we call for real decentralisation of governmental power as an essential means of empowering rural communities. This does not just mean the relocation of Government offices from Dublin, it also means the real empowerment of local government. This is especially important for many of our marginalised and neglected rural communities, particularly in the Border, midlands and western region.

According to the Central Statistics Office, farm incomes in real terms have fallen by almost 25% since 1995. This, in combination with current debt levels of €1.1 billion, has made it increasingly difficult for many family farms to survive. More

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than 30,000 people have left farming since the beginning of the 1990s. The majority of these have been smaller producers and this has had a malign and, in some cases, devastating effect on rural communities. It has made it more difficult for local businesses to survive and it has not been compensated for by an increase in other jobs in sufficient numbers to offset the recent increases in unemployment.

The main reason for the real fall in farm incomes has been the declining share that farmers receive from the products they sell. While input prices have risen considerably in recent years, output prices have fallen by almost 10%. Of the food that farmers produce, a greater share of the price paid by consumers goes to the retailer, with the market now dominated by the multiples. It is not unusual for farmers to receive 30%, 25% or even 20% of the price the consumer pays.

With this market domination has come increased demands on producers by the multiples and processors, including farmers having to deliver their produce, often long distances. This is an argument for a return to real co-operativism to enable farmers to secure the best price for their produce and to limit the power of the multiples. Sinn Féin has proposed that there be a revival of farmers' markets for the same reason and to ensure better value for both farmer and consumer. We need to support and encourage the promotion of Irish agricultural produce and to see country of origin labelling on all imported beef, poultry, pork and vegetables.

Of course, rural communities are not exclusively based on farming, as the Minister is aware, but it is important that agriculture remains strong and vibrant and provides employment and the basis for other rural jobs, such as processing. If the EU is committed, as it claims, to maintaining the European model of agriculture based on family farming, measures must be taken to ensure that the current drift from the land is halted. In the context of the current reform of the CAP, that must mean that decoupling provides farmers with a guaranteed income and that the Irish Government develops new strategies to take best advantage of the new situation facing farmers.

It must also mean that the funds taken away from direct payments through modulation are ring-fenced within the country from which they originate and that they are made to directly benefit the farmers from whom the funds are taken. These funds should be used here in Ireland for rural development. It is also important that the EU expand its programme of rural development programmes beyond the measures currently designated and that more funding goes to support programmes such as Leader which have a community based approach.

Sinn Féin's argument is that every person, no matter where they live, ought to be entitled to an equal level of access to and provision of public services, be they health, transport, education, post offices or banking. The reality for many rural

communities is very different. Many of these services are either non-existent or have been withdrawn from these communities. That is clearly illustrated by the health crisis within the regions. The loss of services at local hospitals must be seen as part of the avoidable decline of rural Ireland, a decline for which the Government is responsible. Monaghan and Louth hospitals have been targeted. Under the Hanly report further hospitals will go under the knife. The reference to health in the Government amendment cannot hide that reality. In the area of health there are relatively minor administrative measures that could be taken to integrate ambulance services so that people could be taken to the nearest available hospital rather than having to travel longer distances that might place them in greater danger.

There has been some progress under the PEACE I and II programmes towards integrating and developing Border communities. One of the main defects was that there was no linkage between the two. PEACE I and II have been over-centralised, which contradicts the EU's commitment to bottom-up development with local delivery and local communities taking charge. There were also numerous problems regarding the slow rate at which applications were processed and the difficulties that many groups had in navigating their way through that before being able to access resources. It was felt that this favoured business oriented rather than community projects. The Minister spoke about this in the past.

That is the reason Sinn Féin has argued for a PEACE III programme and for it to address the defects that were identified in PEACE I and PEACE II. It should be expanded from five to seven years to allow for a more strategic approach and to be directed from community level with a more direct input from local representatives. Other practical ways in which the cross-Border development of rural communities can be enhanced is through promoting a common approach to service provision and to initiatives designed to boost the economic and social aspects.

We have also been pressing for the introduction of free travel on an all-Ireland basis for the elderly. While the Department on this side of the Border has indicated that it is favourable to this and has discussed the issue with those responsible in the Six Counties now that the institutions have been suspended, its British counterpart has informed one of my colleagues in Fermanagh that no such discussions took place. Perhaps the Minister will address this matter. Unfortunately, it appears to be indicative of an attitude towards the development of cross-Border initiatives that is all too common.

The closure of several Teagasc research facilities is another way in which the current Government has impacted negatively on rural development. Apart from the immediate job losses that these closures entail, they also affect

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the prospects of promoting agricultural production where specific local research is brought to an end. A prime example of this is the current situation regarding the dairy centre at Ballinamore in County Leitrim. Not only will the closure of the facility affect local jobs in a county where there is above average unemployment but it will also bring to an end important research into local production systems in the north-west. This could have had major benefits to farmers on both sides of the Border who share the same soil type as in that part of Leitrim. The same has taken place at other Teagasc centres and this calls into question the Government's commitment to developing improved production methods, especially in disadvantaged parts of the country.

The Government is also abandoning its commitments in the area of community based policing. Only last week the Minister, Deputy McDowell, spoke about closing more Garda stations in rural and urban areas. This often has a particularly marked impact on rural communities where people see the withdrawal of local gardaí as another form of abandonment by the State. People, especially the elderly, in isolated rural areas feel vulnerable in the absence of a visible and known Garda presence. Unfortunately, there have been instances where people have been attacked in their homes and they found it difficult to get assistance and felt that the often long distances to the nearest Garda station increased the likelihood of crime in the locality.

Sinn Féin proposes that this problem can be addressed through the establishment of community policing partnerships. These would comprise elected representatives, appointees of local statutory agencies and representatives of the community and voluntary sector. The partnerships would meet regularly with the Garda and ensure that a greater level of accountability, confidence and, above all, trust is nurtured and guaranteed into the future.

I have addressed some of the issues covered by tonight's motion. My colleagues, during the rest of the debate this evening and again tomorrow, will address further elements of the motion. I commend to the House the motion and the individual proposals contained therein.

Mr. Morgan: Sinn Féin has brought this motion before the House because the Government has completely failed to fulfil the commitments it made in the White Paper on Rural Development. Current Government policies based on *laissez-faire* economics are bringing about the destruction of rural Ireland. The Government is failing to ensure sufficient employment and income opportunities and balanced regional development and failing to maintain public services in rural areas. The fact that the commitments in the White Paper were not supported by the necessary funding and development of sufficiently wide-ranging programmes makes a mockery of the

Government's claims that it is committed to maintaining the maximum number of people in rural areas and strengthening rural communities economically, socially and culturally.

Statistics have consistently shown that the Border, midlands and western, BMW, region has levels of unemployment above the average for the State. The Border region is among the worst in terms of unemployment. Recent census figures released by the CSO found that Carndonagh, Castleblayney and Dundalk have a rate of unemployment of a least 19% compared with a national rate of 4.5%. This is an indictment of the coalition Government, particularly in light of the economic boom of recent years.

The national spatial strategy, which was supposed to address the imbalance in employment, was strong on commitment but weak on delivery. The three main gateway centres into rural Ireland in the national development plan are Galway, Waterford and Limerick. The importance of these was re-emphasised with the launch of the national spatial strategy in November 2002. They were seen as the key to increasing the economic attractiveness of the regions in which they are situated. In each of these cities, unemployment has risen since 2002. Of the nine hub centres — Castlebar and Ballina, Tuam, Ennis, Tralee and Killarney, Mallow, Kilkenny, Monaghan, and Cavan, seven have seen the numbers of jobless rise, some by alarming levels. This makes nonsense of the Government's claim that the national spatial strategy is a success. Publishing it may have been a success, but it is clearly not being implemented.

We need to see increased investment in infrastructure, with Government support for the development of indigenous industries in rural areas. Without the investment in infrastructure, areas will not be able to compete or attract outside investment. Despite loud announcements from the Government about the decentralisation of Departments, very little has been done to advance decentralised job creation. We need to recognise that encouraging entrepreneurship, indigenous industry and the social economy provides the best opportunities for job creation in rural areas. We must move away from our over-dependence on multinationals which, after receiving large grants to set up, pull out after a number of years, leaving an area devastated. We must recognise that a small community that becomes dependent on one large industry is in a precarious position.

There should be encouragement for small and large-scale indigenous companies across the State, particularly in rural Ireland, with a research and development anchor. We must also recognise that 80% of employment stems from small and medium-sized enterprises. Investment in indigenous companies offers the best possibility of long-term sustainable job creation and economic development in rural areas. The same quantity and quality of resources made available to inward investors should be made available to

indigenous enterprises. That is currently not the case.

The internationalisation of many industries, particularly the food processing industry, has led to the shutting down of many smaller plants, often with dire consequences for the small towns and villages in which they are sited. Local communities have found themselves powerless to prevent this. We need to support small businesses which, although they often generate small profit, are responsible for much local employment. These are often overlooked by the industrial development agencies. The Government also needs to encourage the development and marketing of new local brands in rural areas, as many businesses are not large enough to enter export markets. The Fuchsia brand developed in west Cork is a good example of the development of a regional brand encompassing a number of small companies.

Sinn Féin envisages a rural society in which everyone can have dignified, productive employment, a fair income and better quality of life. The Government's failure to fulfil its commitments in terms of access to employment and income opportunities confirms that it does not have the same ambition. It is worth noting that disempowerment of local government has meant that communities have little control over their own affairs. This is totally contrary to the White Paper's commitment to encourage participation in decision making. Women have also remained disempowered in rural Ireland because of the Government's failure to ensure gender balance on rural development bodies such as Leader and CLÁR. It has disgracefully failed to meet the target of 40% representation of women on the management boards of rural development programmes. It has admitted its failure in this regard by refusing to accept the amendments of Sinn Féin and other parties to recent legislation, such as An Bord Bia (Amendment) Bill 2003, to ensure that targets of at least 40% are met.

As I have explained, the Government has failed to fulfil its commitments in the area of access to employment. This is directly connected to its failure to fulfil its commitment to balanced regional development and the fact that it has not maintained public services in rural areas. Despite the publication of the national spatial strategy, we are arguably even further from a spatially balanced state than we were when the White Paper was published.

Public services in rural areas are under siege as the privatisation agenda is implemented. Government promises to "rural-proof" all national policies are worthless as rural post offices and Garda stations are closed, rural areas continue to be bereft of access to public transport and class 3 and even class 2 roads are allowed to fall into disrepair. For example, two Garda stations in north Louth have been closed or at least downgraded to part-time in the past year. In the growing town of Clonakilty in west Cork,

advanced plans to downgrade the town's post office have met with a justifiable outcry from the people of the town. Failure to invest in infrastructure and communities means that these areas have not diversified and people have continued to drift to Dublin and other cities in search of employment.

The national spatial strategy suggests particular towns for special development status without proper basis or adequate spatial considerations. The effect, characteristically, is to drive one town, one community, one neighbour against another in the hopeless cause of developing a region by duplicating the mistakes of spatial planning that allowed all resources to veer to one centre with uneven development and marginalisation of surrounding rural areas. Currently, resources and investment are magnetically drawn to the greater Dublin area, or other relatively rich and prosperous areas, to the detriment of rural areas.

Industry locates near other industry. It tends to develop in clusters. This draws people, services and better transport into a centre, and because these resources are drawn to Dublin and other large urban centres and away from rural areas and smaller towns, more and more resources tend to be concentrated in the metropolis. Almost all factors of production in larger urban areas are cheaper and more easily accessed than in the rural areas. We need to ensure that plans are based on equality of outcome, not simply equality of opportunity. Plans need to be sustainable with regard not only to economic issues and long-term profitability but also in terms of the environment, natural resources, culture, social values and the provision of social services to provide an acceptable standard of living.

Dr. Twomey: I am delighted to speak on tonight's motion. County Wexford is a rural constituency and has been neglected not only since the last election but also the previous election. Decentralisation, health, education and jobs will again be the dominant issues in the next general election unless the Government focuses on rural Ireland.

Last Wednesday, Fianna Fáil members of the Oireachtas Committee on Finance and the Public Service voted against a discussion on decentralisation, which was due to take place after the local elections, so that it would not be considered an election issue. This is of great concern to members of the committee like myself who come from rural constituencies because we support decentralisation. It is a bad omen for support of the issue at local level.

There have been a number of public meetings in regard to post-primary schools in my constituency in County Wexford. At least five schools in the constituency need major capital investment. The last enrolment figures in a school in Gorey, which was built to accommodate 900 pupils, stood at 1,600 pupils. An area 15 miles away has been promised a new secondary school for the past ten years. The same lack of

[Dr. Twomey.]

investment in post-primary schools is taking place across the county, and we have not even begun to have a discussion on primary schools. Such schools have insufficient space, poor services and do not come up to scratch in this modern era to educate our young people for the future.

The Minister for Health and Children has no commitment to rural Ireland. The lack of investment in the health service in the south-east, and County Wexford in particular, bears this out. The way the people of that county have been treated is a disgrace. If this remains the case for the next three years, the Government will pay the price at the next general election. The Hanly report is mocking the people of rural Ireland given that the Minister for Health and Children is spending more than €100 million on Cork University Hospital in his constituency and there are plans to spend more than €400 million on services in the Mater Hospital in the Taoiseach's constituency. There are plans to spend €500 million in both the Taoiseach's and Minister for Health and Children's constituencies. This is the same Minister who insults people like me who try to highlight the weaknesses in the Hanly report by saying we are being parochial and self-serving. In fact, we are the people who have a rational idea of the direction the health service should take.

Much of the spending on major infrastructural projects is still focused around Dublin. It is not being spread out across the country as envisaged when the plans were being drawn up. Rosslare Europort in my constituency is probably one of the few profitable ports in the country. This port has suffered from severe neglect. The investment it receives every 15 or 20 years is just enough to prevent it from being washed into the sea. Even though it is an important port and has many green sites that could be developed for both distribution purposes and for light industry, there has been no investment in the port. We have no idea what will happen to the port in the future. It is owned by CIE which is just interested in taking the profit. This money gets gobbled up and squandered in another part of that monopoly. I would like to see the Rosslare ferry port being taken away from CIE and put under the control of a Department that would take seriously development and investment in County Wexford.

There is a perception that rural voters are being taken for granted because they remain loyal to the political parties. Urban voters have a higher percentage of floaters who are courted much more dramatically by the Government. Rural voters are getting fed up with being ignored. The Government has had three years to show its commitment to the country as a whole. As decentralisation will not be a smooth transition, we want to be part of the process from the beginning so that we can ensure it will work.

More than one million patients living outside major urban areas are entitled to a proper health service. The Government should implement a fair

school programme because there is a huge difference even between Wicklow and County Wexford.

Mr. Connolly: The Government's White Paper on Rural Development in 1999 committed itself to a long-term vision of rural society and drew up various strategies to ensure the maintenance of vibrant and sustainable rural communities. The White Paper was widely welcomed at the time in that it provided the outline of a vision to guide rural development policy.

While there is no common definition of the term "rural" within Europe, in Ireland the census of population defines "rural" as all areas outside towns of more than 1,500 people. Using this yardstick, Ireland has 43% of its population classified as rural, which amounts to a great many votes. Farm numbers have continued to decline between the 1996 and 2002 census, as rural Ireland continues to change. This shift in the patterns of agriculture continues to have major consequences for rural society generally. A sea change in current development policies which are mainly urban-led is also essential. Crucial issues, for which the current policies are woefully inadequate, include infrastructure development, national spatial imbalance, public transport and local input in core decision-making. On practically each test, the Government has failed miserably.

The much vaunted national spatial strategy, with its aim of promoting balanced regional development, appears to be a dead duck. It appeared to give some hope to less developed regions and rural communities that economic growth would be distributed in a balanced way. The Government gave a commitment to addressing in the national spatial strategy the problem of rural poverty. In the budget for 2004, we were treated to decentralisation mark two which appeared to dole out relocation "goodies" to a raft of communities throughout the country. These communities were at variance with the spatial strategy areas whose citizens must now be wondering what exactly the terms "gateway" and "hub" mean. It appears that both the national spatial strategy and decentralisation fall into the category of kites flown without any consultation. These kites have now fallen to earth in tatters. It appears they will be milked in the upcoming elections for maximum political capital.

While rural development is ultimately about people, a central element is sustainability. The term "sustainable development" originated in the 1970s and has been defined as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs".

Education is a major concern for each community. Many of the nation's schools are being allowed to run down, have a litany of structural defects and have been used as election fodder by the Government at appropriate times. We recall the separate lists being bandied about

prior to the general election in 2002, and the utter cynicism of rural parents for Department promises. Sub-standard accommodation in rural schools should be upgraded as a priority. All rural schools should have a minimum staff of two teachers. It is an almost impossible task for a lone teacher in a school. There is the example of Knocknagrave national school where it is proposed to get rid of one of the two teachers while student numbers are increasing on an annual basis, and will continue to increase in the future. Pre-school services in rural areas are almost non-existent. Many parents must drive very young children long distances from home to attend pre-school in towns.

Many of the proposals in the White Paper are desirable and could make a major difference to the lives of people living in rural Ireland. In the provision of health care services, the Programme for Prosperity and Fairness favours the opposite of centralising these services *à la* Hanly. The people of County Monaghan and rural Border communities are being deprived of basic medical services through the downgrading of Monaghan General Hospital.

County Monaghan has been poorly served by the Government in the area of tourism. In its 2004 tourism brochure, the north-west tourism body makes barely a passing reference to the tourism attractions of County Monaghan. In eco-tourism, a number of worthy projects in County Monaghan have been passed over for sports capital fund grant aid. These include the Derryvalley Wetlands project at Ballybay, the Concra Wood lakeshore and heritage development at Castleblayney, and Monaghan swimming pool.

Mr. Boyle: One of the many ironies of Irish political life is that the political party that received most votes in rural communities and spent the longest period in Government since the foundation of the State has been the party that presided over and produced policies that directly contributed to the decline in rural life. The myth has been perpetrated in election after election that the blame for the decline in rural life is somehow to be found elsewhere, among people who cannot make decisions and among political parties that have never held political office. Somehow, the decline in rural life is everyone else's fault but the party that has been most consistently in office since the foundation of this State.

It is a decline for which the word "decimate" is inadequate, because "decimate" in its literal term means the loss of population by 10%. We have seen many rural communities disappear and many whose populations decreased by far more than 10%. No one has been to blame for this. No one has been to blame for the removal of population, which has often been to other urban areas to the extent where the demographic ratio has completely reversed. It was 60% rural and 40% urban at the time of the foundation of the

State and it is now 60% urban and 40% rural. No one takes responsibility for the removal of services from rural communities, such as the removal of railway lines, the closure of railway stations, the closure of schools, post offices, and Garda stations. This is somehow a demographic blip. Those who were and are in Government could have put in place the necessary resources, could have produced the appropriate policies and rural Ireland could still be thriving. That it exists at all and still has life is a tribute to those who have chosen to live and economically exist in rural Ireland. Where Government should be giving a lead, where the fine words in the White Paper on rural development could become reality, we find instead that it is those who work in the voluntary sector who take the lead. The recent AGM of Irish Rural Link had very interesting motions and debates. It points a way to a more vibrant rural Ireland. It is a challenge to everyone involved in political life to listen to what such organisations are saying.

I spent three very enjoyable years of my working life with Muintir na Tíre in north and east County Cork. As someone whose volunteer activity in community development up to that time had been strictly urban based, I learned many valuable lessons. The whole definition of commitment in rural communities exists at a different level than can be found in urban communities. Yet the degree of support that should come from State agencies, from the political system and from the Governments that have resources to implement proper policies, still remains lacking. Although it was founded in the 1930s, Muintir na Tíre has been an organisation that has not been allowed to develop. While it has been doing viable work continuously, funding from other sources such as the European Regional Development Fund has been given to new bodies like Leader and the CLÁR programme. Instead of engaging directly with rural communities, the Government has chosen to create parallel structures. This means rural Ireland will be weighed down in bureaucracy rather than the vibrancy that naturally exists there. The challenge for the Minister is to respond for the Government tonight.

Rural Ireland is in need of a different definition. It is no longer the rural Ireland of small farm holdings. Agri-business is now on a larger scale and is of an international dimension. Yet, instead of encouragement, the best that can be hoped for are policies that will force people involved in those enterprises to stand still. The Government is badly falling down on the economies of scale. For vibrant rural communities to exist, there has to be an understanding that appropriate levels of support need to be given on a long term basis. Unfortunately we have a Government with a philosophy of a "kill or be killed" attitude to economics. It is all about making the largest possible amount of money in the quickest possible time and forming the largest possible

[Mr. Boyle.]

structures that will allow one to do that. We see that all too clearly in our financial services industry at the moment. Instead of encouraging viable alternatives to give people a choice in that area, such as the credit union movement which is one of the successes of rural life, we find ourselves embedded in the mire that is the Irish financial services industry in 2004.

I would like to hear an admission from the Government on where things have gone wrong. The Government recently announced the re-opening of rail infrastructure for the first time in the history of the State. A decision has been made to extend the Cork to Midleton railway line. That is a very good decision. However, it is a decision that will add to the suburban development of the greater Cork area. If the Government was serious about implementing an infrastructure policy that will develop rural communities, it would give a strong signal on the western rail corridor. There was a time at the turn of the 20th century when Ireland had the most railway lines per square mile in the world. Yet the major party of this Government claimed with glee in the 1960s that progress was being made by closing these lines. That very act was the death knell of many rural communities. The railway station was followed by the schools, followed by the Garda station and the post office.

Instead of taking responsibility for these failed policies, the Government looks for bogeymen. It blames my party, a party that has never been in Government but believes in rural repopulation, rural development and in restoring services that should not have been taken away. Yet it never takes any responsibility for the services that were removed under its own remit. It blames voluntary bodies which occasionally might get it wrong in their emphasis, but have no decision making remit on what happens in rural communities. Those decisions are made by local Government, those decisions are informed by policies and legislation put forward by national Government. Until we have a political party dominating the political system that is prepared to take responsibility for how rural life has diminished over the past 80 years, we will not see real rural development. We will unfortunately see more of the same and the Ireland of the 21st century will be more urbanised and suburbanised and we will be the poorer for it.

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I move amendment No. 1:

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

“notes the commitment of the Government to the development of rural Ireland through implementation of the White Paper on Rural Development and in particular through key initiatives to enhance services, infrastructure and employment in rural areas by:

- the setting up of a separate Department with special responsibility for rural development, island and Gaeltacht regions;
- the launch of a major programme of decentralisation, designed to bring public services and employment closer to communities across the country;
- the record investment in non-national roads, the arteries of local communities, by the Department of the Environment, Heritage and Local Government, and through the ‘CLÁR’ programme;
- the publication of the National Spatial Strategy with its particular emphasis on rural development and rural planning;
- the publication of the draft rural housing guidelines;
- the setting up of the CLÁR programme with a wide range of actions to tackle the problems of rural disadvantage and depopulation;
- the setting up of the Rural Social Scheme to provide employment to underemployed farmers and services in rural areas;
- the setting up of Comhairle na Tuaithe to deal with the issue of sustainable development of the recreational amenities of the countryside;
- the continued commitment to both Leader+ and Leader national programme;
- the progress being made towards achieving 40% female representation on Leader boards by the programmes conclusion in 2006;
- the record investment by this Government in rural water and sewerage services, and through the CLÁR programme;
- the commissioning by the Government of a rural enterprise review;
- the continued support for the Western Development Commission and Údarás na Gaeltachta;
- the record investment in educational facilities and personnel in rural Ireland by the Department of Education and Science and through the CLÁR programme;
- the provision of a second teacher in all primary schools with more than 12 pupils;
- the regular consultation with farm bodies and rural organisations, particularly through the National Rural Development Forum;

- the continued efforts by the Government to foster All-Ireland co-operation in the absence of a functioning devolved executive in Northern Ireland;
- the provision of improved public transport services to rural Ireland through the rural transport initiative and improved island, air and boat services;
- the record investment in health services in rural Ireland by both the Department of Health and Children and through the CLÁR programme;
- the provision of broadband services through a broad range of measures taken by the Department of Communications, Marine and Natural Resources and under the CLÁR programme;

and that these measures demonstrate that this Government has committed itself totally to ensuring a better quality of life for all people in rural Ireland and will continue to do so co-ordinated by the Department of Community, Rural and Gaeltacht Affairs, the first dedicated Department of Rural Development in the European Union."

Ba mhaith liom an leasú atá curtha ar aghaidh ag an Rialtas a mholú. Ba mhaith liom buíochas mo chroí a glacadh leis na Teachtaí ar fad a labhair anseo anocht go dtí seo. Tá mé ag éisteacht go cúramach leis an díospóireacht anseo go ceann cúpla lá. Creidim gur díospóireacht thábhachtach é. Ba mhaith liom freisin a rá gur éist mé go cúramach leis na rudaí a dúradh anocht.

I have to confess that I am a townie. I have the distinction of coming from Dublin 4, I was educated here and lived all my formative years here. I went to rural Ireland with the express intention of getting involved in a co-operative to create jobs in a very depopulated part of the country. I spent nearly 18 years employed in that occupation. I am glad to say that what was a bog on the top of a hill, with no jobs, is now host to well over 200 jobs that were created through hard work and enormous difficulties by people who were committed to doing something for their area and who realised that not everything was solved by easy rhetoric.

I, too, have been very critical of rural development policies because I have suffered under the problems created by the lack of rural development policies, lack of understanding and resistance shown every time a Government proposed to allocate money to rural Ireland from the urban area in terms of rural spend. That was one of the motivating reasons I entered politics. However, I also learned during the 20 years working at the top of that hill that there are no magic wands to solve problems and that hard work and long hours achieve much more than talk.

The second point I want to make by way of background is that we have to be honest in politics and realise that we cannot forever give out about lack of spending. Every time an extra tax is imposed we hear talk of stealth taxes and other complaints about taxation, but the reality is that we can only spend what we get from the taxpayer. If we want to increase spending, that is fine but we must tell the taxpayer that, ultimately, they will have to pay. If we borrow the money now, some taxpayer in the future will have to pay it because we do not have any other handy source of long-term funds.

Caoimhghín Ó Caoláin: One income.

Éamon Ó Cuív: The other reality we should face up to is that there has been a decline in rural Ireland but that decline and the haemorrhage from rural areas is a worldwide phenomenon with which we are all trying to grapple. I came here today from a European conference on rural development which I hosted in Westport over the past two days. In relative terms they accept that we are way ahead of most other European countries. Admittedly, only 43% of people are living in what are defined as rural areas but the European average is 30%, and they tell us that figure is decreasing rapidly to 20%. That is a huge challenge, and no other country has cracked it. It is my dream that this country will crack that problem ahead of others, however to change what I do not accept is an inevitability but which has been a fairly consistent trend will take patience, persistence and commitment.

One of the problems that has faced rural development since I became involved in it in 1974 is the easy equation between agriculture and rural development because rural life is about much more than agriculture, just as urban life is about much more than the industries that sustained urban areas 100 years ago. Agriculture is incredibly important to this country economically and from an employment point of view but it is a minority employer, even in the most rural areas. For that reason, the setting up of a separate Ministry for rural development, taking it out of the Department of Agriculture and Food, was a major statement that we recognised the multi-faceted nature of rural development. We are the only country in the European Union — this has been remarked upon — where the Department of rural development is not a junior adjunct of the Department of Agriculture and Food but is seen as a full Ministry in its own right. This Government made that decision.

The national spatial strategy was adopted within the lifetime of this Government. One would not expect to see the long-term effects of a 20 year plan on the ground at this stage but it sets out where we want to go in that regard. The spatial strategy is radically different because the Government changed it from the proposals made by the experts who could see nothing beyond the towns and those made by the academics who

[Éamon Ó Cuív.]

could not see any economic generation beyond the towns and cities.

Mr. McCormack: Does the Minister have a script?

Éamon Ó Cuív: No, I am using the motion for reference. I wanted to listen to what Members were saying and address those issues rather than do what Ministers usually do when they stand up here. Perhaps we would all be better off posting our scripts on to the Internet because there is no point in coming in here, not listening to each other and just addressing the issues as outlined in a prepared script.

Mr. McCormack: I will praise the Minister of State when I get up to speak.

Éamon Ó Cuív: I regret that my colleague from the Green Party has left the Chamber because I would like to engage in a detailed debate about rural settlement patterns. I have read the Labour Party and the Green Party policies, and they are entitled to their view, but they should be clear about what they want. They want the people of rural Ireland who are not involved in agriculture to live in towns or villages. Perhaps they are right, but I do not agree with them. I believe the townlands of Ireland are the towns of Ireland, and that most people in rural Ireland associate with those townlands.

My colleague, Deputy McCormack, will know what I am talking about because he is familiar with what we are doing in terms of canvassing, but we do not canvass by towns, we canvass by townland. We organise our station masses by townland. We divide everything by the townlands and then we are told to forget them, that they do not exist. I do not agree with that view, but other parties are entitled to hold it, although I am a little curious which view will dominate when Fine Gael, Labour and the Green Party get into power. We will leave that to another day.

Mr. McCormack: We will manage that.

Éamon Ó Cuív: I am surprised that nobody has mentioned the CLÁR programme. I accept that the funding is modest.

Caoimhghín Ó Caoláin: It is in the motion.

Éamon Ó Cuív: The CLÁR programme is mentioned in the motion in respect of gender equality but I cannot understand how gender equality comes into the controlling board of CLÁR because there is no such structure. However, we will ignore that aspect. The CLÁR programme is based on the principle of not creating new bureaucracies, however, some might say it is creating parallel structures. CLÁR uses every existing structure, much to the criticism of the programme. If it concerns a road, I get the county council to do the work. If it concerns a

water scheme, it is either the communities through the group schemes or the county council through the county council schemes that do it. The total staff involved in administering the scheme is five. All the money in CLÁR goes to activities on the ground and it tracks other moneys from other Departments that would not be spent in those areas. For example, every time we put in place one of the high cost group water schemes, which are not being set up in the most rural areas, we track €6 or €7 for every euro we put in. Areas are getting water now that could never have dreamt of getting water if it had not been for the CLÁR programme.

CLÁR has done something much more fundamental, however. When the debate started about setting up CLÁR, it was meant to come under RAPID in respect of rural areas. I was advised by my civil servants to follow what had happened previously — they did that in good faith and I am not criticising them — and that was to use some poverty indices to pick the areas. That was understandable because that was the way it was negotiated with the social partners, but I kicked over the traces. I objected on two bases. I asked how I would explain to anybody I picked that out of 57 poverty indices, numbers 1 and 2, rural poverty, is always exported. The young person without a job goes to the city. The young person without a house goes to the local town.

The problem continues to be pushed away and when we look at what remains, we believe the people are not too badly off. I coined a phrase at the time to the effect that when one person is left in west Mayo, that person will be very rich. He or she will own all the land but he or she will be very lonely. It is not a simple poverty issue. It is a community issue. I therefore chose as a criterion the constant haemorrhage of population out of rural areas. I set the bar at 50% decline since 1926. If I did nothing else by that programme, I put the issue of rural depopulation on the map. I claim some credit for that.

Deputy Ó Caoláin raised a farming issue. On a recent television programme, “An Tuath Nua”, a television interview done with me in 1976 or 1977 was played. My hair was a little longer but the colour has not changed much.

Mr. McCormack: Unlike some of us.

Mr. P. McGrath: God bless the bottle.

Éamon Ó Cuív: It shows the Tír na n-Óg properties of the hills of Connemara.

What I said in that interview stands the test of time. I had been living in rural Ireland and involved in development for only three years at the time. Connemara is not noted for the quality of its land, and in that short time I had reckoned that it was not possible for the land of the area to provide family lifestyle incomes to an increasing or even the existing population. I said that unless we provided alternative employment, agriculture alone would not sustain the existing

number of family farms. How right I was and how right we were to create those jobs. There are very few full-time farmers in Dúiche Seoighe but there is a vibrant community there of people who farm part-time and do other work part-time also. They have a very good standard of living. In fact, having visited the Golden Vale recently I would say that, because they are part-time farmers, the farmers in Connemara often have a better standard of living than people living in some of the best landed parts of the country.

There is nothing we can do about this. If we want farmers and country people to enjoy the same standard of living and if we accept that we cannot control world prices or change the Common Agricultural Policy, CAP, at will, something must give. Let us realise that. We cannot give more land to the farmers because they are not creating it anymore. For a number of farmers, the only answer is that farming will be a part-time occupation in the future. That is not what people want to hear. It is not what I want to hear but I am not willing to say to farmers that I can create circumstances in which the existing number of farmers will be employed at the same standard of living as the rest of the community given existing world prices and the CAP. It cannot be done.

I recognise the huge pressures in that situation. In dry stock areas, like my own, it is relatively easy to combine farming with off-farm work, but it is more difficult for small dairy farmers. It was for that reason that I proposed, before the previous general election, the establishment of a rural social scheme which would combine a practical approach to dealing with the income issue with the provision of top class services to the people within the communities by the communities themselves. The skills of the farmers and farm families of Ireland are huge. They are all little entrepreneurs. They know how to buy, sell, build, maintain and care.

This is not a training scheme; it is a work scheme. It involves a swap of work for income. The scheme is tailor-made to fit in with the farming pattern. It extends across rural Ireland into rural County Dublin. As long as members of a community are happy and are doing the required number of hours of work every week, they get paid. If that is tailor-made to suit seasons or milking patterns, that is fine so long as the hours of work are done. Members have seen the fantastic work done by participants in community employment training schemes in maintaining community facilities and sports fields. CE participants are willing to work at weekends because it suits them to tie CE work around their farm work. I want to institutionalise that. The caring services, for example, can be up-graded in a way that benefits local communities on the double.

Caoimhghín Ó Caoláin: The Minister will have his work cut out with his partners in Government.

Éamon Ó Cuív: We have already set it up. The advertisements are in the newspapers this week.

The issue of the recreational use of land is to the fore and must be resolved. Comhairle na Tuaithe is making good progress and all the players are working together to resolve that issue. In my view, land issues in Ireland will not be solved by law. With our history of land, unless solutions are arrived at by agreement, we will not achieve results. Those who say farmers and rural people are not willing, given the right conditions, to see the advantages for them in recreational use of places such as open mountains, underestimate the resourcefulness and generosity of rural communities and their view of the greater good of the community.

The motion refers to female representation and gender balance in Leader companies. Since the beginning of the current Leader round, female representation on boards has gone from 25% to 29% and we are confident that we will achieve 40% by 2006. There are difficulties on the way because members of Leader boards are not chosen by the Minister but are nominated by groups such as the IFA, ICMSA and various community groups. It is not a simple matter of nominating a board *en bloc*. We are committed to achieving that percentage. I note with interest and satisfaction that 42% of the managers of Leader companies are female.

Decentralisation will do much for rural Ireland. It will happen and quickly. We are working on the programme in my Department and we have picked the CLÁR area of Knock Airport for decentralisation of my Department. It will happen, be successful, have a major effect and change the mindset. I remind those who doubt that I have been doubted before.

Caoimhghín Ó Caoláin: We want to see it happen.

Éamon Ó Cuív: I agree with the Deputy. However, I am reminded of an Údarás na Gaeltachta election campaign when a stone wall was being built and a piece in the middle had not been completed. A sign was put on the gap in the wall saying, "Éamon, cá bhfuil an balla?" I said we would get there. The person who put up the sign came to me before the general election to say that he did not trust you but I did get there. We will get there on this.

I am surprised the issue of rural schools was not referred to in the motion. One of the best decisions made in the past seven years was to put a second teacher in every school that had more than 12 pupils. When the previous Labour and Fine Gael coalition left office, the required number for a second teacher was 22 pupils.

Mr. McCormack: What was the figure when Labour and Fine Gael came to power?

Éamon Ó Cuív: I think the figure was 22. The previous coalition Government did nothing about

[Éamon Ó Cuív.]

it. Our action was crucial to the really small rural areas.

Caoimhghín Ó Caoláin: The rule is too rigid. The ratio is set on 30 September each year.

Éamon Ó Cuív: A ratio of one teacher to 12 pupils is very different from one teacher to 22 pupils.

Caoimhghín Ó Caoláin: We need greater flexibility.

Mr. McCormack: How many schools are involved?

Éamon Ó Cuív: It was one of the most progressive decisions made in the interest of declining, rather than growing, rural areas. When a rural school loses its second teacher, it is inevitable that numbers will decline even further because, unless the school is on an island, parents are inclined to choose a larger school for their children and closure of the school becomes inevitable. Once an area loses its school, people do not want to settle there.

Many people are mistaken about what is being done in the health services. I do not intend turning this into a health debate. I do not expect that heart operations will be carried

8 o'clock

out in Cornamona or Clifden.

However, I welcome that we will no longer have to travel to Dublin for radiotherapy services and heart operations. In that regard, there is a need for major regional centres. People do not understand a great deal of what is happening in terms of health services. The health authorities have directly funded the provision of X-ray facilities in Clifden, some 60 miles from Galway. We are now proceeding in conjunction with the CLÁR programme to put in place a similar facility in Belmullet. This will mean that those who fracture a bone will no longer have to travel to Castlebar for an X-ray. They will be able to have the bone X-rayed in Clifden, the results of which the staff will send to the hospital who in turn will contact the person regarding the prescribed treatment.

Mr. P. McGrath: Will it be possible to have the broken bone fixed?

Éamon Ó Cuív: No. Many people require further X-rays during the healing process. If I had a pound for every time I attended the hospital in Galway with children who might have had a fracture, I would have a great deal of money in my pocket.

Caoimhghín Ó Caoláin: If the Minister's local hospital lost the services on which he depended, he might appreciate how our constituents feel.

Acting Chairman (Mr. Hogan): Deputy Ó Caoláin had an opportunity to make a

contribution. He should allow the Minister to continue without interruption.

Éamon Ó Cuív: I did not interrupt Deputies when they spoke. Another matter not yet raised — I presume it will be referred to later but I will not have an opportunity to speak again — is the issue of broadband. While enterprise was referred to, nobody mentioned broadband. It is the most fundamental tool of modern enterprise. We are encountering difficulties with the system but we are dealing with them.

We have recently entered a new arrangement with the ESB regarding the roll-out of fibre-optic cable. We are putting broadband into every town with a population of more than 1,500 people. I recently announced, by way of experiment, 12 new radio operated broadband systems for the most rural and isolated areas of CLÁR. Given the good value for money available, I intend expanding that programme dramatically. It is now possible to ensure the people of rural Ireland enjoy the benefits of broadband experienced by those in urban Ireland.

As a person who worked for many years with the co-operatives, I agree with what Deputies had to say in that regard. However, I regret the demise of the real co-operative, not the farmers' plc, but the co-operatives whose *raison d'être* was the good of the community. Unfortunately, the farmers sold them out. Farmers were offered money and in many cases chose to take it. A few co-operatives such as the small Gaeltacht ones remain. Connacht Gold Co-op provides a firm business base in our region and has been willing to diversify and make long-term commitments to the development of industry there. It has branched out into milk, mushrooms and timber milling. Together with an experienced timber miller, it has made the timber milling industry in my area what it is today. I wish the old co-operative spirit still existed and that we could once again create the feeling that none of us is an island, that we are all inter-dependent. I would not like the sense of belonging to a community to disappear.

I was interested to hear what was said about small food production and the Fuschia brand and so on. The brand has, to the best of my knowledge, been partly funded by Leader. I have done a great deal of work on farmers' markets and small foods. My Department has funded the appointment of a co-ordinator to drive this agenda forward. I agree there is enormous potential for the development of small food production. It is an area on which my Department will focus a great deal of attention.

There is a need to debate modulated funds. I do not necessarily believe it is in farmers' best interests that all these be retained within the purely agricultural sector. There is only so much one can do to raise incomes in a fixed price situation. We should openly debate this issue in terms of how best to use these funds and what is best for farmers' children. A farmer with two or

three children must consider whether some of the money should be invested in agriculture and the rest in broader rural development if he or she wishes them to get employment. Which will provide them and the farming member of the family with an adequate income? Should a farmer try to increase his income by continually investing in the farm or should he or she provide other ways of earning an income? I hope we can have an open debate on this issue. I hope Members will encourage people to consider openly the issue and that it is not so hyped up they cannot look it straight in the eye.

I was surprised by the reference to parallel structures. I have consistently tried not to create duplicate structures. I have used Leader to deliver the rural social scheme. I have used all existing structures to deliver the CLÁR programme. I have a record for not creating new structures, an approach with which I am glad people agree. Too many bodies are delivering different programmes. Fewer bodies, streamlined and clearly identifiable by the people, would be much better.

When it comes to the credit union movement, my record is where my mouth is. I encouraged the extension of the credit union movement into my area. As chairman of the local co-operative, I encouraged and made arrangements for the local credit union to set up a branch within the co-operative. When the Bank of Ireland decided to withdraw its travelling bank from the west, rather than go on my knees to it — we have done that for far too long — I approached the credit union movement and suggested it should avail of the opportunity, as it was people-based, to fill the gap which existed. It was a much better answer to the large plc which makes commercial decisions. When one shows one's independence of them, one has power. If one gives them to understand that they control everything, then they are in control. I thank the credit union movement for being proactive in having detailed discussions with the various credit unions in the areas affected. The credit unions may, over time, have to change and widen their services. The salvation of rural Ireland is from within.

Enterprise development was also mentioned, an area in which there is an ongoing review. I have strong views regarding enterprise development, in particular regarding new technology, and how it can be developed in clusters of 40 or 50 kilometres around the university and institute of technology towns. We need to examine this further, the old systems no longer work. It is crazy in a world which requires that people in rural and urban areas are paid the same salaries that rural areas have low technology industry.

I thank Deputies for tabling this motion. I hope the debate on where we are going in this regard will be open and frank. The discussion to date has been good. I will listen carefully to what is said tonight and tomorrow night.

Mr. McCormack: I wish to share time with Deputy Paul McGrath. Tá an-áthas orm cúpla focal a rá ar an rún seo. An fáth go bhfuil an rún ar Riar na hOibre is the failure of the Government to fulfil its commitment in the White Paper. This motion was tabled by the Sinn Féin Members because of the Government's failure to fulfil its commitment in the White Paper. I am pleased to support it and I welcome the Minister to the Chamber to discuss it. He stated he came from Dublin 4 to work in a co-op in Cornamona and I compliment him on his involvement in this area. It certainly did not do him any harm when he put his name on a ballot paper.

Mr. Carty: They all got a good vote.

Mr. McCormack: I, too, was involved in the co-operative movement, but in a different way from the Minister. I was also involved in rural development in Connemara, as he is well aware. There is a monument to my involvement around Maam Cross and anybody who wants to look at it may do so on any Saturday they choose. I was pleased to be involved with the community in Connemara in trying to improve the marketing facilities for livestock in the area. We have been successful. This is one aspect of my life that I regretted having to give up, but which I chose to do, when I became a Member of this House. I enjoyed my involvement with the rural communities.

The Minister correctly stated there is more to rural life than agriculture. He praised the Government for appointing a Minister with responsibility for rural development. He was lucky to get that portfolio because it has given him an opportunity to allocate funds through CLÁR and other programmes for which he has responsibility. He certainly does not neglect his constituency, which I am privileged to share with him.

Any time I had the opportunity to listen to local radio, particularly in recent weeks, I heard announcements of allocations of so many thousands of euro for various parishes in Connemara. I hope this is not just because of the upcoming elections. I am now canvassing for votes in rural areas of Galway and people sometimes draw my attention to such announcements. Although it is announced that the Minister has allocated money for Cornamona, Clonbur, Carraroe or aon áit eile, one should not be deceived into believing it is his money that is being given out. He is allocating the people's money, the taxpayers' money. Of course I welcome the allocation of taxpayers' money for all the projects within the area both of us represent.

The Minister mentioned how community employment schemes benefit rural areas, and I agree with him. They have benefited tremendously both the participants on the schemes and the rural communities in which the work was carried out. Does the Minister agree

[Mr. McCormack.]

with the Government's decision to make it obligatory for those who have served three years on a community employment scheme to leave that scheme? The Minister would be aware of instances of this because, despite his coming from Dublin 4, he is very familiar with what takes place in the rural area he now represents. He has lived and worked there for the greater part of the past 20 years, as he said.

Éamon Ó Cuív: Thirty years.

Mr. McCormack: That is nearly as long as the period I have spent there. I have been there only 40 years.

Éamon Ó Cuív: Renmore is in Galway, I am in the country.

Mr. McCormack: That is correct. If the Minister wants to talk about the country, we will do so at length.

Éamon Ó Cuív: I thought that was what we were talking about.

Mr. McCormack: As the Minister stated, skills have been accumulated by those on community employment schemes in rural areas which are not easily replaced. The participants are doing very beneficial work in these areas. Some people on community employment schemes are personal assistants to people with disabilities who are living independently. It takes great skill, determination, enthusiasm and patience to be a personal assistant to somebody with a disability, yet, according to the Government, at the end of three years assistants are no longer eligible to be employed in this capacity. Will the Minister seek to redress this at the Cabinet table? It is a drawback to rural areas.

A viable rural community, be it agricultural or otherwise, is essential to maintaining viability in our towns and cities. If the income of those in rural areas declines or does not keep pace with the incomes in urban areas, the first places that will suffer will be rural areas. Not long afterwards, the small towns and villages will suffer, and the cities will suffer eventually. If there is no spending power in the agricultural community, for example, the farmer will postpone replacing machinery and buying a new tractor. He will postpone everything that is possible to postpone if he does not have the disposable income to purchase new machines. It will not be long until the tractor salesman will be out of a job, as will the man manufacturing tractors in a bigger town or city. Therefore, it is essential for the viability of urban areas that there be a viable rural community. This is what this motion is about.

In his opening address, Deputy Ó Caoláin referred to matters that could be tackled at Government level. It is essential that this is done. One point made by the Deputy that caught my

imagination concerned the correct labelling of imported pork, chicken and beef. When one orders a steak for one's meal in a restaurant in Dublin city or a rural area, one invariably assumes that one is supporting an Irish industry, but that is not the case. One might be eating imported beef three quarters or half of the time. Therefore, the correct labelling of products, such as beef, in a restaurant is important in promoting and supporting markets for Irish produce. Nothing could be simpler than this, yet it is not always done. Will the Minister take up this challenge also?

I am surprised the Minister did not mention Objective One status. We had to push vigorously to make the Government fight for it for the Border, midlands and western counties. It came on board very late in the day when it was obvious that we qualified for it. The rest of the country did not qualify because the relevant figure was over 7.5% of GNP. The BMW region received Objective One status but the money received as a result is not being spent in that region. The balance is still being spent in counties along the east coast. As much of the European funds are being spent in Dublin, Meath and Wicklow as are being spent in the BMW region. It is entirely the responsibility of the Minister for Community, Rural and Gaeltacht Affairs to fight his corner to ensure the extra funds our region has received as a result of its being granted Objective One status are spent in that region.

The Minister mentioned broadband. I welcome its introduction yesterday in Galway city. However, it will serve as a further draw to the city from the rural areas. Until broadband is introduced in the rural towns — there are not many towns in west Galway with populations greater than 1,500 apart from Galway city—

Éamon Ó Cuív: CLÁR is providing it for Clifden and Carna. I trust the Deputy did not miss that.

Mr. McCormack: I am aware it is coming.

Éamon Ó Cuív: It has been announced and the contracts are signed.

Mr. McCormack: It would be great for Carna and Clifden if we had an election every year.

Éamon Ó Cuív: It has been worked on for nine months. It is coming and the contracts are signed.

Mr. McCormack: Unfortunately, my time is up and I want to allow my colleague to speak. However, I will continue the debate on Galway Bay FM with the Minister some day if Keith Finnegan allows both of us on.

Éamon Ó Cuív: I look forward to it.

Mr. P. McGrath: I thank Deputy McCormack for allowing me to share time with him. This debate revolves around the kind of Ireland we

want in the future, our plans for the future and the opportunities we will create for our young people. Will the trend of recent years continue with more people moving from rural areas to the towns? One third of the population now live on the eastern seaboard, and small towns and rural communities are to a great extent being wiped out. Is that what we want or do we want rural communities that are vibrant? The secret to keeping rural communities alive is that they be vibrant and self-sufficient so that they have a quality of life that can attract people to live there. In that context we must consider what has happened over a long period to our rural communities.

The Minister rightly talked about how farming has changed. Forty years ago many families were brought up on farms of 40 acres, which provided a reasonable living to a family. How can a family survive now with a 40-acre or even an 80-acre farm? The whole scene has changed and farmers now need very big farms if the income from the farm is their only income. As the Minister mentioned, farmers must become part-time farmers, which has happened gradually over the years.

Cattle marts gradually declined, with marts taking place in the evening and now a variety of marts have closed. This is a sad blow to the farming community. Coupled with the part-time work that might be available to farmers, agricultural colleges have closed. Over the years, why did we not see the need for farmers to have part-time jobs to keep them working in the community? Why did we not introduce them to skills and train agricultural college students as mechanics, carpenters, plumbers etc. so that they could remain in their rural communities and continue farming?

In recent years the community employment and FÁS schemes kept many farmers going. As the Minister said, in rural communities fantastic work was done by many from the farming community in maintaining the local sports areas, community halls, around churches, graveyards etc. However, the Government wiped out most of those employment schemes, which was a huge blow to small farmers in rural areas who were able to supplement their income in that way. They no longer have that opportunity.

Éamon Ó Cuív: The Deputy missed the announcement of the rural social scheme, which is tailor made for the need.

Mr. McCormack: Nobody is employed yet.

Éamon Ó Cuív: The advertisements are in the newspapers this week.

Mr. P. McGrath: That is news to me. I did not get the Minister's press release. He is normally good at publicity.

Mr. McCormack: The Deputy obviously does not listen to Galway Bay FM.

Éamon Ó Cuív: We launched it in Mountbellew and every Deputy was invited. That the Deputy did not accept the invitation is his problem, not mine.

Mr. P. McGrath: I thank the Minister for holding it in Mountbellew. To keep rural communities vibrant we must also provide the level of services that would be expected. For example, what is happening with Garda stations? The green man system is now operating in most rural Garda stations. People in those areas do not feel they have the same level of security as those living in towns.

In recent days, I am glad to see the Government has taken up a scheme I suggested for rural Garda stations. For a long time I tried to persuade the Minister to introduce a scheme to get rid of old Garda stations and provide new ones in their place. The Minister has now done this for many Garda stations in Tipperary and Limerick at the stroke of a pen, which is a good idea. For a number of years I fought to get the Minister to sell off the local rural Garda station in the area in which I was brought up and have a custom-built one provided in its place. Eventually he half conceded to the request. He has learnt from that and is now moving on.

Rural post offices are now virtually non-existent. In rural areas schools are winding down and in some rural areas where there is an increase in numbers they cannot get the extra resources in terms of teachers and classrooms.

The Minister speaks entirely about what is happening in rural areas around Connemara. We sometimes forget that the midlands is one of the poorest areas of the country because of the downgrading and almost winding down of Bord na Móna. In huge tracts of land across the midlands where Bord na Móna was very vibrant its workforce was wound down from thousands to very small numbers. Coole in north Westmeath was once a very vibrant community and now has little local employment. As Bord na Móna pulled out, we failed to find a replacement industry. Perhaps we should have considered horticulture or something else that would suit the area.

At one stage the Minister majored on rural planning to such an extent that first the Taoiseach and then the Minister for the Environment, Heritage and Local Government jumped on the bandwagon. While they claimed they would make changes, nothing has happened. There has been much publicity and expectation that people would have the opportunity to live and work in their local communities, but it did not work.

Mr. McCormack: It was an election stunt.

Mr. P. McGrath: In County Westmeath, for example, the Minister's proposals were identical to or worse than those in the county development

[Mr. P. McGrath.]
plan. If the Minister had moved from Dublin 4 to a rural community 30 years ago, he would not get planning permission now.

Éamon Ó Cuív: Yes, I would. The rural guidelines——

Mr. P. McGrath: Based on most of the county development plans that I know of, the Minister would not get permission to build in a rural area.

Éamon Ó Cuív: The Deputy is incorrect.

Mr. P. McGrath: Five years after getting married and having bought a house in a housing estate in a town such as Mullingar, someone with a rural background who wants to move back to their rural roots would be unable to get planning permission in their home area because they already own a house. They will be excluded as there is not a need and it is seen as speculative, which is unfair. That is not the way to look after rural communities and it must be changed.

Debate adjourned.

Adjournment Debate.

Health Board Services.

Mr. Connolly: I am grateful for the opportunity to discuss the impact of under funding in the North Eastern Health Board area. In recent days, a report on deficiencies in services and infrastructure was presented to the Minister for Health and Children by the executive of the North Eastern Health Board. It is as if the executive has suddenly realised that the under funding which has obtained for years is a major matter of concern now that the boards are being dissolved. I have proposed the rejection of service plans for years on the basis that we were not receiving enough money to run an adequate service in the north east. This was having a negative impact on services across the board.

Ours is the most under funded health board in the country and must make do with 79% of the national average. The North Eastern Health Board receives €1,590 *per capita* whereas the national average is €2,020. The board's total budget is approximately €550 million per annum. To bring this up to the national average, the North Eastern Health Board would have to receive a further €137 million per year. One can imagine the effect that would have on the delivery of services. The current funding equates to a gross under spending per person in the north east.

The response of the board's executive to the shortfall in funding has been to cut services at Monaghan General Hospital, Cavan General Hospital and Louth County Hospital and to cut back on medical cards. The executive cut

wherever it could think of cutting. Regrettably, every possible cut was made including the closure of maternity units. The executive was supported in this by a Fianna Fáil dominated health board which supported it through thick and thin. I would have preferred to see the executive come knocking on the door of the Minister for Health and Children to demand extra funding. That never happened as the executive knew it was being shielded by the Fianna Fáil dominated board. When one looks at the newspapers, one sees that it is always the north east where troubles arise. That is the result of poor management.

Traditionally, Dublin hospitals treated people from the north east. While they tell us now that we should treat people in our own communities, they have held on to the budget for the treatment they used to provide. The cuts are having an impact right across health services. They are affecting mental health, acute hospital, disability and community services. The north east has an increasing population which has grown by 13% since 1996. There has been a 29% increase in child birth since 1999, our reaction to which was to close two maternity units at Monaghan and Dundalk respectively. We have seen a 32% increase in cardiac admissions, quite of number of which originate in Monaghan. Our reaction to that was to close the accident and emergency unit in Monaghan. Of all road traffic accidents, 25% occur in the North Eastern Health Board area. A large percentage of those occur near Monaghan area which is crossed by four major routes leading to an increased demand for services.

Recent reports identified a need to fill 85 consultant posts to achieve regional self sufficiency, of which 60 remain vacant. The money is not there and we cannot attract the consultants needed to make the north east self sufficient. There are also deficiencies in specialist surgical services including ear, nose and throat, ophthalmology and urology. There are medical deficiencies in cardiology, nephrology and dermatology. A total of 23 major projects are still outstanding in the North Eastern Health Board and I see no possibility that they will be tackled in the near future. The North Eastern Health Board must make do with one member of staff per hundred of population whereas the national average is one per 70. I call on the Minister for Health and Children to take some form of action to address this inequality. With the disbandment of the health boards, we will not know what level of funding is being provided in different areas and it will take a genius to work out the extent to which we are being under funded.

At the moment at least we can identify clearly why and how we are being under funded in the North Eastern Health Board area. There are great needs. There is a 44% shortage of in-patient beds and we need a 90% increase in day places in the North Eastern Health Board area. We also need a 150% increase in day procedure rooms. These are services for which funding is necessary to avoid a scenario in which every time one looks

at a newspaper one sees that the north east is the area which appears to be suffering.

Minister of State at the Department of Health and Children (Mr. B. Lenihan): I reply on behalf of the Minister for Health and Children who strongly rejects the suggestion that the North Eastern Health Board has been under funded in the year 2004. The House will recall that overall funding for health and children's services in 2004 was the largest level of funding provided to any Department. Approximately €926 million was provided representing a 10.7% increase over 2003 in day-to-day spending. The level of funding provided in 2004 for the North Eastern Health Board is €548.784 million which is an increase of €65.7 million or 13.6%.

Mr. Connolly: It is the lowest level of funding *per capita*.

Mr. B. Lenihan: This increase was above average. The Deputy refers to cutbacks in the context of a budget which was increased by 13.6%. The chief executive officer's introduction to the board's 2004 service plan acknowledges that the increased funding is substantial. He is correct. The increase represents the third highest increase provided in 2004. The Minister recognises the pressures on the board due to demographic shifts, maternity service demands and the increase in the numbers of non-nationals receiving services. Nevertheless, the increase in the board's funding base since 1997 has been significant by any measurement. The overall increase in funding for all health boards between 1997 and 2004 was €5.2 billion or 196%. The comparative figure for the North Eastern Health Board was €383 million or 231% which has been the largest increase in day-to-day funding of any health board. The next highest increase was 219%. In part, the increase represents an acknowledgement of the Deputy's point concerning the lower base level of funding in the North Eastern Health Board in 1997.

It is generally recognised that a major reason for the low funding base has been the board's rate of referral to acute hospitals in the Eastern Regional Health Authority area. This is the highest rate of any board for in-patients, elective in-patients only and day cases. In the case of day patients, the referral rate from the North Eastern Health Board is twice as high as that of the next highest, the South Eastern Health Board. This statistic has an obvious impact on the allocation of funding to the board. The Eastern Regional Health Authority's hospitals carry a significant financial burden for the treatment of patients from the North Eastern Health Board.

I wish to outline some of the service issues addressed by Ministers since 1997. Acute hospital funding has allowed for a 26% increase in patient discharges, more than 10% of which relate to in-patients. Day cases recorded an increase of 86%. This compares with a national average increase

of 23% in discharges overall, with 4% in-patients and 64% day cases. Additional funding of more than €24 million has been provided for services for older people including in particular provision for nursing home subventions and home-help services. Cancer services received increased funding of more than €9 million to support the 130% increase in admissions since 1997. Cardiovascular services have received additional funding of almost €5 million to support a 32% increase in admissions since 1997. The North Eastern Health Board's employment numbers increased considerably in recent years. Between 2002 and 2003, an additional 1,782 posts were approved giving a staffing complement of almost 7,000 posts at end of 2003. Some 780 additional staff have been approved for the region's acute hospitals since 1997, of which more than 100 were consultant posts.

These are some of the more significant issues addressed over the past years. It remains the position that the board has been more than fairly treated in the period in which this Government has had responsibility. The Minister and his officials have always and will continue to work with the board to seek solutions to emerging problems. A record of increased services supported by a now significant funding base is testimony to this. The objective for 2004 is to again work with the board to achieve a quality service for its clients while utilising the funding base efficiently and effectively.

Mr. Connolly: The board is still short €137 million.

Natural Heritage Areas.

Caoimhghín Ó Caoláin: I wish to address the need for the Minister for the Environment, Heritage and Local Government to liaise urgently with his ministerial counterpart in the Six Counties and with the relevant local authorities North and South to carry out an immediate assessment of the environmental damage to flora, fauna and landscape in the extensive fires which broke out on 23 May at Bragan, County Monaghan, and to take all necessary measures to ensure the most effective possible restoration of this key amenity area straddling the Monaghan-Tyrone border.

Between Sunday 23 May and Tuesday 25 May, a fire raged across thousands of acres of bogland and forestry in the Bragan and Knockatallon areas on the Monaghan-Tyrone border. The fire was first reported on Sunday evening and fire units attended from Monaghan, Castleblaney and Ballybay. They were joined on the Monday by a unit from Clones.

Having heard firsthand accounts of their experience, I want to pay tribute to the firefighters and members of the Civil Defence who battled to contain the conflagration at great risk to themselves. This fire was very difficult to get under control in because of bad lighting

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circumstances. There were obvious dangers in upland bog.

The Bragan area is a wild, rare space in our increasingly over-developed countryside. It has been a haven for wildlife and its flora and fauna have been cherished by people throughout the county and Border areas, and by visitors who appreciate the area's unique landscape. Thankfully no human life was lost or injured, but in every other way the fire was devastating. Thousands of acres of vegetation, both trees and bogland plants, were destroyed. We do not yet know the full extent of the damage to the environment, including damage to wildlife. There were rare visiting species in the area, as there have been over the years.

Many questions need to be posed and answered. What means would best address such fires in the future? Are there lessons to be learned in cross-Border co-ordination and co-operation in tackling such conflagrations? Not least, were these fires started maliciously? Their causes need to be established. It is reported to be highly unlikely that a multiple of fires would have broken out some distance apart. Who would involve themselves in such outright devastation, and why? It is unforgivable.

We need also to examine the adequacy of fire prevention measures in such vulnerable wild areas during the summer months. More can be done on a voluntary basis and I would like to see a system of firewatchers in all our vulnerable landscapes. That should be considered. I echo the appeal of Monaghan's chief fire officer for vigilance on the part of the public who use and enjoy our wild areas, especially our woodlands.

I urge the Minister for the Environment, Heritage and Local Government to liaise with his ministerial counterpart in the Six Counties because the fire raged on both sides of the Border. He should liaise too with the relevant local authorities North and South to carry out an immediate assessment of the environmental damage to flora, fauna and landscape in the area of the fire. The advice and expertise of various people should be sought. We need to see this area restored as quickly and effectively as possible. I appreciate that we will have to depend in great measure on nature itself to take hold again of this landscape and it is to be hoped that we will see the fruits of that in the coming months and years. I urge everyone to give all possible assistance in addressing the need of this area. I hope that the Minister will facilitate this urgent task in every way he can. The fire was ultimately overcome by means of helicopters which lifted and dropped water from lakes. This was organised by Coillte. I want to pay tribute to the people involved in all that.

Was the Minister of State familiar with the detail of these events before they were raised by colleagues in the House last week? I sought an Adjournment debate on the matter last week and raise it again now. The issue highlights the fact

that we in the Border counties are often overlooked by what are sometimes described as the national media. If this fire and the devastation it wreaked on this 4,000 acre area happened in any other part of this State, I have no doubt it would have topped our national broadcasting media news. That it did not is something which annoys, upsets and should be of concern to all of us.

Mr. B. Lenihan: I make this reply on behalf of the Minister for the Environment, Heritage and Local Government. I thank Deputy Ó Caoláin for raising this issue on the Adjournment. It is an important matter when a major stretch of land of high amenity value is destroyed in this way.

The Department of the Environment, Heritage and Local Government understands that the fire in this mountain range, which is located in County Tyrone and County Monaghan, started in the County Tyrone part of the area on the afternoon of Sunday, 23 May. Unfortunately, it then spread across the border to County Monaghan. The fire affected a large area of open mountain moorland as well as 8.5 hectares of Coillte plantation and also private conifer plantations. According to the observations of the Department's conservation ranger at the location, the site is still smouldering in Northern Ireland today.

The main nature conservation interest in the area is the open mountain habitat and rare species occurring there. The habitat types form a complex of blanket bog, dry and wet heaths, upland grasslands and natural acidic and nutrient-poor lakes and ponds. Some of these habitats are of European importance, for example, in the case of blanket bog. Part of the mountain range is a proposed natural heritage area under the wildlife legislation. This is Eshbrack Mountain, site code 001603. Another part of it, over the land frontier, is designated as a candidate special area of conservation. This is Slieve Beagh, EC site code UK0016622.

The Eshbrack Mountain proposed natural heritage area is a large area of blanket bog complex occurring at an altitude range of 200 to 250 metres on the southern side of Slieve Beagh. Part of it has already been impacted upon by turbary, mostly arising from machine cutting, while smaller areas have been afforested. The site contains some areas of unmodified mountain blanket bog dominated by ling heather, cranberry, deergrass and bog mosses. Areas of species-rich wet grasslands, flushes and wet and dry heaths also occur. The area is without doubt one of the most scenic areas of County Monaghan and it is also one of the few wilderness landscapes of the county.

The mountain range is also an important area for birds, and it is under consideration for European designation as a special protection area, SPA, for species such as the hen harrier, which has a stronghold in this area. There are some seven pairs breeding in this mountain range

across both counties. This species is using open heathlands or young conifer plantations for nesting and it is foraging over open moorland. The mountain range is also used by Greenland white-fronted geese, red grouse, merlin and golden plover.

The wildlife of the open mountain can be seriously damaged by burning. The fire can cause the loss of nests, eggs and young of the bird species mentioned and can seriously damage the foraging area of these birds. Regional staff of the Department's national parks and wildlife service will continue to monitor the impact of the fire on the proposed natural heritage area and the mountain range. The conservation ranger who visited the site today estimates that about 10% of the area is affected.

To gain a more accurate picture of the damage and to draw up the most suitable action plan for the area, an aerial patrol is planned within the present month. Following this survey, a suitable monitoring regime can be designed by the staff in liaison with Monaghan County Council, landowners and other interested parties for the County Monaghan part of the site. Advice on best restorative measures will be provided by national parks and wildlife service personnel. Initial contact has been made with the environment and heritage service of the Department of the Environment in Northern Ireland, as the mountain range is an ecological unit. I anticipate that further contacts will facilitate the co-ordination of ecological monitoring and restorative actions on both sides of the Border.

Social Welfare Benefits.

Mr. M. Higgins: While I welcome the opportunity to raise this issue, it gives me no pleasure to do so. It is an instance of the abuse of the social welfare system to implement a contorted view of an immigration policy. I have supplied the details of the family in question to the Department. The circumstances are as follows. They are a Romanian family with two teenage children, aged 16 and 14. The mother was heavily pregnant when she first came to me and she had a difficult obstetric history. The family was in direct provision accommodation in Galway city. They had supplied information to the Department, the Western Health Board and other bodies. For example, on 16 January 2004, their doctor provided details of a miscarriage the woman had suffered on 8 February 2002 which suggested she had been exposed to chickenpox. This information was submitted to the relevant authorities.

The family left direct provision and went into private accommodation. Since then, they have not received assistance by way of rent allowance, food allowance or otherwise. They sell flowers to live, making approximately €120 per week. They are allocated a €25 food voucher from the Society of St. Vincent de Paul, have borrowed €6,000 from friends and have sold personal items,

including jewellery. When they came to me, they were worried about the 16 year old girl in particular. A social worker who was familiar with the case had drawn my attention to the fact that she was interested in discontinuing school to be of assistance to the family, as was her younger brother of 14.

The family recently received a letter which suggested that in accordance with supplementary welfare allowance procedures, verified evidence of unemployment, such as a P45 or a letter from an employer, and verified evidence of means in the period prior to their claim would be required to make a determination on the claim. The letter suggested that if they were dissatisfied with the decision, they should appeal. I understand that their appeal has been turned down. Further correspondence to the family suggested that they apply to the refugee integration agency for direct provision accommodation despite the mother having a proven obstetric history of three miscarriages — despite this history, I am happy to record that her baby Patrick was born safely on 17 March last.

As I wish to be fair and I note that the Western Health Board is the only health board acting in this manner. I exhausted all the board's procedures by way of advice to the family in regard to appeals. The family have been awaiting a decision since 27 March 2002 on humanitarian grounds. While I accept that many cases must be processed, it is extraordinary that they are not entitled to the normal benefits during this period. I am shocked that the practice of assistance through a health board or the Department of Social and Family Affairs would be used as an instrument to force people into direct provision accommodation. It is particularly shocking in this case as the family left direct provision accommodation because the woman had a miscarriage in 2002 and had been exposed to chickenpox, as attested by the notes of doctors O'Beirne and Whyte dated 14 January 2004. What would any of us do in such circumstances?

In the most recent correspondence I have read, it is suggested that if the family survived for so long without visible means, they must have had means from somewhere. When I last spoke to a family spokesperson, it was suggested that they are perfectly willing to supply the names of the relatives and members of the community from whom they have borrowed money — I have permission to state the amount, which is €6,000. It is extraordinary that this can go on. They have received nothing from the State by way of sustenance since last November. From my checks at the regional hospital and the testimony of the woman, I found that she is a diabetic who administers insulin to herself four times a day.

It has been suggested that the family go back into direct provision accommodation or get nothing, a suggestion made by the health board and the social welfare system, which should have no role in implementing this kind of treatment for a family who are at considerable risk.

Mr. B. Lenihan: I reply on behalf of the Minister for Social and Family Affairs, Deputy Coughlan. The supplementary welfare allowance scheme, which is administered on behalf of the Department by the health boards, provides assistance to eligible people in the State whose means are insufficient to meet their basic needs. The supplementary welfare allowance scheme is subject to a means test and, accordingly, where a person has access to resources in kind or in cash, the relevant legislation requires that these be taken into account in determining the amount of assistance payable.

The Western Health Board was contacted regarding the family in question and has advised that they arrived in Ireland in August 2000 and submitted an application for asylum. The Reception and Integration Agency of the Department of Justice, Equality and Law Reform caters for the needs of asylum seekers through its system of direct provision. Under the direct provision system, asylum seekers are provided with full board accommodation and other services such as laundry and leisure facilities. In addition, they receive a weekly allowance of €19.10 per adult and €9.60 per child.

The agency initially referred the family to one of its direct provision accommodation centres in the Southern Health Board area. The family later transferred to direct provision accommodation in the Mid-Western Health Board area and in July 2001 transferred to direct provision accommodation in Galway. The family applied for rent supplement under the supplementary welfare allowance scheme in August 2001 on the basis that they had to move to private rented accommodation on medical grounds. Details of the medical evidence provided was forwarded by the health board to the Reception and Integration Agency which, having examined the circumstances of the case, advised the health board that the family's existing direct provision accommodation was suitable for their needs. In the circumstances, the application for rent supplement was refused. The family appealed this decision but their appeal was not upheld.

In May 2002, the family's application for asylum was refused. They applied for permission to remain in the State on humanitarian grounds and continued to reside in direct provision

accommodation. A further application for rent supplement was made in 2003. The application was again refused on the ground that their existing direct provision accommodation was suitable for their needs. No appeal was made on this occasion.

In April 2003 payment of the weekly allowance was terminated as the family had vacated their direct provision accommodation and had failed to make contact with the health board.

9 o'clock The board had no further dealings with the family until early 2004 when they applied for assistance under the supplementary welfare allowance scheme claiming that they had no means with which to provide for their basic needs or rent costs. They were asked to provide details regarding their financial circumstances. In particular they were asked how they have been able to provide for their needs since they vacated their direct provision accommodation nine months previously. Despite being offered several opportunities to provide the necessary information, the family have failed to satisfy the board regarding their past and present financial circumstances.

Mr. M. Higgins: I can give the Minister of State the details now if he will just re-examine the case.

Mr. B. Lenihan: I am not sure that I have a function in that because there are appeals procedures in place and if they furnish those materials by way of a fresh application, that may resolve the matter. Accordingly, the family have not established as of the time of the preparation of this reply that they have an entitlement to assistance under the terms of the supplementary welfare allowance scheme.

The issue of medical benefits referred to by the Deputy relates to an application for a medical card. The health board has advised that it is awaiting the return of a completed application before a decision can be made in that regard.

Mr. M. Higgins: Is it not disgraceful, starving them out of the country and putting a child at risk?

The Dáil adjourned at 9.05 p.m. until 10.30 a.m. on Wednesday, 2 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 16, inclusive, answered orally.

Questions Nos. 17 to 36, inclusive, resubmitted.

Questions Nos. 37 to 43, inclusive, answered orally.

Court Accommodation.

44. **Ms Lynch** asked the Minister for Justice, Equality and Law Reform about the planned construction of a new criminal courts complex in Dublin. [16296/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Courts Service has developed proposals for a new purpose built criminal courts complex in Dublin. It would involve the transfer of all existing criminal business transacted in the District, Circuit and Central Criminal Courts from the Four Courts and associated buildings to one purpose built facility. It would address the shortcomings that exist such as insufficient courtrooms and ancillary facilities, security and lack of separate facilities for different court users such as judges, juries, the public and prisoners.

The proposals have been progressed to the stage of an outline business case with the assistance of the Office of Public Works and the National Development Finance Agency. The project would constitute a significant capital and ongoing commitment. It is envisaged that the development will be undertaken by a public private partnership arrangement. Recently my Department received the business case from the Courts Service and my officials are studying it.

I support the proposal in principle and, subject to my Department's examination of it, I shall arrange for the details to be discussed with the Department of Finance as soon as possible.

Presidential Visit.

45. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the expected nature and cost of security arrangements required by the planned visit of President Bush. [16278/04]

66. **Mr. Sherlock** asked the Minister for Justice, Equality and Law Reform the purpose of visits made by members of the Garda Síochána to homes in the Shannon area requesting information on the persons likely to be staying in the houses at the end of June; and the legal basis

on which the information is being sought. [16279/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 45 and 66 together. I refer the Deputies to my reply to Question No. 38 for today.

Garda Strength.

46. **Mr. O'Shea** asked the Minister for Justice, Equality and Law Reform the number of recruits who have graduated from the Garda Training College since 6 June 2002; the number of gardaí that have retired, resigned or left the force since 6 June 2002. [16299/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda authorities are responsible for the detailed allocation of resources, including personnel. They have informed me that the number of recruits who have graduated from the Garda college since 6 June 2002 is 950.

As many as 950 people have completed the student-probationer education-training programme. The figure does not include those who have been attested to the force upon completion of phase 3 of their training programme and who have yet to complete the fifth and final phase. The number of members attested since 6 June 2002 is 1,065.

The corresponding number of all ranks who have resigned, retired or left in the same period is 849. Garda strength as at 28 May was 11,964. The next attestation of members is due to take place on 1 July when approximately 160 members will be attested.

Garda Investigations.

47. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform if he received a report by a senior Garda officer, appointed by the Commissioner, to examine all matters featured in a television programme (details supplied) broadcast on 8 January. [16309/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that the report is at an advanced stage and will be finalised shortly.

Allegations of serious wrongdoing by members of the Garda Síochána, such as those broadcast on the "Prime Time" programme, are of serious concern to me. Some of the cases featured on 8 January were previously reported and in the public domain. They have either been or may be dealt with in the courts or by existing complaints and disciplinary mechanisms. It would be inappropriate for me to comment on the specific details.

I expect the report to address all of the issues raised and to examine the cases featured in the programme and, where relevant, the Garda systems, practices and procedures. This will be

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done with a view to assessing whether additional safeguards or changes are necessary.

Existing laws and procedures for dealing with complaints against gardaí are inadequate. We need a mechanism for dealing with such cases that commands the confidence of members of the public and the force. In February the Garda Síochána Bill 2004 was published. One of its key objectives is the establishment of an independent ombudsman commission with powers to investigate complaints made against gardaí. It will also be able to investigate policies and practices that may be a cause of complaint.

Compensation Payments.

48. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform the amount paid in respect of court awards or out of court settlements for claims taken against members of the Garda for assaults, unlawful arrests or other breaches of a citizen's right in respect of the years 2001 to 2003, inclusive, and to date; the number of cases where awards were made by the courts, the number of cases that were settled out of court and the number of such cases pending.

[16286/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The information requested by the Deputy is outlined in the following tabular statement.

As of 31 December 2003 there were approximately 750 civil actions taken against members of the force on hand. A detailed breakdown of them in the form of the number of allegations of assault, unlawful arrest and other breaches of citizens' rights is not readily available. A database introduced in 2002 for the purposes

of recording civil actions taken against members of the Garda Síochána, indicates that in 2003 — the first complete year for which a detailed breakdown is available — of the 142 actions initiated or received in that year by my Department, there were 34 cases of alleged assault recorded and 38 cases of alleged unlawful arrest recorded. The remaining 70 cases recorded included allegations of defamation and harassment. In the year to date, 44 actions have been initiated/received. They include 15 cases of alleged assault and 14 cases of alleged unlawful arrest.

Civil actions may be taken by the general public against members of the force for compensation for alleged wrongs and personal injuries inflicted on them by gardaí in the performance of their duties. The highest percentage of these types of civil actions is for assault and unlawful arrest. The majority of them have been settled for less than €25,500. Settlement of cases takes place on the advice of the Chief State Solicitor, the Attorney General and State Counsel.

The Garda Commissioner has informed me that incidents that result in successful claims against the State in respect of the actions of gardaí are examined with a view to identifying and implementing operational strategies to eliminate or reduce similar claims in the future. He also informed me that the Garda Síochána (Discipline) Regulations 1989 are invoked in appropriate cases where the actions of a garda comes into question. One of the principal aims of the Bill is the establishment of a new mechanism for dealing with complaints against gardaí that will secure public confidence and address the acknowledged shortcomings in the existing law and procedures on complaints.

Year (Total Amount)		Assault	Unlawful Arrest	Other
		€	€	€
2001 €1,619,746.83	Awards	1,904.61 (1)	20,950.68 (2)	22,220.42 (1)
	Settlements	123,164.59 (5)	33,965.49 (3)	162,782.25 (9)
	Costs	244,665.35	123,199.41	886,894.03
	Total	369,734.55	178,115.58	1,071,896.70
2002 €1,240,388.40	Awards	1,270 (1)	3,809.21 (1)	56,500 (2)
	Settlements	166,924.48 (6)	106,835.58(10)	185,078.82(11)
	Costs	230,769.67	148,714.19	340,486.45
	Total	398,964.15	259,358.98	582,065.27
2003 (Provisional) €1,276,127.55	Awards	11,000 (1)	10,000 (2)	4,870 (2)
	Settlements	75,000 (4)	303,011 (5)	112,814.84 (4)
	Costs	145,561.70	71,794.28	542,075.73
	Total	231,561.70	384,805.28	659,760.57
2004 (Provisional) (as of 28/5/04) €433,462.50	Awards	15,000 (1)	0	0
	Settlements	10,000 (1)	184,007 (5)	27,500(1)
	Costs	20,973.95	61,465.15	114,516.40
	Total	45,973.95	245,472.15	142,016.40

The number of cases where awards were, made by the courts and the number of cases that were settled out of court are shown in brackets.

Garda Radio Communications.

49. **Mr. Sargent** asked the Minister for Justice, Equality and Law Reform his plans to improve the Garda radio structure in view of the assertion in the current issue of the *Garda Review* that it is on the verge of collapse. [16349/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am aware of the article. A pilot digital radio system was implemented in the north central division in Dublin and in the Garda traffic section in Dublin Castle. The pilot was a major project in its own right and was completed last year at a cost of almost €6 million.

Taking into account information and experience gained from the pilot, the Garda have prepared and submitted to my Department a detailed business case in support of a nationwide implementation of a digital radio system. Discussions on various technical and implementation options are ongoing between officials of my Department, the Garda authorities and the Department of Finance. I expect them to conclude in the near future.

I recognise the benefits of digital radio, including the additional security it provides. It is a large and costly project that needs careful evaluation. The pilot in Dublin has helped identify technical solutions and various options for managing and funding such a system.

Notwithstanding the decision to be taken on replacing the radio system, and in recognition that the current system must be maintained, significant expenditure was invested. At the end of last year a sum of €1 million was expended in capital equipment and further expenditure is planned for this year. An enhanced radio system is still required. The expenditure demonstrates my commitment to maintain the existing system until it can be replaced.

Legislative Programme.

50. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform the progress that was made in drafting the disability Bill; the outstanding issue that must be resolved; and when he will publish the Bill. [16337/04]

89. **Ms B. Moynihan-Cronin** asked the Minister for Justice, Equality and Law Reform when the disability Bill will be published; and his discussions with disability groups about its terms. [16292/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 50 and 89 together.

An Agreed Programme for Government outlines our commitment to complete consultations on disability legislation and to bring an amended Bill through the Oireachtas. The

Government has facilitated extensive consultation nationally on disability legislation and gave disability groups an opportunity to present their proposals for a disability Bill.

In April 2002 the Government appointed an expert consultation team to oversee the national consultation process. It met and received the views of the stakeholders, including the Disability Legislation Consultation Group, the social partners, the community and voluntary sector and relevant Departments before completing its task in February 2003.

The group is representative of people with disabilities, their families, carers and service providers. It was established by the National Disability Authority to facilitate dialogue at national level in the sector and with a consultation team. Broad ranging consultations took place in 2002 and early in 2003. The group presented its document *Equal Citizens — Proposals for Core Elements of Disability Legislation* in February 2003.

The Government is conscious of the complex and cross-cutting nature of the issues involved and, to support ministerial engagement throughout the process, referred an oversight of the Bill and other elements of the framework to the Cabinet Committee on Social Inclusion. The Government and the committee are paying particular attention to any views that arose through the consultation process and the administrative arrangements required to facilitate the effective implementation of the proposed Bill.

Last year the DLCG met a number of Members, including the Taoiseach, the Tánaiste, the Minister of State at the Department of Justice, Equality and Law Reform, Deputy Willie O'Dea, and the Minister of State at the Department of Health and Children, Deputy Tim O'Malley. Matters discussed included an assessment of needs, standards, service provision, the need to build capacity in key sectors of the public service to allow for the provision of disability accessible services in a cost effective way and workable redress mechanisms.

Earlier this year meetings took place between officials and the DLCG and legislative proposals were outlined. Its views on the proposals were discussed and noted for consideration by the Cabinet Committee on Social Inclusion. On 12 May the Minister of State, Deputy O'Dea, met the group and outlined the developments in Government thinking and issues still under discussion arising from meetings with officials earlier in the year. He reassured them of the Government's continued commitment to publish a Bill at the earliest possible date.

The Bill is a key part of the framework being put in place by the Government to underpin the equal participation by people with disabilities in Irish society. The framework includes: the Education for Persons with Disabilities Bill 2003 that has just completed Report Stage in the Dáil and will commence Second Stage in the Seanad

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shortly; the Comhairle (Amendment) Bill is being prepared in the Department of Social and Family Affairs on the provision of advocacy; six sectoral plans for key public services; and equality legislation, to be updated by the Equality Bill 2004, has just completed Second Stage in the Dáil.

The Bill is being finalised together with elements of the framework due to be publicised on the same date. It will be published as soon as the Government has completed its work.

Juvenile Offenders.

51. **Mr. S. Ryan** asked the Minister for Justice, Equality and Law Reform the number of juvenile liaison officers in the Garda at the latest date for which figures are available; and if he will extend the scheme in view of its proven success. [16304/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda authorities are responsible for the detailed allocation of resources, including personnel. They have informed me that as at 26 May there were 85 gardaí and eight sergeants working as juvenile liaison officers in various divisions. In addition, the national juvenile office is comprised of one superintendent, two inspectors and two sergeants.

In May 2002 the Children Act 2001 was enacted. It effectively placed the Garda juvenile diversion programme on a statutory basis for the first time in its 40 year history. Included in the Act is the introduction into the criminal justice system of the concept of restorative justice and family conferencing. At present the force is implementing the provisions.

Specially trained gardaí deliver the diversion programme. Resource implications are constantly under review and application for additional resources are made on a case by case basis. The programme was extended nationwide.

Communications Technology.

52. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform if he will allow for the details of crime incidents to be received by e-mail or telephone. [16346/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Recently my Department gave its approval to the Garda authorities to prepare an information and communications technology strategy for the period 2004 to 2009, inclusive. I expect that receiving reports on crime incidents by e-mail or telephone will be within the scope of the strategy.

Immunity from Criminal Prosecution.

53. **Mr. Eamon Ryan** asked the Minister for Justice, Equality and Law Reform his plans to change the immunity from prosecution that can be claimed by Oireachtas Members if they prove

they were travelling in the course of their Oireachtas duties. [16353/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The immunity Members enjoy, while in the precincts of either House is guaranteed by Article 15.13 of the Constitution. The issue of changing it by legislation does not arise.

Garda Vetting Procedures.

54. **Mr. Sargent** asked the Minister for Justice, Equality and Law Reform his plans to ensure that those who employ part-time and voluntary workers in vulnerable sectors, such as transitional housing, obtain Garda clearance for their staff. [16348/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The interagency working group established to examine the expansion of the Garda central vetting unit's services, including to the groups identified by the Deputy, recently submitted its report. It will receive full and careful consideration with a view to early implementation, as appropriate.

Garda Training Facilities.

55. **Mr. Gormley** asked the Minister for Justice, Equality and Law Reform his plans to improve the gymnasium facilities in the Garda Training College, Templemore. [16351/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): At present the Garda authorities are tendering for the acquisition of equipment to refurbish the gymnasium.

Defamation Law.

56. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform his plans to reform the contempt of court laws, particularly in view of the DPP's expression of concern about the weaknesses in this area of law and its exploitation by certain sectors of the media here. [16302/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The present law on contempt of court is largely judge made. It consists of decisions that give effect to a general principle that the courts have an inherent jurisdiction not dependent on any statute to ensure that the administration of justice is not obstructed and that court orders are obeyed. It draws a distinction between criminal contempt and civil contempt. The former comprises contempt in the face of the court, *in facie curiae*, scandalising the court, breaches of the *sub judice* rule and other interferences with the administration of justice, such as threatening a witness. Civil contempt consists of defiance of a court order whether by positive conduct or by the neglect or refusal to obey an injunction or other order.

The main attention, and this has been reflected in the comments of the Director of Public

Prosecutions, has naturally concentrated on aspects of the subject where the law is seen as being in potential conflict with freedom of expression, particularly the law on the *sub judice* rule.

The Law Reform Commission published a comprehensive consultation paper and report on this general area of the law and my Department is examining it. Other legislative priorities must be dealt with first and no legislative proposals have emerged. Any proposals I have will be brought forward in the usual way.

The matter of a Press Council is of particular relevance and I have already expressed my views in the House by way of my reply to Questions Nos. 31 and 145 of 5 May. I am addressing that issue in the scheme of a defamation Bill I shall bring to Government later this year.

Garda Deployment.

57. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the average number of gardaí available for foot or motorised patrol and the staffing of stations on a daily and nightly basis in the Dublin metropolitan division and in the counties immediately adjacent; and if the figure constitutes an adequate response to current crime rates. [16334/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda authorities are responsible for the detailed allocation of resources, including personnel. They have informed me that the personnel strength in the Dublin Metropolitan Region as at 28 May was 3,561 for all ranks and excluded members assigned to the traffic division and the area office.

The three Garda divisions adjacent to the DMR are Louth-Meath, Carlow-Kildare and Wexford-Wicklow. The strength of the three divisions as at 28 May was as follows:

Division	Strength
Louth-Meath	527
Carlow-Kildare	325
Wicklow-Wexford	315

For operational and security reasons it is not Garda policy to issue information on the number of gardaí deployed in an area over a specific period. Local management places a great emphasis on foot patrols. It is Garda policy to ensure that as many personnel as possible are engaged on foot patrols and more are deployed as further personnel resources become available. Dedicated foot patrols are also in place by way of ongoing operations and initiatives.

Mobile and foot patrols are continually reviewed to ensure that they address the policing needs of an area. They focus on targeting areas of high crime and where public order issues frequently arise.

Garda management is satisfied that sufficient personnel are in place to meet the present policing needs of the region.

Sentencing Policy.

58. **Mr. Howlin** asked the Minister for Justice, Equality and Law Reform the Government policy in regard to persons serving prison sentences arising from the murder of a person (details supplied); and if he will make a statement on the matter. [16293/04]

346. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if persons convicted of the murder of a person (details supplied) will serve their full sentence; and if he will make a statement on the matter. [16586/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 58 and 346 together.

The stated position of the Government is that those convicted of the killing of the person in question will serve in full the sentences imposed on them by the courts and that there will be no possibility of their early release. In the event of a definitive ending of the Northern conflict, including an end to all forms of paramilitarism by the IRA, the Government may decide to reconsider the matter but there is little indication, at this point, that such a situation is likely to occur before the normal release date of these prisoners.

Prison Medical Service.

59. **Mr. Broughan** asked the Minister for Justice, Equality and Law Reform the action he intends to take to seek a solution to the industrial dispute involving prison doctors that has led to the virtual withdrawal of medical services for prisoners; and if he will make a statement on the matter. [16276/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The position is that the Irish Prison Service and the Irish Medical Organisation are engaged in separate contacts with the Labour Relations Commission about the possibility of convening further conciliation talks in an effort to resolve the matters in dispute. I have asked the director general of the Irish Prison Service to keep me briefed on the progress of these contacts. My overriding concern is to ensure that means can be found to safeguard the health and wellbeing of prisoners by ensuring the availability of full doctor services at the earliest possible time.

Human Rights Issues.

60. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform his views on the concerns raised by the Irish Human Rights Commission regarding the proposed referendum on citizenship; and if he will make a statement on the matter. [16347/04]

85. **Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform his views

[Caoimhghín Ó Caoláin.]
on the Human Rights Commission's concerns regarding the future constitutional protection of children if the Government's citizenship referendum proposal is passed and its concern that the Government has failed to fully consider the best interests of the child as it is so obliged under international human rights law. [16341/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 60 and 85 together.

As I remarked in my reply to Deputy Ó Snodaigh's priority question, the Irish Human Rights Commission produced a 32-page document of observations on which it would not be possible in the limited time available for parliamentary questions for me to give a detailed response. I propose instead to concentrate here on the principal points made in those observations.

In summary, the commission asserts that being an Irish citizen makes the enjoyment of human rights in the State certain, whereas not being an Irish citizen means there is legal uncertainty and possible exclusion for the non-citizen from the enjoyment of those rights. I cannot accept the soundness of this assertion, because its logical conclusion is that in order to guarantee the protection of the human rights of a non-national present in the State, the State must confer Irish citizenship on every non-national who is in or comes to the State. This is a patently unacceptable proposition.

In making this assertion, the commission has not identified any respect in which the protections afforded by Irish law for the human rights of a non-national within the State would in fact be diminished, either because that person is a non-national or as a direct or indirect result of the acceptance by the people of the referendum proposal.

The commission asserts that the referendum proposal may be inconsistent with the State's obligations under the UN Convention on the Rights of the Child, which Ireland ratified in 1992. The proposal is that the Oireachtas be given power to determine by legislation the future acquisition and loss of Irish citizenship of a class of persons born in the State to parents neither of whom was an Irish citizen or entitled to be an Irish citizen at the time of the child's birth. This proposal, if accepted, will restore in part the position that prevailed at the time of the ratification of that convention, a position whereby the Oireachtas had power to make such legislation in respect of all classes of persons whether born in Ireland or not. If the present proposal were inconsistent with the Convention on the Rights of the Child, then so would have been the position when we ratified it in 1992 — but that was clearly not the case.

The commission acknowledges that there is an inconsistency between the British-Irish Agreement, at Article 1(vi) and Annex 2, and the

wording of Article 2 of the Constitution which was included in the multi-party agreement at Annex 1 to the British-Irish Agreement. The commission's observations do not appear however to take proper account of the joint interpretative declaration made on 21 April last by the two Governments, whereby they acknowledge that it was not their intention in making the British-Irish Agreement that it should impose on either Government any obligation to confer citizenship on persons born in any part of Ireland whose parents do not have a sufficient connection with the island of Ireland and that the proposed constitutional change was not an amendment of the British-Irish Agreement.

I take this opportunity to remind the House that I have asked the Human Rights Commission for its observations on the draft implementing legislation published by the Government in conjunction with the referendum proposal. This is the legislation that will follow in the event of a "Yes" vote in the referendum. I am anxious to ensure that the commission's observations in due course on that draft legislation will inform the debate on the implementing legislation.

Crime Levels

61. **Ms McManus** asked the Minister for Justice, Equality and Law Reform when he intends to bring proposals to Government to provide for tougher sentences for armed criminals caught in possession of firearms and more effective steps to control their availability; and if he will make a statement on the matter. [16297/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my recent reply to Question No. 30 of 5 May 2004 on this matter. The position remains unchanged.

As regards the issue of the availability of firearms, the Deputy will be aware that the holding of a firearm is strictly governed by the provisions of the Firearms Acts, 1925 to 2000. The Garda Síochána take all appropriate action to ensure that illegally held firearms are seized and that the holders of such firearms are proceeded against.

Drugs in Prisons.

62. **Mr. Stagg** asked the Minister for Justice, Equality and Law Reform the progress made in regard to his consideration of the draft proposals for a new prison drugs policy prepared by Irish Prison Service management; if it is intended to publish the proposals; and if he will make a statement on the matter. [16308/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Question No. 67 of 5 May 2004 in which I indicated that I am considering proposals for a new prison drugs policy and examining whether it would be effective in ridding our prisons of

drugs. It is my intention to publish the new policy in due course.

Refugee Status.

63. **Mr. S. Ryan** asked the Minister for Justice, Equality and Law Reform the number of applications for asylum received during 2002, 2003 and to date; the number of applications upheld by the Refugee Appeals Tribunal; the number of appeals submitted to the Refugee

Appeals Tribunal and the number of such appeals upheld; the number of applications for leave to remain and the number of such applications granted; the number of deportation orders made and the number of deportations; and if he will make a statement on the matter. [16303/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The information requested is contained in tabular format, a copy of which is being circulated to Deputies.

Table 1: Number of asylum applications received and the number of recommendations by the office of the Refugee Applications Commissioner to grant refugee status, at first instance, in 2002, 2003 and 2004*.

	2002	2003	2004*
No. of applications received	11,634	7,900	1633
No. of recommendations to grant refugee status	893	345	142

* as at 30/04/04

** It is assumed the reference in the Deputy's question to "Refugee Appeals Commission" refers to the office of the Refugee Applications Commissioner.

Table 2: Number of appeals submitted to the Refugee Appeals Tribunal and the number upheld at appeal stage in 2002, 2003 and 2004*.

	2002	2003	2004*
No. of appeals received	5,159	5,014	1,438
No. of appeals upheld (granted refugee status)**	1,099	831	300

* as at 30/04/04

** Substantive and accelerated cases

Table 3: Number of deportation orders signed and number effected in 2002, 2003 and 2004*.

	2002	2003	2004*
No. of Deportation Orders signed	2,430	2,411	751**
No. of Deportation Orders effected	521	590	275***

* as at 30/04/04

** In addition to the 751 deportation orders signed, there have been 76 Dublin II regulation transfer orders signed.

*** In addition to the 275 deportation orders effected, there have been 8 Dublin II regulation transfers effected.

Table 4: Number of Applications for leave to remain received from current or former asylum applicants

	2002	2003	2004*
No. of applications received	6,887	1,272	103

* as at 30/04/04

Table 5: Number of applications granted for leave to remain by category

	2002	2003	2004*
Parentage of Irish Born Child	3,113	172	0
Marriage to an Irish National	86	132	31
Dependant of EU Citizen	138	77	10
Humanitarian Grounds	159	83	10

* as at 30/04/04

Defamation Law.

64. **Mr. Rabbitte** asked the Minister for Justice, Equality and Law Reform the position regarding his consideration of the recommendations of the Legal Advisory Group on the Defamation Law, particularly in regard to the proposals for the establishment of a statutory press council; and if he will make a statement on the matter. [16290/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Questions No. 31 and 145 answered together of 5 May 2004. The position remains unchanged.

Garda Training.

65. **Mr. O'Shea** asked the Minister for Justice, Equality and Law Reform the membership of the Garda at the latest date for which figures are available; if he has received Cabinet approval for the recruitment of 2,000 additional gardaí; the annual capacity of the Garda Training College at Templemore; if he has plans to extend the college or otherwise increase training capacity; and if he will make a statement on the matter. [16300/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities who are responsible for the detailed allocation of resources, including personnel, that the personnel strength of the Garda Síochána, all ranks, as at 28 May 2004 was 11,964.

In April 2000, the Government agreed, *inter alia*, to a system of delegated authority under which recruitment is carried out to maintain the strength of the force at an agreed level.

In April 2002, the Government agreed to increase the approved strength of the force by 200 to 12,200. Recruitment was carried out during 2003 with a view to bringing the strength of the force to 12,200 by 31 December 2004.

The programme for Government states that the Government will complete the current expansion of the Garda Síochána and increase recruitment so that numbers will increase by a further 2,000. This commitment remains, and while it will not be possible to increase numbers beyond the approved strength of 12,200 for as long as the cap on public service numbers remains in place, I will ask the Government to look again at how quickly budgetary circumstances will permit progress towards achieving the target of 14,000 to be made.

The Garda College has accommodation on a weekly basis of 400 single rooms. These are utilised on a weekly basis to cater for student and course accommodation. The student garda "living out" programme that has been developed to cater for increased numbers of garda trainees, enables garda students to be accommodated off campus and within the environs of Templemore and can accommodate a further 300 students per week.

The implementation of the Government commitment to increase the strength of the force by a further 2,000 represents a significant

challenge for the garda training college. The annual intake required to implement the commitment would require an enhancement of the current capacity of the Garda College, and this will be factored into the recruitment plan.

Question No. 66 answered with Question No. 45.

Garda Organisational Structures.

67. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the main findings of the report from the steering group working under the SMI on Garda organisational structures; if it is intended to publish the report; and if he will make a statement on the matter. [16311/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda SMI implementation steering group looked in detail at a range of areas within the Garda Síochána and its report puts forward recommendations for broad based reform of the structure, management and service delivery of the organisation. I am having the report examined in my Department and will give careful consideration to all of the steering group's recommendations and to the question of publication.

Proposed Legislation.

68. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform the measures he intends to bring forward to deal with the activities of criminal gangs in regard to his address to the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights on 9 December 2003; when he expects that the legislation will be published; and if he will make a statement on the matter. [16310/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): When I appeared before the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights on 9 December 2003, I addressed in detail, with particular reference to the activities of criminal gangs, the measures I intend bringing forward to enhance the investigation and prosecution of criminal offence. I intend to provide for measures that require legislative provision in the criminal justice Bill, which I expect to publish during the session. I made the heads of the Bill available to the joint committee and the measures include a statutory power to preserve a crime scene; a general power in relation to the issue of search warrants; increased detention powers of up to 24 hours for arrestable offences; amendments to the Criminal Justice (Forensic Evidence) Act 1990, in particular, to reclassify saliva as a non-intimate sample; extending the power of the prosecution to appeal in limited circumstance, particularly in regard to points of law; and general provisions, mostly of a technical nature, to improve efficiency in the prosecution of offences.

I informed the joint committee that I was considering a number of further proposals for inclusion in the Bill, which have been referred for drafting. These include a provision on the admissibility of statements made by witnesses, who subsequently refuse to testify or retract their original statements.

I also informed the Committee that, while I see serious practical evidential difficulties in creating an offence of membership of a criminal gang, I am examining the issue in conjunction with the European Union Joint Action on Participation in a Criminal Organisation, adopted in December 1998, and the 2000 UN Convention on Transnational Organised Crime, in the context of giving effect to these instruments in Irish law. Each instrument contains provisions on contributing to or participating in the activities of a criminal organisation. I am also examining relevant legislative provisions in other jurisdictions aimed at the activities of criminal gangs. I will also consider proposals in the context of the forthcoming criminal justice Bill.

I also intend to bring forward proposals to Government to seek approval for the inclusion, whether on publication or on Committee Stage, of firearms control provisions in the Bill. In addition, I am examining the issues surrounding sentencing in regard to drug trafficking offences and firearms offences and, if I consider it appropriate, I will bring forward proposals to strengthen the law in this respect.

I refer to the question of a DNA databank. As the Deputy may be aware, the Law Reform Commission recently published a consultation paper on the establishment of a DNA database. I am examining the issues highlighted by the commission in its paper and look forward to hearing the views and opinions of those who take part in the consultation process. It is my intention to draw up proposals for a databank, which would permit as extensive a databank as possible, having regard to constitutional requirements and the requirements of the European Convention on Human Rights. I intend to bring these proposals to Government in due course.

The joint committee is expected to publish its report on the administration of justice shortly. I look forward to examining it and I am prepared to take whatever action may be appropriate on foot of the report, including bringing forward further proposals for legislative reform, if necessary.

Crime Prevention.

69. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he plans new initiatives to combat organised crime with particular reference to drug dealing, racketeering, extortion and protection; his priorities in this regard with a view to achieving specific targets within a particular time span; and if he will make a statement on the matter. [16335/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A broad range of strong legislation is available to the Garda to enable serious and organised crime to be confronted effectively. Our criminal legislative framework reflects international developments to respond to the growth of organised crime and specific measures enacted to meet our particular domestic situation.

With regard to initiatives in this area, I draw the Deputy's attention to the criminal justice Bill which, as indicated in the Government legislative programme, I expect to publish this session. The main purpose of the Bill is to improve the efficiency with which criminal offences in general are investigated and prosecuted. In summary the measures I propose to include are a statutory power to preserve a crime scene; a general power in regard to the issue of search warrants; increased detention powers of up to 24 hours for arrestable offences; amendments to the Criminal Justice (Forensic Evidence) Act 1990, in particular, to reclassify saliva as a non-intimate sample; extending the power of the prosecution to appeal in limited circumstances, particularly in regard to points of law; and general provisions, mostly of a technical nature, to improve the efficiency of the prosecution of offences; and provision on the admissibility of statements by witnesses who subsequently refuse to testify or who retract their original statements.

I also intend to bring forward proposals to Government to seek approval for the inclusion, whether on publication or on Committee Stage, of firearms control provisions in the Bill. I am also examining the issues surrounding sentencing in regard to drug trafficking offences and firearms offences and, if I consider it appropriate, I will also bring forward proposals to strengthen the law in this respect.

As the Deputy may be aware, I appeared before the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights on 9 December 2003 in regard to its work on the review of the administration of justice. I addressed in detail my proposals on legislative matters, with particular reference to the activities of criminal gangs. The joint committee is expected to publish its report on the administration of justice shortly. I look forward to examining it and I am prepared to take whatever action may be appropriate on foot of the report, including bringing forward further proposals for legislative reform, if necessary.

Another important initiative in combating organised crime is the Criminal Justice (Joint Investigation Teams) Bill, which is awaiting Report and Final Stages in the House. It is expected the legislation will be enacted in June 2004 and commenced soon thereafter. The Bill will enable effect to be given in Irish law to an agreement at European level which attempts to ensure that international boundaries are not used by criminal gangs to their advantage. The Bill will

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provide a framework for the creation and operation of joint investigation teams between EU member states. The teams will carry out criminal investigations with a cross border dimension in one or more of the member states setting up the team. Although the framework decision is targeted at setting up teams to combat trafficking in drugs and human beings as well as terrorism, the Bill is not confined to these offences. The net result, following implementation of the legislation, will be improved crime detection, investigation and prosecution of offences.

On an operational level, I am informed by the Garda authorities that the establishment of specialist Garda units such as the national bureau of criminal investigation, the Criminal Assets Bureau, the Garda bureau of fraud investigation and the Garda national drugs unit, operating under an assistant commissioner in charge of national support services, has also enabled the Garda to tackle organised crime effectively.

The Garda national drugs unit plays a crucially important role in the efforts to combat drug trafficking. Operations are designed to target the supply of drugs to the Irish market and the transit of drugs through Ireland. The unit co-operates with a wide range of international law enforcement agencies and provides significant levels of support to international agencies and the domestic customs service alike. The success of the unit can be gauged by the increase in the street value of drugs seizures in recent years: €45 million in 2001; €49 million in 2002; and €100 million in 2003. These seizures exceed the targets set in the National Drugs Strategy 2001-2008. I am further informed by the Garda authorities that a pro-active integrated approach to the investigation of all serious and organised crime will continue to be pursued by the Garda.

Prison Accommodation.

70. **Mr. Broughan** asked the Minister for Justice, Equality and Law Reform the steps being taken to address the serious deficiencies in conditions identified in the reports of a number of prison visiting committees, particularly the disclosure that six inmates in Cork Prison were sharing a cell with no in-cell sanitation; and if he will make a statement on the matter. [16277/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The issues highlighted by the visiting committees to the various prisons and places of detention are being addressed through the prisons capital building programme. For example, at Limerick Prison, a new block with space for 100 prisoners has recently been opened and a new education and services building will commence construction in the next few months.

I also recently announced that, I am contemplating the building of a new prison on Spike Island. This new facility would augment the existing Fort Mitchell detention centre on the

island as well as replacing the existing Cork Prison. It would be a significant prison complex with separate sections devoted to male adult prisoners, young 16 to 17 year olds, and female prisoners. I propose to take this step because Cork Prison suffers from chronic overcrowding and extending this prison on its existing site is not possible due to its location in a densely populated area of Cork city. Cork Prison needs to be replaced with a new, modern facility with a full range of work, training, educational and medical services for inmates as well as predominantly single cell accommodation with proper in-cell sanitation facilities. The proposed facility will provide adequate prison places for the southern region.

As a first step in planning for the new facility, I have instructed the director general of the Irish Prison Service to engage with the Office of Public Works and Cork County Council in the development of an outline plan for the construction of a bridge across to Spike Island from the mainland. The existing arrangement whereby prisoners, staff, visitors and contractors engaged in the maintenance of Fort Mitchell are brought to the island by boat is uneconomic and a bridge will enable the existing prison and the proposed new complex to operate effectively and efficiently.

Witness Security Programme.

71. **Ms McManus** asked the Minister for Justice, Equality and Law Reform the progress made to date in the review of the witness protection programme; if he is considering additional measures to support witnesses who may be giving evidence in court cases involving serious charges, but who may not wish to enter the protection programme; and if he will make a statement on the matter. [16298/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Following a judgment of the Court of Criminal Appeal, the Garda authorities instituted a review of the procedures of the witness security programme, which operates under the direct control and administration of the Garda Commissioner. I am advised by the Garda authorities that this review is ongoing. The review includes consideration of the relevant judgment of the Court of Criminal Appeal; the measures to support witnesses in court cases who may not wish to enter the programme; and current best practice from an international perspective. I assure the Deputy that, when received, the recommendations of the review will be given full and careful consideration.

Proposed Legislation.

72. **Mr. M. Higgins** asked the Minister for Justice, Equality and Law Reform the action he intends to take arising from the recent Supreme Court decision that the Proceeds of Crime Act 1996, under which the Criminal Assets Bureau

operates, does not apply to the proceeds of crime committed outside of the State; and if he will make a statement on the matter. [16282/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I presume the Deputy referring to the recent Supreme Court decision of 17 May 2004 in the case of McK and D, which found that the Proceeds of Crime Act 1996 has no application where the criminal activity in question has occurred outside the State. An amendment to ensure the Proceeds of Crime Act 1996 can be applied to seize and confiscate assets, which are situated in this jurisdiction and which arise out of foreign criminal activity, is one of a number of amendments which have been the subject of consultation between my Department, officers of the Criminal Assets Bureau and the Office of the Attorney General in the context of the Proceeds of Crime (Amendment) Bill 2003, which is awaiting Committee Stage in the House. Drafting of those amendments is being finalised and Committee Stage is expected to resume shortly. Amendments to the Bill will also include measures formerly under contemplation for a proceeds of corruption Bill. In addition, they will include provisions aimed at strengthening the existing mechanisms and providing additional mechanisms for confiscating the proceeds of crime and bolstering the powers of the Criminal Assets Bureau generally.

Garda Transport.

73. **Mr. Boyle** asked the Minister for Justice, Equality and Law Reform the plans he has to extend the use of mountain bikes by the gardaí in urban areas; and if he will make a statement on the matter. [16356/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that the Garda mountain bike unit was introduced on a pilot basis on 5 June 2001 in two districts — Tallaght and Raheny — within the Dublin metropolitan region, DMR. Following an evaluation of the pilot project the mountain bike unit was extended within the DMR and to the Galway and Limerick divisions in 2002. Additional bicycles were allocated to the other regions nation-wide in 2003 and there is now a total of 81 bicycles. Currently, 176 members of the Garda have been trained and equipped to use these.

The mountain bike unit has been successful in tackling anti-social disorderly behaviour in Dublin parks and estates and works well in conjunction with other units. Overall, the unit has proven to be very successful to date due to its commitment, ability to respond quickly and effectively and capacity to provide a high visibility presence. The unit has made a significant and positive contribution to a proactive approach in tackling crime. Local Garda management received very positive feedback from the community in regard to the work of the

unit. I have been further informed that procedures and protocols are in place for the ongoing development of the mountain bike unit within the Garda.

Garda Investigations.

74. **Mr. Stagg** asked the Minister for Justice, Equality and Law Reform the progress made to date in regard to his consultations on whether to establish an inquiry into events surrounding the murder of two persons in Grangegorman, Dublin 7, in March 1997 and subsequent Garda investigation, as sought by relatives of one of the murdered persons; and if he will make a statement on the matter. [16307/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As I have previously outlined to the House, I am still consulting the Garda authorities and the Office of the Attorney General to assist me in making a decision on the request for an inquiry into the murders in question. I will make a decision on the request as soon as all relevant advice is received and considered.

Tribunals of Inquiry.

75. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform when the promised tribunal of inquiry arising from the Cory report will be established; the form it will take; and if he will make a statement on the matter. [16287/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In accordance with the recommendation of Mr. Justice Peter Cory, I secured Government approval in December last for the establishment of a public inquiry into the murders in 1989 of RUC Chief Superintendent Harry Breen and RUC Superintendent Bob Buchanan. The Government further approved that the public inquiry will take the form of a tribunal of inquiry pursuant to the Tribunals of Inquiry (Evidence) Acts, 1921 to 2002. My Department is finalising draft terms of reference for the tribunal, in consultation with the Office of the Attorney General, and I intend to secure further Government approval in the near future to bring the necessary resolutions before both Houses of the Oireachtas.

Citizenship Rights.

76. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform his views on the finding of the Advocate General Tizzano of the European Court of Justice in a case (details supplied), that the case of the person is not an example of abuse of EU law. [16338/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Chen case referred to by the Deputy is one in which the Advocate General of the European Court of Justice is of the opinion that Mrs. Chen, in availing herself of the treaty provisions that grant a right of residence to her

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daughter and by extension to herself, is circumventing the provisions of United Kingdom law which restrict the right of residence of nationals of non-member states. I assume the Deputy is referring to that part of the Advocate General's opinion which states that the conduct of Mr. and Mrs. Chen in this case cannot be regarded as an abuse of Community law. The Government has made clear, by way of its referendum proposal approved by both Houses of the Oireachtas, that the pre-planned arrangement of the affairs of the applicant so as to give birth in the island of Ireland and, thus, acquire for the child so born an entitlement to Irish citizenship in circumstances where there is no other connection with Ireland is an abuse of Irish citizenship, and that there must be proper legislative regulation in this area.

Legal Aid Service.

77. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the steps being taken to address unacceptably long waiting lists for appointments at legal aid centres; the average waiting time for an appointment with a solicitor at the legal aid centres; the longest waiting time at any particular centre; his views on whether such waiting times are acceptable; the additional funding which has been provided to reduce waiting times; and if he will make a statement on the matter. [16318/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Legal Aid Board does not process information relating to the length of waiting lists for free legal aid. However, it records the time the person longest on the waiting list has waited. The following table shows the length of time the person longest on the waiting list has waited as of April 2004 by law centre.

The board operates a procedure whereby priority is accorded for certain categories of cases over other cases, for example, domestic violence, child care and cases where there are time limits. These cases are dealt with immediately. The total number of priority appointments offered by law centres in 2003 was approximately 1500 or almost 22% of the total number of appointments offered to new clients during the year. The board continually monitors the waiting times and is seeking to utilise resources in such a way as to reduce them at centres with particularly long waiting times.

Funding is allocated to the board by way of a grant-in-aid and that funding is not allocated by me to individual law centres. In this regard the Deputy may be interested to note that the grant-in-aid for 2004 is €18.388 million, an increase of almost 5% over the 2003 provision of €17,539 million. The level of resources provided to the Legal Aid Board in recent years has increased significantly. The grant-in-aid available to the board in 1997 was €10.656 million. The figure for

2004 represents an increase of almost 73% during this period.

Law Centre	Maximum Waiting Time in Months in April, 2004
Athlone	3.00
Castlebar	2.00
Cavan	2.75
Cork, Popes Quay	7.00
Cork, South Mall	12.00
Blanchardstown	9.75
Clondalkin	3.00
Finglas	13.75
Gardiner Street	7.25
Brunswick Street	11.50
Ormond Quay	3.00
Tallaght	10.75
Dundalk	7.50
Ennis	12.25
Galway	7.00
Kilkenny	12.25
Letterkenny	9.50
Limerick	5.00
Longford	0.00
Monaghan	3.50
Navan	11.75
Nenagh	4.50
Newbridge	12.00
Portlaoise	17.00
Sligo	5.00
Tralee	5.00
Tullamore	2.25
Waterford	4.50
Wexford	6.50
Wicklow	10.00

Garda Transport.

78. **Ms Lynch** asked the Minister for Justice, Equality and Law Reform the action he intends to take arising from the call by the Garda Representative Association for the provision of crush-proof Garda patrol cars, particularly in view of the number of occasions in which Garda cars have been rammed; and if he will make a statement on the matter. [16295/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Safety is an extremely important factor in the purchase of patrol cars for the Garda fleet. I have been informed by the Garda authorities that the commissioner has directed that a working group should be set up under the chairmanship of a chief superintendent with the following terms of reference:

“Examine and make recommendations, taking into account cost factors and value for money, on the most suitable vehicle(s) for use in the Force particularly as Patrol Cars including the feasibility of obtaining ‘Purpose built’ or

modified vehicles, having regard to the safety of Garda drivers and observers including others being conveyed in Garda vehicles and other road users.”

I look forward to the early recommendations of the working group and the important contribution they will undoubtedly make to the safety of Garda patrol cars.

Coroners Service.

79. **Ms O’Sullivan** asked the Minister for Justice, Equality and Law Reform the progress which has been made in implementing the report of the working group on the coroners service published in December 2000; and if he will make a statement on the matter. [16284/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Parliamentary Question No. 21 of 5 May 2004 on this matter. The position remains unchanged.

Citizenship Referendum.

80. **Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform his views on the decision of the Children’s Rights Alliance to oppose the Government’s citizenship referendum proposal on the grounds that its passage would be a regressive step for children’s rights and not in the best interests of children. [16340/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It is a matter for groups such as the Children’s Rights Alliance to determine their own course of action with regard to the forthcoming referendum. I do not share its view that the referendum proposal, to give to the Oireachtas a power to determine in what circumstances a right to Irish citizenship will automatically arise from birth of a person in Ireland to non-national parents, is in any way a step backwards for children’s rights or that it is not in the best interests of children. The details of my views are as indicated in my reply to Priority Question No. 39.

Proposed Legislation.

81. **Mr. M. Higgins** asked the Minister for Justice, Equality and Law Reform his view on the recent call made by the SDLP for the establishment of an all-Ireland body to counter organised crime by criminal and paramilitary gangs; and if he will make a statement on the matter. [16283/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have met the SDLP about this matter and I have noted its proposal. I fully accept the need for the greatest possible level of co-operation between the relevant agencies in both jurisdictions.

Section 5 of the Criminal Assets Bureau Act 1996 sets out the functions of the bureau. This provides for co-operation with police forces and

with tax and social security authorities outside the State. However, legal advice from the office of the Attorney General has confirmed that the scope of this provision is not sufficient to cover formal co-operation with an agency such as the UK Assets Recovery Agency, as it is a civil forfeiture agency. Consequently, in the context of the Proceeds of Crime (Amendment) Bill 2003, the Government is bringing forward an amendment to section 5 of the Criminal Assets Bureau Act 1996 to provide for co-operation with an authority with functions related to the recovery of proceeds of crime. This will enable the Criminal Assets Bureau to co-operate formally with the Assets Recovery Agency in Northern Ireland. The Proceeds of Crime (Amendment) Bill 2003 is awaiting Committee Stage in the House.

Road Traffic Offences.

82. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of other cases affected following the dismissal of a speeding case in the District Court based on the inability of a radar gun to produce a record; if, in supplying and using these radar guns he and his officers have been fully compliant with section 21 of the Road Traffic Act 2002; and if he will make a statement on the matter. [16301/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that they have sought the advice of the law officers on the recent decision of Cork District Court on the provisions of section 21 of the Road Traffic Act 2002, which deals with the evidence in regard to speeding. I am further informed that a determination of the number of cases likely to be affected cannot be made pending receipt of such advice. In addition, I understand that as a result of the decision referred to by the Deputy, the Department of Transport has sought and is awaiting legal advice from the Office of the Attorney General. If an amendment to the Road Traffic Acts is required, the Minister for Transport will propose an amendment in his forthcoming road traffic Bill. It would be inappropriate for me to comment further on the matters raised at this time.

UN Conventions.

83. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform the progress that has been made on the UN convention on the rights of people with disabilities; the approach the Government is taking on the issue; and if he will make a statement on the matter. [16336/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In December, 2001, the General Assembly of the United Nations established an *ad hoc* committee to consider proposals for a UN convention to promote and protect the dignity and rights of persons with disabilities. The first meeting of the *ad hoc* committee took place in

[Mr. McDowell.]

New York from 29 July to 9 August 2002 and was concerned mainly with procedural matters. At the second meeting in June 2003, it was decided that a working group would be established to prepare a draft text of a convention for discussion at the third meeting of the *ad hoc* committee between 24 May and 4 June 2004. The working group comprises governmental representatives designated by the regional groups, representatives of non-governmental organisations accredited to the committee and representatives from national human rights institutions. Ireland was selected to participate in the working group representing the western European group.

The current meeting of the *ad hoc* committee in New York is being attended by representatives of my Department and the Department of Foreign Affairs. A representative of the non-governmental organisation, People with Disabilities in Ireland Ltd., PwDI, is also attending as a member of the Irish delegation. PwDI provides a representative structure at national and local levels to individuals with disabilities, their families, carers and advocates.

In response to a request from UN Secretary General Annan to all UN member states, for views on proposals for inclusion in his report to the *ad hoc* committee, Ireland, along with its EU partners submitted a paper setting out a common EU position. As part of the process for advancing the drafting of a convention, member states of the EU continue to work together to prepare a common EU position at *ad hoc* committee meetings. As the current holder of the EU Presidency, Ireland will present the common EU position to the UN during the current proceedings. In addition, the European Commission will participate in discussions in the areas in which it exercises competency.

Ireland believes the guiding principle of a new legal instrument in the area of disability should be to ensure persons with disabilities can better enjoy their human rights. Ireland along with its EU partners will aim to ensure the processes and outcomes of the *ad hoc* committee meet this principle.

Citizenship Referendum.

84. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the way in which his Department has responded to the finding by the national consultative committee on racism and interculturalism that racist incidents have significantly increased in the months since the Government announced its citizenship referendum proposal and that specific targeting of pregnant non-national women for racist abuse has increased. [16339/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As I stated in my reply to the Deputy on this issue last Tuesday, the claim that the national consultative committee on racism

and interculturalism has made such a finding emanated from recent newspaper reports which, according to the NCCRI, are exaggerated. The Garda racial and intercultural office, which monitors racist incidents reported to Garda, informed me there has not been a sharp increase in the number of racist incidents reported to the Garda since the announcement of the proposed referendum.

Question No. 85 answered with Question No. 60.

Garda Training.

86. **Mr. Gogarty** asked the Minister for Justice, Equality and Law Reform the plans he has to improve and extend Garda inservice training; and if he will make a statement on the matter. [16355/04]

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 continuous professional development programme of Garda personnel is a core activity of Garda training. Training and development programmes are delivered on an ongoing basis to enhance the competency of members in various specialties. These programmes are reviewed and evaluated to ensure they meet current and emerging needs. The structure to deliver inservice training for the general membership includes a training school headed by a qualified training sergeant in each division with the exception of Cork north division, whose training is provided for in Cork City.

To provide and achieve a more consistent delivery of continuous professional development in the Dublin metropolitan region, decentralisation of inservice training from Harcourt Square to each division within the region took place in January 2003. Six new inservice training schools were established and staffed. The total number of inservice training schools is 35. Ongoing training needs are assessed on a continuous basis to determine the core continuous professional development programmes to be delivered in each divisional training school.

Proposed Legislation.

87. **Mr. Rabbitte** asked the Minister for Justice, Equality and Law Reform when he expects to publish the long promised judicial conduct and ethics Bill; if the heads of the Bill have been approved by the Government; and if he will make a statement on the matter. [16291/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Parliamentary Question No. 2 on 5 May last, tabled by Deputy Jim O'Keeffe. I expect to seek Government approval to publish a Bill on judicial

conduct and ethics in the current year. Heads of the Bill have not been approved by the Government.

Garda Investigations.

88. **Mr. Quinn** asked the Minister for Justice, Equality and Law Reform the progress made to date in the Garda investigation into the murder of a prisoner in Mountjoy jail on 27 January 2004; if the Garda investigation has been completed; if a file has been sent to the DPP; and if he will make a statement on the matter. [16288/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the investigation into the murder of the person concerned is still ongoing. On completion of the investigation, a file will be forwarded to the Director of Public Prosecutions. The Deputy will appreciate that the investigation of this matter is an operational matter for the Garda and it would be inappropriate for me to comment further.

Question No. 89 answered with Question No. 50.

Proposed Legislation.

90. **Mr. Eamon Ryan** asked the Minister for Justice, Equality and Law Reform if he has plans to examine the effects of changes in the UK's drug laws in 2003 in which cannabis was reclassified from a category B to a category C drug; and if he will make a statement on the matter. [16352/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have no plans to carry out an examination as suggested by the Deputy.

91. **Mr. Howlin** asked the Minister for Justice, Equality and Law Reform if, in regard to the implications of the preliminary opinion of the Advocate General of the European Court of Justice in a case of a person (details supplied), as a stateless child, this person will be entitled to Irish citizenship under the terms of the Government's proposed Irish nationality and citizenship Bill; if this will not be altered by the proposed amendment to the Constitution; and if he will make a statement on the matter. [16294/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The question concerned relates to the Chen case. The Chen baby is an Irish citizen and not a stateless child as the question suggests. The question of statelessness, therefore, does not arise nor will the citizenship of the child in question be affected by the Government's proposals.

This case arose as a result of the referral of certain questions by the UK immigration appellate authority to the European Court of Justice. However, the immigration appellate authority found as a fact that the child lost her

claim to Chinese nationality as a result of her acquisition of Irish nationality.

Under section 6(3) of the Irish Nationality and Citizenship Act 1956, as amended by the Irish Nationality and Citizenship Act 2001, a person born in the island of Ireland is an Irish citizen from birth if he or she is not entitled to citizenship of any other country. The Government's proposals will not alter this position.

Legal Costs.

92. **Ms O'Sullivan** asked the Minister for Justice, Equality and Law Reform if the membership and terms of reference of the group to inquire into the way in which legal costs are calculated and awarded has been established; when the work of the group is likely to be completed; and if he will make a statement on the matter. [16285/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I recently announced my intention to establish a group to examine the issue of the taxation of legal costs. The terms of reference and composition of the group are currently being considered. I hope to be in a position to announce the details shortly.

Decentralisation Programme.

93. **Mr. Quinn** asked the Minister for Justice, Equality and Law Reform if, in regard to his recent announcement of the transfer of the headquarters of the Irish Prison Service from Dublin to Longford, a survey has been undertaken to establish the number of staff willing to transfer; the breakdown by grade of the number who have so indicated their willingness to transfer; the plans there are for staff who are not willing to relocate; and if he will make a statement on the matter. [16289/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The position in relation to the matters raised by the Deputy was set out in my reply to Question No. 29 of 5 May, 2004. Since then, the central application facility, CAF, has been launched by the Civil Service Commission and civil servants have been invited to indicate their preferred decentralisation locations by 12 July 2004. When information is to hand on the initial CAF interest in decentralisation options, it is intended to conduct a survey in which the relevant prison service staff will be asked to indicate definitively whether they wish to remain with the Irish Prison Service and transfer to Longford.

Legal Aid Service.

94. **Mr. Gilmore** asked the Minister for Justice, Equality and Law Reform the benefits that a move will bring to clients of law centres in regard to his recent reply to a parliamentary question in which it was stated that the Legal Aid Board was

[Mr. Gilmore.]

considering the possible benefits of relocating some or all of its suburban law centres in Dublin to locations in the city centre; if his attention has been drawn to the serious difficulties that can be created for clients by such a move; and if he will make a statement on the matter. [16319/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy is aware, the Legal Aid Board is examining the possible benefits of relocating some or all of its suburban law centres in Dublin to locations in the city centre, to bring them closer to the courts. In accordance with good public service management practice, the Legal Aid Board keeps the operation of its law centre network under constant review. About 90% of the board's caseload falls in the area of family law. The legal remedy available in such cases is provided through the courts. When time spent at court consulting with barristers, adjournments, interim applications etc. is taken into account, a situation arises where a significant portion of the time taken to resolve a case, by both client and solicitor, is actually spent at court and not in the law centre.

Where a law centre is remote from the court, a solicitor can spend quite a large portion of his or her time travelling to and from the court and the amount of time involved can be quite considerable. Whereas, if the law centre is close to the court, the solicitor would spend less time travelling and should have more time to deal with a greater number of clients. This would particularly be the case when the court adjourns a case to a later time or date. The time saved would enable the solicitor to deal with other work in the law centre and this should contribute to an improved throughput of cases, and reduce the amount of time that applicants to the law centre have to wait for legal services. The client has to travel to court for hearings, consultations with barristers etc. in any event.

Under the terms of the Civil Legal Aid Act 1995, an applicant for legal services may apply to any law centre in the State, regardless of his or her home address. In this regard, applicants from the greater Dublin area may apply for legal services at any of the Dublin law centres most convenient to them.

I have not yet received any concrete proposals on this matter and I expect that any such proposals would take into account proposals by the Courts Service on the location of family law court sittings.

Equality Issues.

95. **Ms B. Moynihan-Cronin** asked the Minister for Justice, Equality and Law Reform his views on the recent annual report of the Equality Authority; the steps it is proposed to take to address the issues raised in the report, particularly the level of complaints against public bodies and the high number of complaints

regarding racial discrimination; and if he will make a statement on the matter. [16321/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I was pleased to launch the annual report of the Equality Authority for 2003 on 19 May 2004 and to congratulate the authority on its continued work in successfully promoting equality of opportunity and the elimination of discrimination across the nine discriminatory grounds covered by the Employment Equality Act 1998 and the Equal Status Act 2000. As I stated on that occasion, the 2003 report illustrates the authority's impressive range of activity in anti-discrimination casework and its developmental work to promote a more equality conscious society. In particular, it was notable from casework reported that discrimination on the race and Traveller grounds featured strongly in the case files of the authority under both the Employment Equality and Equal Status Acts, and that a range of cases were taken on the basis of pregnancy related discrimination during this period.

While the authority has a role and power in regard to enforcement and initiatives to counteract cases of discrimination, its broader role in promoting equality in society is also one of its key strengths. In addition to providing information and advice to the public, the promotion of a wider understanding of key concepts such as reasonable accommodation of people with disabilities is a necessary and complementary component of its work. The authority also uses, to great effect, a partnership approach between trade unions, employers in both the public and private sectors, Departments and other relevant organisations and this is to be welcomed as a part of its consensus building approach to equality.

The Equality Authority has also been helpful in its input to the Equality Bill 2004, which amends the Employment Equality and Equal Status Acts, to give effect to EU equality directives and a number of procedural amendments. In this context, the 2003 report highlighted the incidence of discrimination against migrant workers employed in private households, and noted that section 37(5) of the Employment Equality Act excludes such employment from the scope of the Act. As a result of amendments to that Act proposed in the equality Bill, this exclusion is being replaced by a new provision which will be considerably more limited in scope and, importantly, will be confined to access to employment. As a result, persons in employment in private households will be brought within the protection of the Employment Equality Act.

With regard to other issues raised by the report, the level of complaints against public bodies is an issue of concern. However, public bodies are subject to the provisions of both the Employment Equality and Equal Status Acts. The authority, recognising the centrality of many

public services to people's quality of life and given the significant engagement by the public sector with customers from across the nine grounds, focused on initiatives within this area and, in particular, on the provision of education and of health services. The focus of the work in the education area was on school practice at primary and post primary level with a number of initiatives taken, including the joint publication with the Department of Education and Science of a booklet entitled "Schools and the Equal Status Act". The strategy in the health sector emphasises the development of an equality infrastructure within health institutions. The equality infrastructure involves equality reviews, equality impact assessments, equality policies and equality training. A partnership was developed between the North Western Health Board and my Department to carry out an equal status review of a range of health board services. Initial work preparing a template for the review has been completed. The partnership approach taken with the Departments of Health and Science and Education in providing co-ordinated action to legal, developmental, research and communication areas in relation to equal status is building experience which can be further developed and applied to other areas of the public service.

The Sustaining Progress national agreement contained a new commitment to equality proofing. It committed to proofing of policies and services in the public sector to avoid unanticipated negative impact on any of the groups protected under the equality legislation, to ensure policy coherence and best use of resources. I am pleased to say that the authority has participated in the Working Group on Equality Proofing and has helped develop a range of projects to assist the working group. One initiative, currently being carried out under the aegis of the working group, is a research project into placing a statutory duty on public bodies to promote equality of opportunity, on the same basis as it exists in Northern Ireland. I await the outcome of this research with interest.

I have also noted the high number of complaints regarding racial discrimination which, in 2003, represented some 30% of the complaints received by the authority. Clearly, the increased racial diversity of our population in recent years is one factor behind this caseload. There is also some ground for optimism in that people are aware of, and confident to exercise, their right to equal treatment in the workplace and in the provision of goods and services. Tackling racism is very much on the Government's agenda. In March 2002, the consultative phase of the preparation of a national action plan against racism was launched. A steering group representative of Government, specialist bodies, other bodies and civil society was formed to assist in the development of the plan. I am pleased the authority was one of the specialist bodies

represented on the steering group and brought to it the benefit of its wide experience in the area of racism. The consultative process, which consisted of a national consultative conference, written submissions and regional and thematic seminars, was completed in 2002. The report on the consultative process and a framework structure for the plan, "Diverse Voices", was published in 2003 and widely distributed. I expect the national plan will be put to Government for approval and publication in the coming months and will present an opportunity to both build upon and enhance existing policies and strategies to address racism in Ireland, and to identify new priorities, aspirations and areas of work that can be drawn together into an overall cohesive plan. I look forward to ongoing co-operation between my Department and the authority in the continuing fight against discrimination and the promotion of equality and diversity.

EU Trade.

96. **Mr. Penrose** asked the Taoiseach if the low turnover limit of €150,000 will be increased to small businesses which complete Intrastat forms; and if he will make a statement on the matter.
[16213/04]

Minister of State at the Department of the Taoiseach (Ms Hanafin): Intrastat is the system used for collecting statistics on the physical trade in goods, that is, the actual movement of goods, between member states of the EU. It has two distinct components — specific information captured as part of the VAT system and a survey known as Intrastat.

Under the VAT system, all registered traders must complete boxes E, exports, and E2, imports, on their periodic VAT returns to the Office of the Revenue Commissioners, the VAT3 form. Under the Intrastat system, detailed monthly returns are required from traders whose annual import or export values exceed a threshold, the assimilation threshold. At present, traders with imports from other EU member states exceeding €191,000 annually, and-or exports exceeding €635,000 annually, are obliged to complete the detailed monthly return in respect of the relevant flow.

The thresholds are set so that a minimum of 97% of annual trade by value is reported at the detailed level. This quality requirement is determined and supported by EU law. This is important in order to have available robust detailed intra-EU statistics on external merchandise trade, a major economic indicator, while at the same time managing the burden being placed on respondents to the survey. At the end of each year, the thresholds are reviewed and revised as appropriate, while remaining consistent with the above quality criterion and the national requirement for good statistics.

Departmental Audits.

97. **Mr. Kenny** asked the Taoiseach the number of internal audit reports completed within his Department since January 2001; the title of each completed audit report; and if he will make a statement on the matter. [16456/04]

Number	Title	Date Finalised
1	The Service Provision of Advertising	October 2002
2	Training and Development	October 2002
3	Computer Equipment 2002	June 2003
4	State Entertainment 2002	August 2003
5	Courier Services: Value For Money Exercise	September 2003

A sixth report is currently being finalised.

The internal audit unit is directly accountable to the Department's accounting officer. All reports are considered by the audit committee and are subsequently forwarded to the accounting officer. The work of the internal audit unit is governed by a charter, which sets out its responsibilities and objectives.

Health Service Personnel.

98. **Mr. Connolly** asked the Tánaiste and

2000	2001	2002	2003	Total
64	97	78	88	327

FÁS Training Programmes.

99. **Mr. P. Breen** asked the Tánaiste and Minister for Enterprise, Trade and Employment if islanders are treated differently in relation to the eligibility of FÁS schemes, details supplied; and if she will make a statement on the matter. [16124/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): As part of the Government's decision in 1999 to restructure community employment, CE, future participation in CE by an individual was capped at three years, effective from April 2000. Offshore island residents are exempt from this change. Aughinish is not an offshore island and participants in projects such as the one at Aughinish are subject to the general CE eligibility criteria.

The three year cap was amended in August 2001 to allow particularly disadvantaged persons to remain on the programme for a further period. Participants are considered for such an extension if, on reaching the end of their normal entitlements on CE, they are likely to experience difficulty in getting employment. In general, approximately 20% of participants on CE may benefit from an additional year on the programme under the current flexibility

The Taoiseach: Five reports have been finalised by the internal audit unit in my Department since January 2001. Details of these reports are listed as follows:

Minister for Enterprise, Trade and Employment the number of assaults on health service personnel that have been notified to the Health and Safety Authority since 1 January 2000; and if she will make a statement on the matter. [16485/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The number of assaults on health service personnel that have been notified to the Health and Safety Authority from January 2000 to end 2003 are as follows:

guidelines. The eligibility of individual participants for extensions under these rules is a matter for FÁS.

Work Permits.

100. **Mr. Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment when a renewal work permit was issued for a person, details supplied, in County Roscommon; when a duplicate permit was issued; the permit number in each case; if it is unusual for two permits to be lost in the post; the procedure which the applicant must now employ to receive a work permit renewal; and if she will make a statement on the matter. [16190/04]

101. **Mr. Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment the reason work permits are not issued by registered post; the number of permits which have to be issued annually due to the fact they are not received by the applicant; the number of duplicate permits which are not received by the applicants on an annual basis; and if she will make a statement on the matter. [16191/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I propose to take Questions Nos. 100 and 101 together.

I am informed that a work permit, permit number 0057502, was issued by post to the

employer at the relevant address on 18 February 2004. I am also informed, following receipt of statement of loss and confirmation from the employer that the address is correct, that a duplicate permit, permit number 0045579, was issued on 10 May 2004. Given the circumstances, and the fact that two permits have already been issued, the Department cannot consider the issuing of a third permit in this case. However, the work permit section will provide the employer with a sealed copy of the cover letter, which should suffice for immigration purposes.

Approximately 48,000 work permits were issued in 2003 and one can appreciate the high cost implications if they were to be issued by registered post. While a note is taken when a duplicate permit is issued, there are no statistics available. However, the work permit section is satisfied that the number of duplicate permits issued is relatively small.

102. **Mr. Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment if the new regulations for the prioritisation of work permits for spouses of specific categories of workers have been implemented; the date on which they were implemented; and if she will make a statement on the matter. [16192/04]

104. **Mr. McHugh** asked the Tánaiste and Minister for Enterprise, Trade and Employment the status of spouses of foreign nationals on work permits who accompany their partners to this country in terms of their ability to take up employment here; and if she will make a statement on the matter. [16261/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I propose to take Questions Nos. 102 and 104 together.

Spouses of nationals from outside the European economic area, EEA, are not prohibited from working in the State. However, they 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. These arrangements have been in operation for some weeks now.

A detailed set of guidelines, outlining the eligibility criteria and procedures relating to these arrangements, have been available on my Department's website since April. They have also been circulated to a range of Departments, health bodies and other relevant organisations, including employer organisations, to promote as wide a circulation of this information as possible. Some 112 work permits have already been granted to eligible spouses.

103. **Mr. Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if new work permits will be issued to foreign nationals whose current employers decide to

replace them with workers from the EU accession countries in order to save the €500 work permit renewal fee; if termination of employment under these circumstances qualifies as unfair dismissal; and if she will make a statement on the matter. [16194/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): My Department can only consider the issue of a work permit when it has a specific application from an employer. In the buoyant labour market of recent years my Department has been able to adopt a very flexible approach towards meeting the needs of work permit personnel who lose an existing job and who find a prospective new employer. My Department is generally sympathetically disposed to applications where the proposed employee previously worked legally for another employer and lost that employment through no fault of his own. I also assure the Deputy that my Department will keep developments in this area of the labour market under review over coming months.

Allegations of unfair dismissal have to be considered in the circumstances of each case and there already are procedures for handling complaints in this area.

Question No. 104 answered with Question No. 102.

Employment Schemes.

105. **Mr. S. Ryan** asked the Tánaiste and Minister for Enterprise, Trade and Employment when and by whom a decision was taken and confirmed in writing to the effect that claimants on deserted wife's benefit either before or after August 1992 were not eligible for community employment or job initiative schemes while claiming this benefit. [16314/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): Persons in receipt of the deserted wife's benefit for one year or longer, and who are 25 years of age or older, are currently eligible to participate in community employment, CE.

Eligibility for job initiative, JI, is confined to unemployed persons 35 years of age or older, in receipt of an unemployment payment or one parent family payment for a minimum of five years. Spouses of unemployed persons may also qualify. Persons in receipt of the deserted wife's benefit may change over to the one parent family payment in order to become eligible to participate in this programme.

Any long-term unemployed person who wishes to apply for a place on CE or JI should contact their local FÁS office as it is a matter for FÁS to determine the eligibility of individuals who wish to participate in these programmes. The future structure of the JI and CE programmes is currently under review by a group of senior officials and FÁS, and this group will report to

[Mr. Fahey.]

Ministers on the outcome of their deliberations shortly. Decisions on any future adjustments in the structure and the terms and conditions of participation on these programmes will be taken when the review process has been brought to a conclusion.

Working Hours.

106. **Mr. N. O'Keefe** asked the Tánaiste and Minister for Enterprise, Trade and Employment the maximum number of hours per week an employee can work under the Organisation of Working Time Act 1997; and the other main issues of criteria under this legislation. [16401/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The Organisation of Working Time Act 1997 provides that an employee shall not work more than an average of 48 hours a week, averaged generally over four months. For employees whose work is subject to seasonality or a foreseeable surge in activity, or where employees are directly involved in ensuring continuity of service or production, the averaging period is six months. The averaging period can be extended to up to 12 months for employees who have entered into a collective agreement providing for such a reference period and provided the collective agreement is approved by the Labour Court. Night workers shall not work more than an average of 48 hours a week averaged over two months and such employees whose work involves special hazards or heavy physical or mental strain shall not work more than a total of 48 hours a week.

The Act provides that an employee is entitled to a break of 15 minutes after working more than four and a half hours and a further break of 15 minutes after working more than six hours. If a break is not taken after more than four and a half hours work, a 30 minute break may be taken after more than six hours work.

The Act provides that an employee is entitled to 11 consecutive hours rest in a 24 hour period and 35 consecutive hours rest in a seven day period. If an employee does not receive the 35 hour rest period in seven days, he or she is entitled to a rest period of 59 consecutive hours in 14 days.

The above maximum working hours and rest provisions do not apply to members of the Defence Forces, the Garda Síochána, a junior hospital doctor, a transport employee, any employees who can control their own working hours and family employees working on a farm or in a private house.

The Act also provides for a premium for Sunday work and for compensation for employees working on zero hours contracts. In addition, the Act provides for annual leave as follows: four working weeks in a leave year in which the employee works at least 1365 hours, unless it is a leave year in which he or she changes

employment; or one third of a working week per calendar month that the employee works at least 117 hours; or 8% of the hours an employee works in a leave year, but subject to a maximum of four working weeks). Finally, the Act provides for nine public holidays a year.

Job Creation.

107. **Mr. Kenny** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will report on the efforts being made to provide industrial employment in Ballinrobe, County Mayo; the number of potential industrialists contacted; the likelihood of employment being located there; and if she will make a statement on the matter. [16417/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): Support for investment and job creation is a day to day operational matter for the industrial development agencies: IDA Ireland, which is the agency with statutory responsibility for the attraction of industry; Enterprise Ireland, which has responsibility for developing indigenous industry and Mayo County Enterprise Board, CEB, which has responsibility for the promotion of indigenous industry in the micro-enterprise sector. These agencies, through their network of local and overseas offices are actively promoting the county for new investment and jobs on an ongoing basis. Ultimately however, decisions regarding where to locate are taken by investors.

A major factor in attracting industrial development to any location is the availability of a suitable property solution. In this regard Ballinrobe has a 22,000 sq. ft. unit available. In the past 13 months, three preliminary site visits were undertaken to Ballinrobe by overseas investors. IDA Ireland is still in contact with some of these companies.

Enterprise Ireland has preferential funding available for client companies, with detailed export plans, who are expanding or establishing a business in the county as part of the Border, Midlands and West, BMW Region. This support can enable companies to fund their plans for innovation and new product development. Since the beginning of 2003, I understand Enterprise Ireland has approved funding of almost €2.5 million for projects for client companies in County Mayo.

During the period of the current National Development Plan 2000 — 2006, Mayo County Enterprise Board has approved €90,250 in grant-aid to 10 projects in the Ballinrobe area. Between them these projects have the potential to create 18 jobs.

As well as capital and employment grants, the board operates a comprehensive range of development and support programmes designed to help new and existing enterprises to operate effectively and efficiently to ensure survival and growth. To date, the board has spent approximately €1.3 million on the delivery of

business advice and training to micro-enterprises throughout the county. From 1993 to 2003, 1,780 participants have availed of this training.

I am confident the strategies and policies being pursued by the industrial development agencies, together with the ongoing commitment of Government to regional development, will bear fruit in terms of additional sustainable investment and jobs for the people of the Ballinrobe region.

Production Costs.

108. **Mr. J. Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment further to Question No. 125 on 18 May 2004, if she has considered following France's lead and calling on the European Commission to consider measures including a temporary suspension of its anti-dumping duties on steel to stem rising production costs; and if she will make a statement on the matter. [16436/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The European Commission has competence in this area. In relation to the possibility of a temporary suspension of anti-dumping measures on steel, anti-dumping measures are currently in force in relation to a range of steel products, for example, steel wire, cables, pipes and tubes etc. The basic anti-dumping regulations provide for temporary suspension, initially for nine months, of measures by the Commission on the grounds that market conditions have temporarily changed to the extent that injury to the community industry would be unlikely to resume as a result of the suspension. In the event of suspension being proposed, community industry is given the opportunity to comment and any comments are taken into account in considering the matter.

Recently, restrictions on supplies of Chinese coke, a raw material ingredient in the production of steel, have been of serious concern to the European steel industry. However, agreement has just been reached between the EU Commission and the Chinese authorities to provide necessary supplies during 2004. Negotiations are continuing between the two sides on future trade.

Departmental Audits.

109. **Mr. Kenny** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of internal audit reports completed within her Department since January 2001; the title of each completed audit report; and if she will make a statement on the matter. [16457/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): There have been 10 internal audit reports completed in my Department since January 2001. These reports are as follows: departmental payment procedures; appropriations in aid; procedures for funds transfer to FÁS; patents office receipts; work permits; local enterprise section; follow up audit,

on the adequacy of the implementation of past audit recommendations; asset register; industrial development operational programme and small business operational programme.

Company Registration.

110. **Ms Shortall** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has satisfied herself with the regulatory regime for the registration of companies in view of the fact that a company, details supplied, which is long registered has discovered that another company in the same line of business is operating under almost exactly the same business title and is not registered; if she has further satisfied herself that the powers of the Companies Registration Office is adequate in preventing such practice; and the plans she has to strengthen the regulatory controls in this area. [16552/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): Unlike under the statutory provisions for the registration of a company name, there is nothing to prevent a business using the same or a similar business name to one already registered. Thus, for example, there are a large number of business names, quite legally, registered as the "Central Hotel" or the "Village Inn".

The purpose of the statutory requirement to register a business name is to disclose to the public the identity of the person or persons, legal or natural, who are trading under that name. It is not intended to, nor does it, confer any rights as to the use of the name registered.

Where a business is of the view that another business is using its company name in a manner which would damage its business, for example, by stealing clients, it can take civil legal action against that business under the general law of "passing off". Neither my office nor the Companies Registration Office has any functions in this regard. I have no proposals to change the law in this regard.

A person carrying on a business under a business name which is not registered is in breach of the Registration of Business Names Act 1963 and may be subject to prosecution. The maximum fine for an offence under this Act is €126.97, which I believe should be substantially increased and I will do so at an appropriate opportunity.

Hazardous Substances.

111. **Mr. McHugh** asked the Tánaiste and Minister for Enterprise, Trade and Employment the reason pipelines and pumping stations within establishments are excluded from the scope of SI 476/2000, which was implemented by her Department on 21 December 2000, in view of the potential of such pipelines and pumping stations involving dangerous substances to create major accidents as recognised under Council Directive 96/82/EC, which does not exclude pipelines and pumping stations within establishments; and if

[Mr. McHugh.]
she will make a statement on the matter.
[16618/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): Statutory Instrument SI 476/2000 of the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2000 transposed into Irish law Article 4(d) of Council Directive 96/82/EC of 9 December 1996 on the control of major accident hazards involving dangerous substances. Neither SI 476 of 2000 nor Directive 96/82/EC exclude pipelines and pumping stations within establishments covered by the directive and the regulations. For purposes of the directive and the SI, an establishment is considered to be the site within the overall landholding of an undertaking where dangerous substances are present in one or more installations.

Industrial Development.

112. **Mr. Noonan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of companies which have been grant aided by the IDA in 2004, 2003 and 2002; the identity of these companies which are located in the mid-west region; the number of persons employed in each of these companies; and if she will make a statement on the matter. [16630/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): IDA Ireland is the agency with statutory responsibility for the

attraction of foreign direct investment, FDI, to Ireland and its regions. The agency is actively marketing the mid-west region on an ongoing basis as a location for FDI through its network of overseas offices. However the attraction of FDI to the Shannon free zone is a matter for Shannon Development.

Responsibility for provision of property solutions within the mid-west region lies with Shannon Development. IDA works closely with Shannon Development in the promotion and marketing of these tailored property solutions throughout the mid-west and this includes, for example, the Askeaton Business Park in Limerick and the Tipperary Technology Park in Thurles.

Data on the name and number of companies grant-aided by IDA Ireland, in the mid-west region for the years 2003 and 2004 will not be available until the IDA publishes its annual reports for 2003 and 2004. The annual report for 2003 will be published at the end of June 2004. I have arranged that IDA Ireland will forward the relevant data for 2003 to the Deputy when it becomes available.

In 2002, a total of 139 companies were grant aided by IDA Ireland. These included 12 companies in the mid-west region. These companies are listed in the following table.

The total number of employees in IDA grant-aided companies in the mid-west region in 2002 was 3,804, as given in the Forfás employment survey for 2002. Individual employment figures for each company are submitted to Forfás on a confidential basis. These figures are not published, but are collated by Forfás to produce their annual employment survey.

Companies Grant Aided by IDA Ireland in the Mid-West Region in 2002

Company Name	Town	County
Adhesives Research, Ireland, Ltd.	Limerick City	Limerick
Amann Industries Corporation	Tralee	Kerry North
Beru Manufacturing GmbH	Tralee	Kerry North
Cook Ireland Limited	Limerick	Limerick
Essidev SA	Ennis	Clare
Filtertek BV	Newcastlewest	Limerick
Fleet Street Travel Limited	Tralee	Kerry North
Martin Dawes Systems	Limerick	Limerick
NETg Ireland Limited	Limerick	Limerick
Teleca Ireland Limited	Ennis	Clare
TFX Medical	Limerick	Limerick
Wilo Pumps Limited	Limerick	Limerick.

Air Corps Strength.

113. **Mr. Perry** asked the Minister for Defence when funding for Air Corps services in Sligo will be sanctioned in view of the fact that, due to inadequate funding, the level of service is being jeopardised; and if he will make a statement on the matter. [16161/04]

Minister for Defence (Mr. M. Smith): The Irish Coastguard has overall responsibility for the provision of maritime Search and Rescue Service within the Irish search and rescue region. The Air Corps provides the Search and Rescue Service off the north west coast while CHCI, a private operator, provides the service from Dublin, Shannon and Waterford.

Late last year, I announced my decision to withdraw the Air Corps from the Search and Rescue Service. This decision was only made following a considered assessment of the capacity of the Air Corps to return to and maintain a full 24 hour service in the north west. As the Deputy may recall, the service had been restricted following on from an unusually high incidence of sick leave among the winchcrews. There is no plan to reconsider the decision to withdraw the Air Corps from the Search and Rescue Service and, as such, the question of extra funding for the Air Corps does not arise in this regard. The Air Corps will continue to provide its current limited service, while the Irish Coastguard makes alternative arrangements for the return of a full Search and Rescue Service in the north west. I have been informed by my colleague, the Minister for Communications, Marine and Natural Resources, that the proposals are still under assessment and a final decision in this regard is expected shortly.

Army Barracks.

114. **Ms M. Wallace** asked the Minister for Defence the present and future plans for the army camp at Gormanstown, County Meath; and if he will make a statement on the matter. [16211/04]

Minister for Defence (Mr. M. Smith): On 1 July 2003, the Government agreed that Gormanston Camp, County Meath, would be among the State lands released under the Sustaining Progress affordable housing initiative. The intention is that this initiative will be targeted at those who in the past would have expected to purchase a house from their own resources but find that they are unable to do so in the current market.

The modalities regarding the transfer of Gormanston Camp are under active consideration in consultation with the Department of the Environment, Heritage and Local Government, which is the lead Department for the development of the affordable housing initiative. It is understood that Meath County Council is carrying out an infrastructural feasibility study of the site, which will determine the appropriate scale of future development at Gormanston.

Defence Forces Pensions.

115. **Mr. S. Power** asked the Minister for Defence if he will give further consideration to the inclusion of military service allowance in the calculation of the pensions of Defence Forces' personnel who retired prior to August 1990; and if he will make a statement on the matter. [16245/04]

Minister for Defence (Mr. M. Smith): Arising from a recommendation made in 1990 by the Commission on Remuneration and Conditions of Service in the Defence Forces, the Gleeson commission, military service allowance, MSA, was made pensionable in the case of personnel retiring on or after 1 August 1990. This approach was fully consistent with settled public service

pensions policy which provides that the benefit of an allowance being made pensionable for serving personnel does not extend to existing pensioners.

More recently, the Commission on Public Service Pensions specifically addressed the issue of the pensionability of allowances, including MSA, and the consequences for public service pensioners generally in its final report, which was published in January 2001. However, having considered the arguments advanced by the groups affected, together with longstanding public service pensions policy in that context and the substantial cost implications involved, the commission did not recommend any increase for the pensioners concerned. No change in existing policy on this matter has been authorised or is contemplated.

Defence Forces Property.

116. **Mr. Ring** asked the Minister for Defence the plans for an Army building in County Mayo; if the building is to be sold, if it will be sold by public auction and when the sale will take place. [16434/04]

Minister for Defence (Mr. M. Smith): There are no proposals at present to change the status of Castlebar military barracks, which is mainly a reserve Defence Forces facility.

Departmental Internal Audit.

117. **Mr. Kenny** asked the Minister for Defence the number of internal audit reports completed within his Department since January 2001; the title of each completed audit report; and if he will make a statement on the matter. [16458/04]

Minister for Defence (Mr. M. Smith): In the period from 1 January 2001 to 31 May 2004, approximately 560 internal audit reports have been completed in my Department. I have arranged for the compilation of a list of the titles of each such report and I will furnish this list to the Deputy as soon as it is finalised.

Grant Payments.

118. **Mr. Ferris** asked the Minister for Agriculture and Food if he will make a statement on the non-payment of a sheep premia grant to a person (details supplied) in County Cork for the year 2003; and if it will be possible to pay it now. [16120/04]

Minister for Agriculture and Food (Mr. Walsh): This decision has been appealed to the agriculture appeals office. Appeals require individual examination and are dealt with in the order in which they are received. This appeal was received on 21 May 2004 and has been assigned to an appeals officer for examination. The appeals office will contact the appellant shortly to arrange the oral hearing that he requested. It is not expected that there will be any undue delay in dealing with this case.

Milk Quota.

119. **Mr. Perry** asked the Minister for Agriculture and Food if he will intervene on a person's behalf (details supplied) and have a refund of the levy issued; and if he will make a statement on the matter. [16147/04]

Minister for Agriculture and Food (Mr. Walsh): EU and national regulations on the milk quota system specify that, where the national quota is exceeded, the overrun must be shared between those producers who contributed to the excess. The regulations do not provide for exceptions in individual cases and therefore it is not open to me to intervene in this case. The amount of levy payable in individual cases can, of course, be reduced by the distribution of unused quota (flexi milk) resulting from other producers not filling their individual quotas. This distribution is done on the basis of objective criteria.

My Department on a regular basis throughout the year publishes estimates of milk deliveries and the extent to which these are under or over the national quota and advises producers to keep in close touch with their co-operatives-dairies in this matter.

Forestry Industry.

120. **Mr. Gormley** asked the Minister for Agriculture and Food if the rights and obligations of the felling licence at Derrybrien, issued to Coillte in May 2003, have now transferred to Saorgus Energy, which is the current landowner as of June 2003; the public tender process by which the sale of the public land in question took place; the price the State, through Coillte, received for that land; and if he will request the forest service to reopen the licence process, and ensure that the legal requirements as regards the EIS are properly and completely fulfilled, including a proper public consultation process. [16177/04]

Minister for Agriculture and Food (Mr. Walsh): In accordance with the Forestry Act 1946, the authority conferred by a felling licence shall be exercisable by the licensee and his successors in title to the land to which the licence relates. A replanting condition can relate to land, other than felled area, owned by the licensee at the date of grant of limited felling licence. In the case of felling licence referred to, the licensee is Coillte Teoranta and the replanting condition on the licence is binding on that company.

Coillte Teoranta is a private commercial company and day-to-day operations including land sales are a matter for the company. I am satisfied that the company is conducting its business in accordance with the code of practice for the governance of State bodies. With respect to the EIS, local authorities, in this case Galway County Council, are the planning authorities in respect of deforestation.

Veterinary Inspection Service.

121. **Mr. Neville** asked the Minister for

Agriculture and Food when the Department's veterinary laboratories will be moving from County Limerick; and the reason for this move. [16188/04]

Minister for Agriculture and Food (Mr. Walsh): Following a review by my Department of the laboratory services for the southern region and the local office service for Cork in the context of decentralisation implementation programme and the decision to allocate land at Model Farm Road in Cork for the affordable housing initiative, it was decided to relocate the Department's local office from Cork City to Macroom and also relocate the laboratories in Cork and Limerick to Macroom.

The timescale for the move to Macroom will be affected by the CAF results and the availability of suitable accommodation. Given the scale of the move and the necessity to design technically suitable laboratories, I am not in a position at present to say precisely when the relocation of the laboratories will be completed.

Grant Payments. –

122. **Cecilia Keaveney** asked the Minister for Agriculture and Food the position in relation to a forestry grant application for a person (details supplied) in County Donegal; and if he will make a statement on the matter. [16222/04]

Minister for Agriculture and Food (Mr. Walsh): The application form for a forestry premium for the person in question was returned to the applicant as all relevant details were not included. The forestry premium can only be paid on receipt of the fully completed application form.

EU Directives.

123. **Dr. Twomey** asked the Minister for Agriculture and Food his views on whether it is the IFA's considered view that the recommendations of the draft nitrates directive action programme are unnecessary, unworkable and unaffordable for farming here. [16262/04]

Minister for Agriculture and Food (Mr. Walsh): The implementation of the nitrates directive is in the first instance, a matter for the Minister for the Environment, Heritage and Local Government. Ireland is legally obliged to put into effect an action programme for the further implementation of the nitrates directive. The European Court of Justice, in its judgment on 11 March 2004, held that Ireland had not fulfilled its obligations under the nitrates directive by reason of its failure to establish and implement an action programme in accordance with Article 5 of the directive. It is open to the court, on the application of the European Commission, to impose substantial fines against Ireland if early action is not taken to give full effect to the directive. Furthermore the terms of the action programme need to be finalised at an early date given that EU co-funding of schemes such as REPS, disadvantaged areas compensatory allowance, early retirement and forestry is

conditional on satisfactory implementation of the nitrates directive. Compliance with the directive has also been specified as one of the conditions for farmers' participation in the single payment scheme following the decoupling of farm supports from production.

My Department has had ongoing contact with the Department of the Environment, Heritage and Local Government on the development of a draft action programme giving further effect to the directive. This draft action programme was presented in December 2003 to representatives of the main farming organisations and other stakeholders, who were invited to submit their comments. Written submissions on the draft action programme have been received from some 70 stakeholders, including all the main farming organisations, and a revised draft is being prepared by officials of the Department of the Environment, Heritage and Local Government together with officials from my Department. Direct discussions have also taken place between officials of the two Departments and the farming pillar under Sustaining Progress.

Under Sustaining Progress, the Government is committed to using the flexibility of the nitrates directive to seek European Commission approval for a derogation allowing organic nitrogen limits of up to 250 kg. per hectare per annum. After the draft action programme is finalised and submitted to the European Commission, a derogation proposal designed to take account of the unique characteristics of Irish agriculture will also be submitted. In the context of finalising the derogation proposal, the objective is to achieve approval for appropriate derogation arrangements in a manner that underpins the future of our commercial agriculture sector.

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

The improvements in the farm waste management schemes and the dairy hygiene schemes are already in place, and today I have launched an amended REP scheme which will deliver an average increase of 28% in payments to farmers. The scheme of capital allowances for expenditure on farm pollution control has been extended to the end of 2006, and a committee is currently examining issues associated with the possible introduction of low cost wintering facilities such as earthen bank tanks for the storage of livestock manures.

Grant Payments.

124. **Mr. Ring** asked the Minister for Agriculture and Food when he will meet with the IFA in regard to the proposed cuts in payments in commonage and SAC areas under the REP scheme; the measures he will take to resolve this problem for hill farmers; and if he will make a statement on the matter. [16271/04]

Minister for Agriculture and Food (Mr. Walsh): Payment entitlements under the new single payment scheme to be introduced with effect from 1 January 2005 will be based on the average amount received by farmers in direct payments during the reference period 2000 to 2002. EU regulations governing the single payment scheme provides that where a farmer was under agri-environmental commitments during the reference period, that is, where stock numbers were reduced because of agri-environmental commitments, the member State shall calculate the single payment on the basis of the amounts paid during the period 1997 to 1999. However, the regulations also state that in these cases care must be taken to avoid "double compensation" through both the single payment and agri-environmental measures.

To meet the Commission's concerns regarding double compensation, my intention in introducing the single payment scheme is that those farmers in REPS who had reduced sheep during the reference period is to calculate their entitlement on the basis of those reduced numbers. However these farmers, if they have entered into REPS contracts by January 2005, will be entitled to keep the existing payment under measure A of REPS for the duration of those contracts. Individual farmers in this category will of course be able to apply to exercise the option of either getting the single payment based on a reference period when no stock reduction was in place and at the same time getting a reduced agri-environmental payment or getting the single payment based on the reference period 2000 to 2002 and getting an agri-environmental payment which includes an element of compensation for destocking. Therefore the farmers concerned will not suffer any loss.

Farm Valuation.

125. **Mr. N. O'Keeffe** asked the Minister for Agriculture and Food the reason for the delay in a case (details supplied) being brought before the Court of Arbitration. [16398/04]

Minister for Agriculture and Food (Mr. Walsh): Under the procedural arrangements in place for the arbitration process under the on-farm market valuation scheme and based on the date the appeal valuation was completed, it was not possible to include the appeal of the person concerned with other cases heard at the most recent arbitration hearings held on 12 and 13 January 2004. At this stage, it is intended to have further arbitration hearings in late June-early July and his appeal is scheduled for inclusion in these hearings. In this regard, the arbitrator will

[Mr. Walsh.]
be writing to the person concerned. Pending completion of the arbitration process on 5 April 2004, my Department paid the person concerned an amount, which was calculated by reference to the full value of the existing valuation.

Grant Payments.

126. **Mr. N. O’Keeffe** asked the Minister for Agriculture and Food when payment under the REP scheme will issue to a person (details supplied) in County Cork. [16399/04]

Minister for Agriculture and Food (Mr. Walsh): The application for payment from the person named was received in my Department on 29 April 2004 and is being processed in accordance with the targets set out in the protocol on direct payments to farmers.

127. **Mr. N. O’Keeffe** asked the Minister for Agriculture and Food when payment of the special beef premium for 2003 will issue to a person (details supplied) in County Cork. [16400/04]

Minister for Agriculture and Food (Mr. Walsh): Four applications were submitted under the 2003 special beef premium scheme for the above mentioned herd number. One application was submitted by the late husband of the person named on 27 January 2003, in respect of five animals. The remaining three applications were submitted by the person named — the wife of the deceased — one on 30 October 2003 in respect of 29 animals, one on 25 November 2003 in respect of six animals and one on 18 December 2003 in respect of four animals. Full payments in respect of these latter three applications submitted by the person named have issued.

With regard to the application submitted by the late husband of the person named on 27 January 2003, the 80% advance payment in respect of five animals issued on 16 October 2003. The remaining 20% balance can only issue when grant

of probate is available. The district livestock office of my Department contacted the legal personal representatives of the person named on 28 May 2004. They have been informed of the situation and requested to forward copy of probate with instruction as to whom the payment should issue.

During 2003, 37 animals eligible for the slaughter premium scheme were slaughtered under the above mentioned herd number. Outstanding payments in respect of the slaughter premium and national envelope schemes will issue immediately the position regarding the grant of probate is resolved.

Grant Payments.

128. **Mr. Ferris** asked the Minister for Agriculture and Food if he will make a statement on the non-payment of a sheep premia grant to a person (details supplied) in County Cork for the year 2003; and if it is possible to pay it now. [16433/04]

Minister for Agriculture and Food (Mr. Walsh): This decision has been appealed to the agriculture appeals office. Appeals require individual examination and are dealt with in the order in which they are received. This appeal was received on 21 May 2004 and has been assigned to an appeals officer for examination. The appeals office will contact the appellant shortly to arrange the oral hearing that he requested. It is not expected that there will be any undue delay in dealing with this case.

Departmental Audits.

129. **Mr. Kenny** asked the Minister for Agriculture and Food the number of internal audit reports completed within his Department since January 2001; the title of each completed audit report; and if he will make a statement on the matter. [16459/04]

Minister for Agriculture and Food (Mr. Walsh): Internal audits completed by my Department since January 2001 are as follows.

Year	Number	Internal Audit Report Titles
2001	17	Food Industry Marketing and Promotion Payment Procedures in DAFRD Follow-up procedures for processing Area Aid applications EAGGF Recoupment Claim Processed Products Export Refunds Scheme Brief review of Foot & Mouth compensation payments Research Stimulus fund Cattle Headage Scheme National Agricultural & Eventing Exhibition & International Show & Competition Centre Follow-up audit on Leader II Suckler Cow Scheme Research in Sustainable Agriculture & Rural Development Review of the new Accounting system for DAFRD Compliance with Accreditation Inspections in the Ewe Premia Scheme Engagement and Payment of Temporary Veterinary Inspectors

Year	Number	Internal Audit Report Titles
2002	18	Income supplement Hardship Grant Cow monitoring Review of Euro project Western Development Commission Follow up on Early Retirement Scheme Purchase for Destruction Scheme- Meat & Bonemeal storage National Sheep Identification Scheme Review of Accounts System Funds Management Module Irish Horse Board Co-Operative Society Cavan Monaghan Rural Development Co-operative Purchase for destruction scheme reconciliation Renderers Subsidy Scheme BSE testing West Cork Leader Co-op Society Slaughter Premium Scheme The Organic Centre Comhar Iorrais (Leader) Teoranta Follow up audit of the Rural Environmental Protection Scheme Area Based Compensatory Allowance Special Purchase Scheme
2003	17	Collection and destruction of ear tags Follow-up audit on New Accounts system Email/Internet policy reviews Unix review Beef Export Refunds Local Office Accreditation reviews (4 offices) Corporate Customer IT system IMap IT system Shipping Inspectors Overtime Renderers Subsidy Scheme On Farm Investment Measures Grants to Producers Organisations Structural Funds Paying Agency Review Procurement processes Pre-implementation review SAP Phase II Accreditation Review of DAF Local Office Review of the implementation of the Mullarkey Report
2004	7	Special Beef Premium Receipts, sugar levies Receipts, pesticides Mobile Phones CMMS Procedures for On Farm Valuations Implementation of Mullarkey recommendations Database Administration Review

EU Directives.

130. **Mr. J. Brady** asked the Minister for Agriculture and Food the measures he has taken to assist farmers financially in providing facilities to comply with the nitrates directive; and if he will make a statement on the matter. [16471/04]

Minister for Agriculture and Food (Mr. Walsh): A number of significant steps have been taken to address the costs at farm level of the implementation of the nitrates directive. The Government, in Sustaining Progress, stated, “recognising the importance of the Nitrates Directive and its impact on certain farmers, a

number of initiatives shall be taken in the context of optimising the use of available EU and national budgetary resources.” These initiatives included a review of REPS with higher payment rates, and changes to the terms and conditions of the farm waste management scheme and dairy hygiene scheme, in particular increasing the income and eligible investment ceilings. The income unit ceiling under these two schemes has been increased to 450, which means that most Irish farmers can now apply for grant-aid. The investment ceiling for farm waste management works has been raised to €75,000 and that for

[Mr. Walsh.] dairy hygiene investments to €50,000, increases of about 50% in each case.

The improvements in the farm waste management schemes and the dairy hygiene schemes are already in place, and I have launched an amended REP scheme which will deliver an average increase of 28% in payments to farmers. The scheme of capital allowances for expenditure on farm pollution control has been extended to end-2006, and a committee is currently examining issues associated with the possible introduction of low cost wintering facilities such as earthen bank tanks for the storage of livestock manures.

Grant Payments.

131. **Mr. Murphy** asked the Minister for Agriculture and Food if all moneys owed to a person (details supplied) in County Cork will issue. [16559/04]

Minister for Agriculture and Food (Mr. Walsh): The person named was found to be ineligible for 2002 extensification premium as his stocking density exceeded the limit of 1.8 livestock units per hectare necessary for qualification. Extensification premium payments for 2003 are not due until later this month and it is not possible to indicate at this stage if the person named will be eligible.

He was paid his full entitlement under the 2003 area-based compensatory allowance scheme on the maximum of 45 hectares on 19 September 2003.

The person named submitted one application under the 2002 special beef premium scheme on 24 September 2002, in respect of 45 animals. Payment in respect of all 45 animals has issued in full. The person named submitted one application under the 2003 special beef premium scheme on 31 July 2003, in respect of 51 animals. Payment in respect of all 51 animals has issued in full. To date the person named has submitted one application under the 2004 special beef premium scheme on 1 April 2004, in respect of 56 animals. Under the EU regulations governing the scheme, advance payment of 60% of estimated entitlement cannot be made until on or after 16 October 2004.

During 2002, 19 animals eligible for the slaughter premium scheme were slaughtered under the herd number of the person named. Payment in respect of all 19 animals has issued in full. The person named applied for premium on 81 animals and 60 animals respectively under the 2002 and 2003 suckler cow premium scheme. He has been paid in full in respect of the animals applied on under both years' applications.

Milk Quota.

132. **Mr. Murphy** asked the Minister for Agriculture and Food if a person (details supplied) in County Cork satisfies the criteria required to obtain additional milk quota; if the milk quota appeal board has met; and when a decision will be made. [16560/04]

Minister for Agriculture and Food (Mr. Walsh): Allocations of milk quota from the

national reserve are granted on the basis of recommendations from the milk quota appeals tribunal. The tribunal is a body established to consider and advise on applications for additional quota from individual producers who have suffered severe hardship in the context of the milk quota system.

The person named submitted an application for additional quota on the grounds of hardship in the 2003/2004 milk quota year. The tribunal examined his application in January and recommended an allocation of additional quota on that occasion. The person and his co-operative have been notified of this allocation.

Animal Diseases.

133. **Ms Enright** asked the Minister for Agriculture and Food when the results of a blood test taken at a farm over four weeks ago (details supplied) will be made available; and if he will make a statement on the matter. [16594/04]

Minister for Agriculture and Food (Mr. Walsh): The flock referred to was restricted from 2 April 2004 under the Diseases of Animals (Transmissible Spongiform Encephalopathies in Sheep and Goats) Order 2001 following a positive scrapie result on an animal from this flock.

Ninety-nine sheep from the flock were blood sampled on 21 April 2004. The results of tests on these animals were received in the district veterinary office on 17 May 2004 and the flock owner was immediately informed by telephone. The following day, 18 May 2004, the genotype results for all animals tested and national genotype certificates for the most scrapie-resistant animals were sent to the flock owner by registered post.

An additional 187 sheep were sampled on 6 May 2004. The results of the tests were received on 27 May 2004 and the flock owner was immediately informed of the results by telephone. They were then sent to the flock owner by registered post, along with national genotype certificates for the most scrapie-resistant animals. A further 214 sheep from this flock were sampled on 10 May 2004. The flock owner will be immediately informed of the results of this sampling as soon as they become available.

EU Directives.

134. **Mr. McHugh** asked the Minister for Agriculture and Food if he will liaise with the Department of Environment, Heritage and Local Government to ensure that the organic nitrogen application limits to be included in the Government's nitrates action programme be set at 250 kg N per hectare thereby recognising that Irish farming is grass based livestock farming unlike other EU member states which have highly concentrated arable and livestock production systems; and if he will make a statement on the matter. [16615/04]

Minister for Agriculture and Food (Mr. Walsh): The implementation of the nitrates directive is a matter, in the first instance, for the

Minister for the Environment, Heritage and Local Government.

My Department has had ongoing contact with the Department of the Environment, Heritage and Local Government on the development of a draft action programme giving further effect to the directive. This draft action programme was presented in December 2003 to representatives of the main farming organisations and other stakeholders, who were invited to submit their comments. Written submissions on the draft action programme have been received from some 70 stakeholders, including all the main farming organisations, and a revised draft is being prepared by officials of the Department of the Environment, Heritage and Local Government together with officials from my Department. Direct discussions have also taken place between officials of the two Departments and the farming pillar under Sustaining Progress.

Under Sustaining Progress, the Government is committed to using the flexibility of the nitrates directive to seek European Commission approval for a derogation allowing organic nitrogen limits of up to 250 kg per hectare per annum. After the draft action programme is finalised and submitted to the European Commission, a derogation proposal designed to take account of the unique characteristics of Irish agriculture will also be submitted. In the context of finalising the derogation proposal, the objective is to achieve approval for appropriate derogation arrangements in a manner that underpins the future of our commercial agriculture sector.

Remedial Works.

135. **Mr. P. McGrath** asked the Minister for Finance the schools in County Westmeath in which remedial works are planned to eliminate asbestos; and when these works will be carried out. [16375/04]

Minister for Finance (Mr. McCreevy): Asbestos removal works are scheduled to commence on Wednesday 2 June 2004 at St. Finian's College, Mullingar. They will take approximately six weeks to complete.

Works have already been undertaken in 18 other schools in County Westmeath. The remaining schools in the county will be surveyed over the coming months and any works found necessary as a result will be put in hand as soon as possible thereafter.

Mobile Telephony.

136. **Mr. O'Dowd** asked the Minister for Finance when the contract between the Garda Síochána and the mobile phone company for the mast at the Garda station in Clogherhead is due to come to an end; if his attention has been drawn to the county council's policy of not placing mobile phone masts in close proximity to schools; and if he will adhere to this policy in any renegotiation of this specific mast location. [16127/04]

Minister for Finance (Mr. McCreevy): The existing contract in respect of mobile

telecommunications equipment installed at Garda stations, including Clogherhead, is due to expire at the end of June 2007. The terms and conditions of a standard agreement, which will govern any such future installation at Garda stations is under consideration at present. Under the terms of the agreement, any company that is given a licence to install equipment on any State property will be required to strictly comply with all relevant legislation, e.g. planning, health and safety.

Flood Relief.

137. **Mr. Costello** asked the Minister for Finance when the decision was taken to drain the Bonnet River in County Leitrim; the reason half the river and none of the tributaries were ever drained; when funding will be made available to complete the works so that flooding which is damaging the livelihoods of local farmers can be ended once and for all; and if he will make a statement on the matter. [16157/04]

Minister for Finance (Mr. McCreevy): The Bonnet River catchment drainage scheme, which included work to some of the main tributaries, was confirmed and work on the scheme was commenced in 1982. The extent of the works undertaken was determined having regard to cost-benefit and environmental considerations. The scheme was terminated in 1992 and is now being maintained. No further works are proposed.

Tax Collection.

138. **Mr. Gregory** asked the Minister for Finance if the income tax deducted from a person (details supplied) in Dublin 10 will be reviewed in view of the special circumstances concerned. [16178/04]

Minister for Finance (Mr. McCreevy): I am advised by the Revenue Commissioners that the taxpayer in question telephoned his local tax office in January 2003 and stated that he was separated from his wife for 20 years. Based on this information provided by the taxpayer, his credits and standard rate band cut-off point were adjusted. In general, separated couples are treated as if unmarried, with their own tax credits, reliefs and standard rate bands except where there is a legally enforceable maintenance agreement in place. Where there is a legally enforceable maintenance arrangement in place the married band applies only to separated couples where both parties elect to be assessed jointly for income tax. In order to qualify for a married person's credit as a separated spouse, the taxpayer would have to be "wholly or mainly" maintaining his wife. Based on the information he provided, the taxpayer received the basic personal tax credit rather than the married person's credit. He may, however, be entitled to additional tax credits in respect of his dependant son, in full or in part, depending on his circumstances. A leaflet outlining the circumstances whereby the incapacitated child tax credit can be claimed, issued to the taxpayer on

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28 May 2004. If he has any further queries on these matters he should contact his local tax office.

Non-Resident Accounts.

139. **Mr. Deasy** asked the Minister for Finance if the Revenue Commissioners advised financial institutions to notify the holders of bogus non-resident accounts in writing prior to the November 2001 amnesty in the same manner as they did to holders of off shore accounts. [16202/04]

Minister for Finance (Mr. McCreevy): In relation to the matter of bogus non-resident accounts, the Revenue Commissioners conducted on site look-back audits on 37 financial institutions during 1999 and 2000 and reported on the outcomes to the Committee of Public Accounts. In the course of reporting on the action taken in relation to the financial institutions, Revenue also reported, in particular during the course of the hearing of 30 November 2000, that follow-up action would be taken in respect of bogus non-resident holders who had evaded tax. In May 2001, a statement of practice, SP-Gen 1/01, was issued and this set out the basis on which Revenue proposed to deal with taxpayers who held bogus non-resident accounts. It outlined a voluntary disclosure incentive scheme for taxpayers who held bogus non-resident deposit accounts and who wished to disclose and pay all their outstanding tax liabilities by 15 November 2001. In the period between May 2001 and 15 November 2001, this scheme was extensively publicised and it was made very clear that after November 2001, Revenue would be seeking High Court orders to identify all of those who did not avail of the incentive. Many taxpayers took the opportunity that was offered and payments of €227 million were made under the disclosure scheme.

I understand that enquiry work commenced on 16 November 2001 to identify taxpayers who chose not to avail of the 15 November 2001 incentive scheme. Eighteen applications for High Court orders under section 908, Taxes Consolidation Act 1997, TCA, were applied for and have been granted. These High Court orders required the financial institutions on which they are made to supply names, addresses and other relevant information concerning the identities of account holders who held non-resident deposit accounts. As the relevant information was received from the financial institutions, enquiry letters were issued by Revenue to the taxpayers concerned. The enquiry letters asked the taxpayers to whom they were addressed to disclose and pay all their outstanding tax liabilities within 60 days of the date of issue. Since 15 November 2001, payments of around €290 million have been made to Revenue by taxpayers who had held undeclared funds in bogus non-resident deposit accounts and did not come forward before then.

In respect of the current investigation into offshore accounts, I understand the Revenue

Commissioners advised the financial institutions that they would commence an investigation from a specified date. After the specified date the account holders of that financial institution would no longer be able to make a qualifying disclosure to Revenue and benefit from reduced penalties, non-publication and non-prosecution. The financial institutions wrote to their account holders advising them of the forthcoming investigation and of the benefits of making a qualifying disclosure.

Non-Resident Accounts.

140. **Mr. Deasy** asked the Minister for Finance if persons who are unable to pay the penalties resulting from the non-disclosure of bogus non-resident accounts will have their names published; and if this will result in the Revenue placing a lean on the person's dwelling house. [16203/04]

Minister for Finance (Mr. McCreevy): As the Deputy is aware the tax code provides for the imposition of penalties where taxpayers have fraudulently or negligently failed to disclose their full income, profits or gains. Consequently, taxpayers who held undeclared taxable funds in bogus non-resident accounts, did not make a voluntary disclosure by 15 November 2001 and subsequently agree or have already agreed settlements for amounts in excess of €12,700 will have their names published in accordance with section 1086 of the Taxes Consolidation Act 1997.

There are a number of remedies available to the Revenue Commissioners to enforce payment in the case of taxpayers who are unwilling to pay their full liabilities. One remedy, which is infrequently used, is that of placing a lien on a person's dwelling house. In circumstances in which a taxpayer has a genuine inability to meet the full liability, the Revenue Commissioners suggest that he or she should contact the local Revenue district to discuss the matter.

Drainage Schemes.

141. **Mr. Penrose** asked the Minister for Finance if he will take steps to ensure that a drain which circles an area (details supplied) will be cleaned out; and if he will make a statement on the matter. [16214/04]

Minister of State at the Department of Finance (Mr. Parlon): I understand the drain in question forms part of the River Boyne catchment drainage scheme for which the Commissioners of Public Works have a maintenance responsibility. Work which was being undertaken on tributaries in the Marlinstown area of the scheme is being suspended pending the commencement of work on the Deel river which can only be carried out during the months of May and October due to the Fisheries Board's requirements regarding the fish spawning season. Works in the Marlinstown area will be completed before the end of the year.

Decentralisation Programme.

142. **Mr. Crowe** asked the Minister for Finance if the furniture division of the Office of Public Works located at Mountshannon Road, Dublin 8, is to be decentralised to Trim; if so, if purpose built workshops and stores will be built there even though all the furniture division's work will be done in Dublin in State Departments, Leinster House, and so on; if the current lease of the premises in Mountshannon Drive will be given back to its owner; if the staff of the division are to be kept employed in Dublin, if it will be at the current level of employment; and at which location. [16237/04]

Minister of State at the Department of Finance (Mr. Parlon): The Office of Public Works furniture branch is being decentralised to Trim. All necessary facilities will be provided for the furniture branch to carry out its functions. The future of the premises at Mountshannon Road will be considered in the context of the Office of Public Works property strategy within the greater Dublin area. The staffing levels in the furniture division will be determined by the Office of Public Works ongoing strategy for providing the furniture and other requirements to Government Departments.

Tax Code.

143. **Mr. R. Bruton** asked the Minister for Finance if his attention has drawn to the fact that persons who were in receipt of bereavement credit during the nine month tax year 2001, received credit only in respect of four years and nine months; and if arrangements will be made in order that credit for the three months which was lost be credited against the income of a subsequent year. [16257/04]

Minister for Finance (Mr. McCreevy): As a general principle in the change-over to the calendar tax year, tax reliefs were scaled back for the short tax year to 74% of their annual equivalent. This approach was consistent with the fact that only 74% of annual profits-earnings were charged to tax for that "short" year. However, in the case of the bereavement credit, it was decided not to scale back the credit available in the short tax year. This meant that persons entitled to it in that year received 100% of the relief they would have been entitled to had that year been a full 12 months tax year. Accordingly, there was no loss of credit as suggested by the Deputy.

State Property.

144. **Mr. P. McGrath** asked the Minister for Finance the reason the razor wire that was installed on the perimeter wall of Farmleigh House as a temporary measure has not been removed despite his commitment given in Seanad Éireann on 5 May 2004. [16258/04]

Minister of State at the Department of Finance

(Mr. Parlon): Part of the temporary razor wire installed at Farmleigh for the 1 May accession event has already been removed. The firm engaged to take down the wire is working on removing the rest of the temporary wire and expects to have the work completed in the week ending 4 June 2004.

145. **Mr. P. McGrath** asked the Minister for Finance the reason the military style fencing that was erected to protect a temporary heliport in the Phoenix Park for the May Day 2004 celebrations has not been removed; and if a tendering process was used for the provision of such fencing. [16259/04]

Minister of State at the Department of Finance

(Mr. Parlon): The fencing referred to was erected at the request of the Garda to provide a high level of security for the temporary helipad in use during the 1 May EU accession celebrations. It was provided at less than the usual cost by the company staging a concert on the same site in the park on 12 June. By allowing the fencing to remain in place between the accession day celebrations and the concert, the cost to the OPW for its use on the accession day was significantly less than it might otherwise have been. It will be removed immediately after the 12 June event.

The supply of the fencing was done under a negotiated procedure to take advantage of the economically beneficial opportunity outlined above. That cost is below the threshold for which EU tendering procedures apply.

Outdoor Events.

146. **Mr. P. McGrath** asked the Minister for Finance if a licence has been granted for a concert (details supplied) in the Phoenix Park on 12 June 2004; the other events which have been approved; and if he will make a statement on the matter. [16260/04]

Minister of State at the Department of Finance

(Mr. Parlon): A licence for MCD Productions to stage a major concert in the Phoenix Park on 12 June is in the final stages of preparation. An application has also been received from Aiken Promotions for a licence to stage a free concert on 4 September. Both concerts will entail the partial closure of the park for up to 24 hours. The park was also closed on 1 May this year as part of the security measure for the EU accession ceremonies. Under section 4(1) of the Phoenix Park Act 1925, the approval of the Oireachtas is being sought for the closure of the park for a period or periods in excess of three days in any one year.

Decentralisation Programme.

147. **Ms Enright** asked the Minister for Finance if, in view of the proposed decentralisation policy, persons on the panel for the Dublin area will automatically be considered

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for employment in the chosen decentralised areas; and if he will make a statement on the matter. [16370/04]

Minister for Finance (Mr. McCreevy): It has been the long-standing practice in the Civil Service that when applying for competitions candidates may express a preference for appointment to a particular location as outlined in the regulations governing the competitions. Candidates on the relevant sub-panels for particular locations may be offered positions in accordance with their preference. Should a candidate on such a sub-panel refuse an offer of a post in that location, he or she retains his or her position on the main panel but will not be made a further offer for that sub-panel location. This will remain the practice for the immediate future.

It has been agreed with Civil Service unions that detailed discussions on the arrangements regarding recruitment, promotion and other human resource management issues that will have to put in place in a decentralised civil and public service will begin in the autumn. Changes to existing practices regarding appointments from panels, in particular, will be considered in that context.

Tax Code.

148. **Mr. P. McGrath** asked the Minister for Finance the reason child dependant allowances are considered as income for taxation purposes; and if child allowances awarded to civil servants are similarly treated under the tax code (details supplied). [16422/04]

Minister for Finance (Mr. McCreevy): A child dependant allowance can arise from a number of

sources such as social welfare legislation, employments and occupational pension schemes. As regards the child dependant allowance payable by the Department of Social and Family Affairs, the 1998 Supreme Court case of *Ó Síocháin v. Neenan* held, on interpretation of the relevant social welfare legislation, that the widow's pension, including the child dependant element, is the beneficial entitlement of the widow. The reason, therefore, that the child dependant allowances are taxable is that they form part of payments to parents which are treated as income for tax purposes. However, by virtue of specific statutory tax exemption, the child dependant allowance paid to individuals in receipt of either unemployment benefit or disability benefit is not taxable. A further statutory tax exemption relieves child benefit from tax.

As regards child allowances payable to certain civil servants, these allowances, payable in respect of dependent children, were introduced as part of an agreement with staff interests to eliminate marriage differentiation from Civil Service pay scales. In general, to be eligible for the allowance an officer must have been serving on 31 December 1978 in former marriage differentiated grades. The allowances are taxable.

Internal Audits.

149. **Mr. Kenny** asked the Minister for Finance the number of internal audit reports completed within his Department since January 2001; the title of each completed audit report; and if he will make a statement on the matter. [16460/04]

Minister for Finance (Mr. McCreevy): Five internal audit reports have been completed by the internal audit unit in the Department of Finance since 2001. These are listed in the following table.

Number	Title	Date
1	Preliminary Review of the Controls in the Corepay System in the Department of Finance	December 2001
2	Report on Audit of IT Vote Control Section	June 2002
3	Report on Audit of Accounts Branch	December 2002
4	Report on Audit of the Corepay System and Review of the 1995 Audit Findings and Recommendations	February 2004
5	Evaluation of the Systems of Internal Financial Control in the Department of Finance	May 2004

During 2003, the internal audit unit was tasked with closure of the ERDF 1994-99 round of funding.

Decentralisation Programme.

150. **Mr. Stanton** asked the Minister for Finance the number of posts decentralised in the Department of Communications, Marine and Natural Resources forestry section to Waterford; if he will state in each case the number of the posts that were filled on promotion and the number that were filled by staff maintaining their

current grade; the total number who decentralised in the Department, the number of those who were already serving staff in the decentralised Department and the number of those in each case who were transferred from other Departments; and if he will make a statement on the matter. [16549/04]

151. **Mr. Stanton** asked the Minister for Finance if, with regard to decentralisation of the Department of Communications, Marine and Natural Resources, he will give details of the period which elapsed between the initial

announcement of decentralisation plans and the date on which decentralisation was completed. [16550/04]

Minister for Finance (Mr. McCreevy): I propose to take Questions Nos. 150 and 151 together.

My colleagues, the Ministers for Education and Science and Social and Family Affairs, will give replies in respect of their Departments. In the case of the Department of Communications, Marine and Natural Resources, the forestry section has since been transferred to the Department of Agriculture and Food. This section transferred to Wexford. The information sought will be supplied to the Deputy as soon as possible.

Tax Code.

152. **Mr. McHugh** asked the Minister for Finance if, in view of the recent increases in the cost of fuel, he will reduce excise duty on fuel by the five cent increase imposed in budget 2004 to help alleviate some of the difficulties faced by hauliers; and if he will make a statement on the matter. [16621/04]

Minister for Finance (Mr. McCreevy): I have no plans to reduce excise duty in the manner suggested by the Deputy. Changes in taxation are made in the context of the annual budget and, accordingly, any requests made regarding changes in tax rates are properly for consideration in the period leading up to the budget. It is neither practical nor prudent to adjust tax rates between budgets, especially in response to what may prove to be a short-term problem. It should be noted that Ireland's current excise duties on petrol and diesel remain below those of many of our established EU trading partners.

The Deputy will appreciate that excise duties are but one element in the composition of motor fuel prices. The value of the US dollar, in which oil prices are set, and the level of competition between fuel suppliers are two vitally important factors in determining the price to the consumer. Given the variation in retail motor fuel prices throughout the State, it is essential that consumers shop around to further encourage competition and minimise price increases.

Human Rights Issues.

153. **Mr. Kenny** asked the Minister for Foreign Affairs if he will advise on the political situation in western Sudan; if his attention has been drawn to the considerable concern at human rights abuses in the region; and if he will make a statement on the matter. [16128/04]

Minister for Foreign Affairs (Mr. Cowen): Over the course of the Irish Presidency, the EU has been to the forefront of the international community in trying to address the appalling humanitarian and human rights situation in

Darfur. At its meetings in April and May, the General Affairs and External Relations Council declared its serious concern at the humanitarian and human rights violations in Darfur and called on the Government of Sudan to provide unhindered and safe humanitarian access to the region. The actions of the Janjaweed in Darfur are to be utterly condemned and the Government of Sudan must take action now to adequately protect civilians against these violent militias. This is a message that the EU has consistently conveyed to the Government of Sudan.

In response to such pressure, the Government of Sudan has established a commission of inquiry to investigate human rights violations in Darfur. We expect the commission to confirm the human rights violations reported by the acting UN High Commissioner on Human Rights and we will seek a swift response by the Government of Sudan to its findings.

Action by the EU was instrumental in bringing together the Government of Sudan and the two Darfur rebel groups for peace talks in Chad, which resulted on 8 April in a humanitarian ceasefire. The ceasefire has contributed to a relative improvement in general security, which has allowed greater access to internally displaced persons for humanitarian organisations. For the past year, the EU has continually applied pressure to the Government of Sudan to provide greater access to Darfur for humanitarian organisations and I welcome the announcement last week by that Government that special permits will no longer be required for agencies wishing to travel to Darfur. It is imperative that this decision by the Government of Sudan is implemented on the ground. We will also press for the immediate lifting of other restrictions which impede humanitarian access.

The Minister of State, Deputy Kitt, will co-chair the upcoming donors' co-ordination meeting on Darfur, to be held in Geneva on 3 June. The occasion will be used to send a further strong political message to the Government of Sudan that its inadequate response to the situation in Darfur cannot continue. EC humanitarian assistance to Darfur is likely to be in excess of €10 million for 2004, with a further €4 million for Sudanese refugees in Chad. My Department is in the process of releasing €1 million in emergency funding for Darfur, of which €750,000 will be channelled through the UN Office for the Co-ordination of Humanitarian Affairs.

The EU and the UN will continue to work closely together on the situation in Darfur. As the current President, we have asked EU member states who are also members of the UN Security Council to continue to push for a greater level of engagement by the Security Council on the issue of Darfur. In this regard, I welcome the presidential statement issued by the Security Council on 25 May in which the Council expressed its deep concern at the continuing

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reports of large-scale violations of human rights and international humanitarian law in Darfur and its clear call upon the Sudanese Government to respect its commitments as regards both neutralising and disarming the Janjaweed militias.

The EU is also working closely with the African Union to establish an African Union ceasefire monitoring mechanism for the Darfur region. The African Union is ready to meet with the parties to the conflict in order to establish a ceasefire commission and we have sent a strong message to the Government in Sudan and the Darfur rebels that such a commission must be established as a matter of urgency. When established, the monitoring mechanism should help strengthen the ceasefire currently in place and contribute to overall security for local populations. The African Union has sought assistance from the EU African peace facility to meet the costs of the monitoring mechanism and, as the current President, we will encourage prompt and favourable consideration of this application.

I welcome the agreement reached between the Government of Sudan and the Sudan People's Liberation Movement in Naivasha, Kenya, last week which should signal the end to the civil war between north and south Sudan, the longest running conflict in Africa's history. It is imperative that the Government of Sudan now turns its attention to resolving the conflict in Darfur if peace is to be enjoyed by all the peoples of Sudan.

Illegal Immigrants.

154. **Mr. Ring** asked the Minister for Foreign Affairs the position with the temporary worker programme detailed by the President of the United States, Mr. George Bush. [16179/04]

Minister for Foreign Affairs (Mr. Cowen): As the Deputy is aware, President Bush announced on 7 January 2004 a proposal to introduce a new form of temporary work permit which would be available to both undocumented foreign nationals currently in the United States and those seeking to enter with a job already arranged. Shortly afterwards, Senator Tom Daschle and Senator Chuck Hagel announced a bipartisan Bill for immigration reform that would enable undocumented foreign nationals in the US to legalise their status if they fulfilled certain conditions. Earlier this month, Senator Edward Kennedy introduced a new immigration reform Bill entitled the Safe, Orderly Legal Visas and Enforcement Act — the SOLVE Act. This Bill goes further than other recent immigration initiatives in providing opportunities for undocumented immigrants to regularise their status.

These proposals will have to be approved by the US Congress and it is too early to say what changes or amendments may be made in the course of their consideration by Congress. I will

continue to closely monitor the progress of these initiatives through the US Congress in the coming months.

During a visit to Washington earlier this year, I discussed the position and status of Irish immigrants in the US with a number of prominent US politicians. I was pleased to have this further opportunity to flag at senior political level our concerns about the position of Irish immigrants in the US. I assure the Deputy that, through our embassy in Washington and my contacts with political leaders in the US, I will continue to strongly encourage and support measures that would benefit Irish citizens in the US.

Passport Applications.

155. **Mr. P. McGrath** asked the Minister for Foreign Affairs the number of Irish passports issued to non-Irish residents in each of the past five years who claimed entitlement to such passports by virtue of having Irish grandparents; and the country of residency of those applicants. [16418/04]

Minister for Foreign Affairs (Mr. Cowen): The information sought cannot be obtained from the existing database of passport holders which does not record the basis on which entitlement to Irish citizenship is claimed by passport applicants. Compiling the information sought from paper records manually could not be done without the expenditure of a disproportionate amount of time and resources. The new automated passport issuing system, which is being developed and will be operational later this year, will have a much greater capacity to produce management information reports.

156. **Mr. P. McGrath** asked the Minister for Foreign Affairs the number of Irish passports issued in each of the past 20 years to non-EU nationals under the passport for sale scheme. [16419/04]

Minister for Foreign Affairs (Mr. Cowen): In the case of persons who apply for citizenship through naturalisation, it is the Minister for Justice, Equality and Law Reform who makes the decision in accordance with the relevant provisions of the Irish Nationality and Citizenship Acts. Once a person has acquired a certificate of naturalisation signed on behalf of the Minister for Justice, Equality and Law Reform, he or she is treated for the purposes of passport issuance in exactly the same manner as any other Irish citizen. The certificate itself does not distinguish between persons naturalised under the investment based scheme and persons otherwise naturalised.

My understanding from the Department of Justice, Equality and Law Reform is that a total of 107 investors were naturalised under the now defunct scheme. In addition, 76 dependants were naturalised. These 183 persons are not separately

classified for passport issuance purposes for the reasons outlined.

157. **Mr. P. McGrath** asked the Minister for Foreign Affairs the number of Irish passports

issued to new applicants in each of the past five years. [16420/04]

Minister for Foreign Affairs (Mr. Cowen): The following are the figures sought by the Deputy:

Year	1999	2000	2001	2002	2003
Total number of passports issued	430,662	463,055	468,625	536,823	552,047
First-time passport applicants [estimate]	185,000	204,000	202,000	225,000	232,000

The Passport Office records system contains details of first time applicants resident in Ireland. However, similar information is not readily available in respect of passports issued by overseas missions which comprise approximately 15% of all passports issued annually. Accordingly, the annual percentages of first-time applicants in Ireland have been used to estimate the numbers of first-time applicants abroad and these combined are shown in the table above.

The percentage of first-time applicants relative to the total number of applicants in Ireland over

the past five years has been in the region of 42% to 44% annually.

158. **Mr. P. McGrath** asked the Minister for Foreign Affairs the number of Irish passports issued in each of the past five years. [16421/04]

Minister for Foreign Affairs (Mr. Cowen): The information requested by the Deputy is set out in the following table.

Year	1999	2000	2001	2002	2003
Total	430,662	463,055	468,625	536,823	552,047

159. **Mr. P. McGrath** asked the Minister for Foreign Affairs the number of Irish passports issued in each of the past five years to children born here of non-EU nationals. [16423/04]

Minister for Foreign Affairs (Mr. Cowen): The information requested is not available as parents of an Irish born child are not required to indicate their country of citizenship on the passport application form.

Departmental Audits.

160. **Mr. Kenny** asked the Minister for Foreign

Affairs the number of internal audit reports completed within his Department since January 2001; the title of each completed audit report; and if he will make a statement on the matter. [16461/04]

Minister for Foreign Affairs (Mr. Cowen): Twenty-eight internal audit reports have been completed within my Department since January 2001. The title of each completed audit report is detailed on the following appendix. The internal audit function of the Department consists of a separate unit for each of the two Votes, namely Vote 28, Foreign Affairs, and Vote 29, International Co-operation.

Appendix

		Audit
Annually	3	Ireland Aid Ethiopia Consolidated Receipts and Payments Statement and Management Letter Ethiopia
Annually	3	Ireland Aid — DCO Annual Financial Statements and Management Letter Lesotho
Annually	3	Report of the Independent Ireland Aid, Mozambique Development Co-operation Office, DCO, Maputo and Management Letter Mozambique
Annually	3	Financial audit of Ireland Aid Republic of South Africa Programme Offices and Management Letter South Africa
Annually	3	Development Co-operation Office Report and Accounts and Management Letter Tanzania
Annually	3	Independent Audit Report on Ireland Aid Programme and Management Letter Uganda
Annually	3	Development Co-operation Office Statement of Source and Utilisation of Funds and Management Letter Zambia
2001		Strategic and Operational Review of Ireland Aid E & A Unit

		Audit
2001		Study to develop a Formal Risk Management Process in Ireland Aid
2002		Audit of the Development Co-operation Ireland Programme Timor year ended 31 December 2002
		Audit of Tasks and Resources at Headquarters
		Audit of the grant -awarding procedures from the Reconciliation Fund — Subhead F1.
2003		Audit of the cost and usage of mobile phones in the Department during the period January 2001 to December 2002
2004		Audit of Financial Procedures, Embassy Moscow

Human Rights Issues.

161. **Mr. Haughey** asked the Minister for Foreign Affairs the position of the Government in relation to the torture of Iraqi prisoners by the US military in Iraq; and if he will make a statement on the matter. [16481/04]

Minister for Foreign Affairs (Mr. Cowen): The position of the Government on this issue was set out comprehensively by the Minister of State, Deputy Kitt, in his statement to the Dáil of 20 May 2004 and in his statement on the situation in the Middle East to the Seanad on 26 May 2004.

Foreign Conflicts.

162. **Mr. Haughey** asked the Minister for Foreign Affairs the position of the Government on the future governance of Iraq; and if he will make a statement on the matter. [16482/04]

Minister for Foreign Affairs (Mr. Cowen): The position of the Government on Iraq was set out comprehensively by the Minister of State, Deputy Kitt, in his statement to the Dáil of 20 May 2004 and in his statement on the situation in the Middle East to the Seanad on 26 May 2004.

International Agreements.

163. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if his Department reported to the Government conclusions on its study of the implications of the Government making a declaration under Article 36(2) of the Statute of the International Court for Justice; if so, if he will make the findings of the study available in the public domain; and if he will make a statement on the matter. [16622/04]

Minister for Foreign Affairs (Mr. Cowen): Ireland became a party to the statute of the International Court of Justice upon joining the United Nations in 1955, an act fully consistent with Ireland's commitment, under Article 29.2 of the Constitution, to the peaceful settlement of international disputes. In view of the possible implications of doing so at the time, Ireland did not then make a declaration under Article 36(2) of the statute accepting the compulsory jurisdiction of the court.

In 1998, the Good Friday Agreement outlined an agreed position, based on the principles of self-determination and consent, in regard to the constitutional status of Northern Ireland. The

Agreement was overwhelmingly endorsed by the people of Ireland, North and South, in referendums on 22 May 1998. Since an international agreement, the British-Irish Agreement, now gives effect to the provisions of the Good Friday Agreement, including on the constitutional status of Northern Ireland, the Government is favourably disposed to accepting the compulsory jurisdiction of the International Court of Justice. The full implications of making such a declaration and the question of what, if any, conditions or reservations should attach to it, are nevertheless complex matters which require careful study.

It should be borne in mind that, pending the making of such a declaration, the court may nevertheless exercise jurisdiction in disputes where there is a specific agreement between the parties that the court should do so or where specific treaties so provide. It should also be borne in mind that other forms of dispute settlement may be more suitable in certain cases.

Decentralisation Programme.

164. **Mr. Stanton** asked the Minister for Education and Science the number of posts decentralised in the Department of Department of Education and Science to Athlone; if he will state in each case the number of the posts that were filled on promotion and the number that were filled by staff maintaining their current grade; the total number of those who decentralised in his Department, the number of those who were already serving staff in the decentralised Department and the number of those in each case who were transferred from other Departments; and if he will make a statement on the matter. [16549/04]

207. **Mr. Stanton** asked the Minister for Education and Science the number of posts decentralised to Athlone by his Department; the number of the posts that were filled on promotion; the number of posts that were filled by staff maintaining their current grade; the number of posts that were filled internally by serving members of the Department; the number of posts that were filled from outside his Department; and if he will make a statement on the matter. [16474/04]

Minister for Education and Science (Mr. N. Dempsey): I propose to take Questions Nos. 164 and 207 together.

My Department has approximately 335 staff in Athlone following previous decentralisations which took place since 1977. Some of those staff would have decentralised from the Dublin offices of my Department or from other Departments, some would have been promoted and some would have been recruited to Athlone. My Department does not keep personnel statistics in a format which would indicate the number of staff in each of these categories.

165. **Mr. Stanton** asked the Minister for Education and Science if, in relation to decentralisation of the Department of Education and Science, he will give details of the period of time which elapsed between the initial announcement of decentralisation plans; and the date on which decentralisation was completed. [16550/04]

208. **Mr. Stanton** asked the Minister for Education and Science the period of time which elapsed between the initial announcement of decentralisation plans for his Department and the date on which decentralisation to Athlone was completed. [16475/04]

Minister for Education and Science (Mr. N. Dempsey): I propose to take Questions Nos. 165 and 208 together.

The initial decision to proceed with the first phase of the decentralisation of my Department to Athlone was made in November 1967. This phase was completed in August 1977. A further decision was made in November 1980 to proceed with a second phase of decentralisation and this was completed in September 1991.

Schools Building Projects.

166. **Mr. Crowe** asked the Minister for Education and Science when funding for the redevelopment of St. Peter's school in Phibsboro, which was promised five years ago, will finally be made available. [16121/04]

Minister for Education and Science (Mr. N. Dempsey): The large-scale building project for the school referred to by the Deputy is listed in section 8 of the 2004 school building programme which is published on my Department's website at www.education.ie. This project is at stage 3, developed sketch scheme, of architectural planning. It has been assigned a band 1 rating by my Department in accordance with the published criteria for prioritising large-scale projects.

It is planned to progress this project to advanced architectural planning during 2004. Indicative timescales have been included for large-scale projects proceeding to tender in 2004. The budget announcement regarding multi-annual capital envelopes will enable me to adopt a multi-annual framework for the school building programme, which in turn will give greater clarity

regarding projects which are not progressing to tender in this year's programme, including St. Peter's national school. I will make a further announcement in that regard during the year.

Special Educational Needs.

167. **Mr. Perry** asked the Minister for Education and Science when the autism unit will be set up in a school (details supplied) in County Sligo as the only other applied behaviour unit available is in Donegal or Swinford; and if he will make a statement on the matter. [16122/04]

Minister for Education and Science (Mr. N. Dempsey): I am most anxious that all children, including children with autistic spectrum disorders, receive education appropriate to their needs. My Department is actively considering an application to establish an autistic class in the school referred to by the Deputy. This process involves liaison with my Department's inspectorate, the National Educational Psychological Service — NEPS — and the relevant school authorities. This process is ongoing and my officials are maintaining ongoing contact with the school. A response to the application will issue as quickly as possible.

168. **Mr. Perry** asked the Minister for Education and Science if he will intervene on behalf of a person (details supplied) in County Sligo who has autism to ensure that when the person starts transition and beyond in rehabilitation that the person's needs will be specifically catered for; and if he will make a statement on the matter. [16125/04]

Minister for Education and Science (Mr. N. Dempsey): I confirm that my Department has received correspondence concerning a transition programme for the person referred to by the Deputy. My officials are liaising with the relevant health board and school authorities with a view to facilitating the transition.

Departmental Expenditure.

169. **Mr. Perry** asked the Minister for Education and Science when he plans to redress the funding gap between secondary and community schools; if he will give a firm commitment that the anomalies will be addressed; and if he will make a statement on the matter. [16162/04]

Minister for Education and Science (Mr. N. Dempsey): The funding arrangements for voluntary secondary schools reflect the sectoral division of our second level system and is structured mainly on the basis of capitation grants, with additional grants for secretarial and caretaking services. There have been significant improvements in the level of funding for voluntary secondary schools. With effect from January last, the standard *per capita* grant now amounts to €274 per pupil as against the rate of

[Mr. N. Dempsey.]
€224.74 that applied in 1997. For disadvantaged schools, the increase has brought the *per capita* grant to €312 per pupil.

In addition, secondary schools have benefited under the school services support initiative. The initial grant of €25 per pupil, introduced for second level schools in September 2000, was increased to €89 per pupil from September 2002 and was further increased by €10 per pupil from January 2003 to €99 per pupil. In the case of voluntary secondary schools, the grant has been increased by a further €32, bringing the grant for such schools to €131 from January last. This *per capita* grant is in addition to a range of equalisation grants of up to some €15,500 per school per annum that were also approved for voluntary secondary schools. For a secondary school with 500 pupils, this amounts to additional equalisation funding of more than €30,000 per annum and overall additional support services funding of more than €80,000 per annum. A measure of the increase in overall funding for secondary schools is that by comparison with 1997, a secondary school with 500 pupils now receives extra annual funding of more than €105,000 per annum.

I am committed to improving further the funding position of voluntary secondary schools in light of available resources and to addressing the issue of equity raised by voluntary secondary schools. At a time of increased financial constraints, the further significant increases in the funding of voluntary secondary schools is a clear demonstration of my commitment to prioritise available resources to address the needs of schools.

Áiseanna Scoile.

170. **D'fhiafraigh Mr. O'Shea** den Aire Oideachais agus Eolaíochta an bhfuair sé litir ó bhord bainistíochta Ghaelscoil Philib Barúin ag achomharc chinneadh na Roinne iarratas an bhoird ar bhreis seomraí réamhdhéanta a dhiúltú agus an ndéanfaidh sé ráiteas ina leith. [16163/04]

Minister for Education and Science (Mr. N. Dempsey): Fuair mo Roinnse litir ó bhord bainistíochta Ghaelscoil Philib Barúin ag achomharc chinneadh na Roinne iarratas an bhord ar breis seomra réamhdhéanta a dhiúltú. Déanfaidh an Rannóg Pleanála i mo Roinnse an gnó sin a mheas agus déanfaidh siad teagmháil leis an mbord bainistíochta gan mhoill.

Physical Education Facilities.

171. **Mr. Crowe** asked the Minister for Education and Science if he will address the need for an indoor physical exercise facility at Ballycragh national school in Tallaght, where the number of children enrolling is rising continually; and if funding will be made available to provide such a facility. [16169/04]

187. **Mr. Durkan** asked the Minister for Education and Science if and when provision will be made for a school hall and physical education area for a school (details supplied); and if he will make a statement on the matter. [16361/04]

Minister for Education and Science (Mr. N. Dempsey): I propose to take Questions Nos. 171 and 187 together.

A large-scale building project for the school in question, which includes provision for a physical education hall, is listed in section 9 of the 2004 school building programme which is published on my Department's website at www.education.ie. This project is at the early stages of architectural planning and has been assigned a band 2 rating by my Department in accordance with the published criteria for prioritising large-scale projects. It is planned to progress this project to the next stage of architectural planning during 2004.

The budget announcement regarding multi-annual capital envelopes will enable me to adopt a multi-annual framework for the school building programme, which in turn will give greater clarity regarding projects that are not progressing to tender in this year's programme. I will make a further announcement in that regard during the year.

School Accommodation.

172. **Mr. S. Power** asked the Minister for Education and Science if Scoil Bhride, Kilcullen have applied for an extension to the school; and the stage their application is at. [16171/04]

Minister for Education and Science (Mr. N. Dempsey): An application for major capital improvement works has been received from the management authorities of Scoil Bhride, Kilcullen. The 2004 school building programme has been published and full details on individual projects are available on my Department's website at www.education.ie. On the basis of the funding allocation and the competing priorities for that funding, it was not possible to include the project at the school in question this year. 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. I expect to be in a position to make a further announcement on this matter during 2004.

Special Educational Needs.

173. **Mr. S. Ryan** asked the Minister for Education and Science the services available for teenagers and third level students who have been diagnosed with dyslexia. [16193/04]

Minister for Education and Science (Mr. N. Dempsey): The fund for students with disabilities

provides funding for students with disabilities, including dyslexia, who are attending courses in third level institutions and in post-leaving certificate centres. The purpose of the fund is to provide students with disabilities with grant assistance towards the cost of special equipment, special materials and technological aids, targeted transport services, personal assistants and sign language interpreters. The fund operates on a discretionary basis and expenditure under it amounted to €532,300 in 2003, with a total of 104 beneficiaries.

Applications, together with relevant supporting documentation, are submitted by the institutions for consideration for funding in each academic year. Decisions on those applications are taken by an *ad hoc* advisory group, which in 2003 consisted of representatives of my Department, a representative from the Association for Higher Education Access and Disability — AHEAD — and a representative from the recently established national office for equity of access to higher education within the Higher Education Authority.

The Deputy will no doubt be aware that one of the key recommendations of the report of the Action Group on Access to Third Level Education has now been implemented with the establishment of the national office for equity of access to higher education within the Higher Education Authority. The national office is now operational, taking over the administration of a number of access measures from the Department, including the fund for students with disabilities.

At second level each school in the free education scheme or block grant scheme with an enrolment of less than 600 recognised pupils, excluding pupils on PLC programmes, receives an allocation of 0.5 of a learning support post. Schools with an enrolment of 600 such pupils and more receive a full learning support post. My Department also allocates resource teacher posts and special needs assistant posts to second level schools and vocational education committees to cater for pupils with special needs, including pupils with dyslexia.

Applications for such support are made to my Department by the relevant school authorities. Each case is considered on its merits and the nature and level of support provided is based on the professionally assessed needs of the individual pupil.

Students in secondary schools in Ireland with special needs may have special arrangements made for them while sitting State examinations, namely, leaving certificate and junior certificate examinations. Candidates with disabilities can apply through their school for reasonable accommodation during examinations. Full details in respect of this can be obtained from the State Examination Commission.

174. **Mr. Deasy** asked the Minister for Education and Science if a special needs assistant will be appointed for a child (details supplied) in

County Waterford who suffers from Down's syndrome and will be unable to start school in September 2004 without this aid; and if he will make a statement on the matter. [16200/04]

Minister for Education and Science (Mr. N. Dempsey): I confirm that my Department has received an application for five hours resource teaching support and full-time special needs assistant support for the pupil referred to by the Deputy, who is due to commence school on 1 September 2004. The position is that SER applications received between 15 February and 31 August 2003 are being considered at present. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all these cases were responded to at or before the commencement of the current school year.

The balance of more than 4,000 applications has been reviewed by a dedicated team comprising members of my Department's inspectorate and the National Educational Psychological Service — NEPS. These applications are being further considered in the context of the outcome of surveys of SER provision conducted over the past year and the data submitted by schools as part of a nationwide census of SER provision.

The processing of the applications is a complex and time consuming operation. However, my Department is endeavouring to have this completed as quickly as possible and my officials will then respond to all applicant schools. Pending a response, schools are advised to refer to circular 24/03, which issued in September 2003. This circular contains practical advice on how to achieve the most effective deployment of resources already allocated for special educational needs within the school.

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

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

Transitional arrangements for the introduction of the weighted system are being developed in

[Mr. N. Dempsey.] 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.

School Accommodation.

175. **Mr. Deasy** asked the Minister for Education and Science the reason for the refusal of temporary accommodation to a school (details supplied) in County Waterford in view of the fact that all other accommodation in the school is fully occupied and due to enrolment numbers a fifth teacher will be employed in September 2004 with no available accommodation; and if he will make a statement on the matter. [16201/04]

Minister for Education and Science (Mr. N. Dempsey): My Department received an application for an additional prefab for September 2004 from the school referred to by the Deputy to cater for the appointment of a fifth mainstream teacher. In the context of the available funding for temporary accommodation and the number of applications for that funding, it was not possible to approve all applications received and only those with an absolute and demonstrated need for additional accommodation were approved.

The application from the school in question was not successful because it was considered that it has adequate accommodation available to cater for the additional teacher. My Department has subsequently received further correspondence from the school authorities in this matter which is under consideration. A response will issue to the school authority as soon as possible.

School Services.

176. **Mr. Kehoe** asked the Minister for Education and Science if there have been changes to the conditions of cleaning hours allocated to a school (details supplied) in County Wexford; and if he will make a statement on the matter. [16208/04]

Minister for Education and Science (Mr. N. Dempsey): Responsibility for maintenance and cleaning services in the school referred to by the Deputy is a matter for the principal and the board of management. In addition to the approved staffing maintenance complement, the school in question has also benefited from further significant increases under the school services support initiative. The initial grant of €25 per pupil that was introduced in September 2000 was increased to €89 per pupil from September 2002 and was further increased by €10 per pupil from January 2003, bringing the grant in the case of this school to €99 per pupil per annum.

While provision for secretarial and maintenance, including cleaning support, is a particular focus of this initiative, schools have discretion as to how this additional funding is best utilised in the interests of their pupils.

Decentralisation Programme.

177. **Mr. Penrose** asked the Minister for Education and Science if a person (details supplied) in County Westmeath who has done the Civil Service recruitment selection panel, will be offered employment in the decentralised offices of his Department proposed for Mullingar; and if he will make a statement on the matter. [16212/04]

Minister for Education and Science (Mr. N. Dempsey): Under the programme of decentralisation announced by the Minister for Finance in his budget speech, it is proposed to transfer 300 posts from my Department's offices in Dublin to Mullingar. Posts in the Mullingar office will be filled initially under the central applications facility which has been established under the Civil Service Commission for the purpose of streamlining the transfer of existing officers to the new locations announced under the decentralisation programme.

In the medium to longer-term, it will be necessary to consider the development of regional recruitment systems building on the regional arrangements for the filling of vacancies in existing decentralised offices. In accordance with the agreement in Sustaining Progress, the Minister for Finance will, in conjunction with the Civil Service Commission, put forward proposals for the development of such structures. It will be open to any individual to apply for any such competition for which he or she is eligible.

I have made inquiries with the Civil Service Commission regarding the person referred to by the Deputy. In May 2001 the Civil Service Commission held a competition, confined to former civil servants, for posts at clerical officer level in departmental offices in Dublin and certain regional offices. The person in question was placed on the panel. However, the panel closed in May 2003 before this person was reached and the commission wrote to her to inform her of this.

Educational Welfare Service.

178. **Mr. F. McGrath** asked the Minister for Education and Science if his attention has been drawn to the fact that the schools in a town (details supplied) are extremely concerned regarding the lack of educational welfare service and the threat to pupils in the area; and if a service for all of the pupils in the town will be provided. [16229/04]

Minister for Education and Science (Mr. N. Dempsey): The Education (Welfare) Act was fully commenced on 5 July 2002. Under the Act, the National Educational Welfare Board was

established to ensure that every child attends school regularly or otherwise receives an education. To discharge its responsibilities, the board is developing a nationwide service to provide welfare focused services to children, families and schools. It 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, of which 53 are educational welfare officers and nine are senior educational officers. This cohort includes 29 former school attendance officers who transferred to the board from the pre-existing service.

At this stage of its development, the aim of the board is to provide a service to the most disadvantaged areas and most at-risk groups. Five regional teams have now been established with bases in Dublin, Cork, Limerick, Galway and Waterford and staff have been deployed since early December in areas of greatest disadvantage and in areas designated under the Government's RAPID programme. Thirteen towns with significant school going populations, 12 of which are designated under the Government's RAPID programme, now also have an educational welfare officer allocated to them. These towns are Dundalk, Drogheda, Navan, Athlone, Carlow, Kilkenny, Wexford, Bray, Clonmel, Tralee, Ennis, Sligo and Letterkenny. In addition, the board will follow up on urgent cases nationally where children are not currently receiving an education.

The board has also moved to provide a service to families who decide to have their children educated in places other than in recognised schools. A small number of people with the appropriate skills have been allocated to this work and assessments will commence shortly. My Department has recently issued guidelines to assist the board in meeting its responsibilities in this area. An information leaflet and application form have issued to families who are educating their children at home. Work is also proceeding on the establishment of the register for 16 and 17 year olds who leave school to enter employment.

Guidelines are being prepared for schools on the reporting of student absences and a protocol outlining the interaction between schools and educational welfare staff is being developed with the assistance of the school implementation group recently established by the board. Decisions relating to the assignment of educational welfare officers to specific areas are a matter for the board which is an independent statutory authority.

Schools Building Projects.

179. **Mr. P. McGrath** asked the Minister for Education and Science the progress with regard to the building programme of a school (details supplied) in County Louth; and if he will make a statement on the matter. [16241/04]

Minister for Education and Science (Mr. N. Dempsey): When publishing the 2004 school building programme, I outlined that my strategy will be grounded in capital investment based on multi-annual allocations. My officials are reviewing all projects which were not authorised to proceed to construction as part of the 2004 school building programme, with a view to including them as part of a multi-annual school building programme from 2005 onwards and I expect to be in a position to make further announcements on this matter in the course of the year. This multi-annual building programme, when published, will provide a comprehensive picture detailing all planned building projects in the Louth area, including the school to which the Deputy refers.

School Transport.

180. **Mr. Durkan** asked the Minister for Education and Science if a bus service can be provided for children living in the Killeenmore, Sherlockstown and Rahandown areas of Sallins, County Kildare; and if he will make a statement on the matter. [16316/04]

Minister for Education and Science (Mr. N. Dempsey): A report on this case has been requested from Bus Éireann. The Deputy will be advised of the position as soon as the report has been received and assessed.

School Accommodation.

181. **Ms Enright** asked the Minister for Education and Science when he intends to provide funding for an extension to a school (details supplied) in Dublin 6 to avoid paying rent for outside premises together with funding for a fire escape; and if he will make a statement on the matter. [16328/04]

Minister for Education and Science (Mr. N. Dempsey): A large-scale building project for Gaelscoil Lios Na nÓg national school is listed in section 9 of the 2004 school building programme which is published on my Department's website at www.education.ie. This project includes the provision of an escape stairs and is at early stages of architectural planning. It has been assigned a band 2 rating by my Department in accordance with the published criteria for prioritising large-scale projects. It is planned to progress this project to the next stage of architectural planning during 2004.

The budget announcement regarding multi-annual capital envelopes will enable me to adopt a multi-annual framework for the school building programme, which in turn will give greater clarity regarding projects that are not progressing to tender in this year's programme. I will make a further announcement in that regard during the year.

School Staffing.

182. **Mr. Crowe** asked the Minister for Education and Science if he will investigate the staff shortages and oversized classes at a school (details supplied) in Dublin 5. [16329/04]

Minister for Education and Science (Mr. N. Dempsey): The staffing of a primary school is determined by reference to the enrolment of the school on 30 September of the previous year. The number of mainstream posts sanctioned is determined by reference to a staffing schedule and is finalised for a particular year following discussions with the education partners.

The mainstream staffing of the school referred to by the Deputy for the current school year is a principal and nine mainstream class teachers based on the enrolment of 242 pupils on 30 September 2002. Based on an enrolment of 248 pupils on 30 September 2003, the mainstream staffing for the school year 2004-05 will remain as principal and nine mainstream class teachers.

Schools Building Projects.

183. **Dr. Upton** asked the Minister for Education and Science the position regarding the purchase of land adjacent to a school, (details supplied) in Dublin 8 and the drafting of plans for development of the school. [16330/04]

Minister for Education and Science (Mr. N. Dempsey): The acquisition of a portion of land adjacent to the school in question is at an advanced stage. Negotiations have been completed and the matter is at conveyancing stage. A large-scale building project for the school is listed in section 8 of the 2004 school building programme which is published on my Department's website at www.education.ie. It has been assigned a band 2 rating by my Department in accordance with the published criteria for prioritising large-scale projects. It is planned to progress this project to advanced architectural planning during 2004.

Indicative timescales have been included for large-scale projects proceeding to tender in 2004. The budget announcement regarding multi-annual capital envelopes will enable me to adopt a multi-annual framework for the school building programme, which in turn will give greater clarity regarding projects that are not progressing to tender in this year's programme, including the school in question. I will make a further announcement in that regard during the year.

Schools Refurbishment.

184. **Ms Enright** asked the Minister for Education and Science the reason an application under the summer works scheme 2004 from a school (details supplied) in County Wexford has been unsuccessful; and if he will make a statement on the matter. [16331/04]

185. **Ms Enright** asked the Minister for Education and Science if his attention has been

drawn to the serious problem with the roof at a school (details supplied) in County Wexford; the measures he intends to take to have the necessary work carried out at this school; and if he will make a statement on the matter. [16332/04]

Minister for Education and Science (Mr. N. Dempsey): I propose to take Questions Nos. 184 and 185 together.

All applications under the summer works scheme were categorised and assessed in accordance with published criteria. In the context of the available funding and the number of applications for that funding, it was only possible to fund projects in categories A, B and C this year. Applications attracting lower category ratings did not succeed for this reason. It will be open to all unsuccessful applicants to re-apply for funding under the summer works scheme 2005, details of which will be announced later this year.

Schools Building Projects.

186. **Mr. S. Ryan** asked the Minister for Education and Science if he will report on the much needed extension for a school (details supplied) in County Dublin; and the position regarding this project. [16360/04]

Minister for Education and Science (Mr. N. Dempsey): The large-scale building project for the school referred to by the Deputy is listed in section 8 of the 2004 school building programme which is published on my Department's website at www.education.ie. This project is at stage 3, developed sketch scheme, of architectural planning. It has been assigned a band 2 rating by my Department in accordance with the published criteria for prioritising large-scale projects. It is planned to progress this project to advanced architectural planning during 2004.

Indicative timescales have been included for large-scale projects proceeding to tender in 2004. The budget announcement regarding multi-annual capital envelopes will enable me to adopt a multi-annual framework for the school building programme, which in turn will give greater clarity regarding projects that are not progressing to tender in this year's programme including the school referred to by the Deputy. I will make a further announcement in that regard during the year.

Question No. 187 answered with Question No. 171.

School Accommodation.

188. **Ms Shortall** asked the Minister for Education and Science if there are plans to provide prefabricated classrooms at school (details supplied) in Dublin 5; and if he will make a statement on the matter. [16362/04]

Minister for Education and Science (Mr. N. Dempsey): The school planning section of my Department has considered all applications for

temporary accommodation and details of successful applicants are available on my Department's website at www.education.ie. In the context of the available funding and the number of applications for that funding, it was not possible to approve all applications received and only those with an absolute and demonstrated need for additional accommodation were approved.

The application from the school referred to by the Deputy was unsuccessful on this occasion because the provision of additional accommodation to meet shortfalls was given a higher priority than the replacement of existing accommodation. An application form for grant-aid for major capital improvement works has issued to the school authority for completion. On return of this form, the school will be included in a review of all projects that did not proceed as part of the 2004 school building programme with a view to including them as part of a multi-annual school building programme from 2005 onwards. I expect to be in a position to make a further announcement in this matter later this year.

Schools Refurbishment.

189. **Ms Shortall** asked the Minister for Education and Science if there are plans to provide funds for the refurbishment of a school (details supplied) in Dublin 5; and if he will make a statement on the matter. [16363/04]

Minister for Education and Science (Mr. N. Dempsey): A large-scale building project for the school referred to by the Deputy is listed in section 9 of the 2004 school building programme which is published on my Department's website at www.education.ie. This project is at early stages of architectural planning. It has been assigned a band 3 rating by my Department in accordance with the published criteria for prioritising large-scale projects.

The budget announcement regarding multi-annual capital envelopes will enable me to adopt a multi-annual framework for the school building programme, which in turn will give greater clarity regarding projects that are not progressing to tender in this year's programme including the school referred to by the Deputy. I will make a further announcement in that regard during the year.

Schools Building Projects.

190. **Ms Enright** asked the Minister for Education and Science if he will provide finance for the works to be carried out at a school (details supplied) in County Offaly while they are awaiting the building of a new school; and if he will make a statement on the matter. [16366/04]

Minister for Education and Science (Mr. N. Dempsey): The school referred to by the Deputy made an application for a range of works under the summer works scheme 2004, including some of those mentioned by the Deputy.

Each application received under this scheme was categorised and assessed by reference to published criteria. In the context of available funding and the number of applications for that funding, it was only possible to consider the priority one project, as determined by each individual school.

The available funding was distributed on a top-down basis to these projects in accordance with the published categorisation hierarchy. It was only possible to fund projects in categories A, B and C this year. The highest priority works as identified by the school in question fell into category E. It will be open to the school authority to re-apply under the summer works scheme for 2005, details of which will be announced later this year.

Site Acquisitions.

191. **Ms Enright** asked the Minister for Education and Science the amount of money which his Department set aside in 2004 for site acquisition for primary and post-primary schools; the amount which has been spent to date; the amount remaining to be spent; and if he will make a statement on the matter. [16367/04]

Minister for Education and Science (Mr. N. Dempsey): The sum of €32 million has been allocated for the acquisition of sites for primary and post-primary schools during 2004. The Office of Public Works manages site acquisitions on behalf of my Department and, to date, a total of €7.6 million has been transferred to the OPW account. This leaves a balance of €24.4 million for further site acquisitions during the remainder of the year.

School Accommodation.

192. **Mr. P. Breen** asked the Minister for Education and Science if a pre-fab building for a school (details supplied) in County Clare will be erected to cater for the extra teacher in September 2004; if he will reconsider his Department's decision and permit the erection of a pre-fab building; and if he will make a statement on the matter. [16371/04]

Minister for Education and Science (Mr. N. Dempsey): 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 the school to which the Deputy refers was not successful on this occasion. The school's need for accommodation will be considered in the context of a review which is being undertaken of all projects that did not proceed as part of the 2004 school building programme with a view to including it as part of

[Mr. N. Dempsey.]
a multi-annual school building programme from 2005, details of which will be announced later in the year.

193. **Mr. Crowe** asked the Minister for Education and Science the number of school secretaries, special needs teachers and school principals who are operating in rooms that are converted pantry and broom cupboards in schools throughout the State; and the county and location of each school. [16373/04]

Minister for Education and Science (Mr. N. Dempsey): The information in the format requested by the Deputy is not available in my Department. In most cases the works required to convert areas within the existing school premises to accommodate ancillary staff and ex-quota teachers is completed under the grant scheme for minor works to national school properties which is a devolved grant scheme which was introduced in 1997. Schools are not required to communicate with my Department in respect of minor works being undertaken under that scheme.

Radon Gas.

194. **Mr. P. McGrath** asked the Minister for Education and Science the schools in County Westmeath in which works are yet to be

undertaken to eliminate the presence of radon gas; and the timeframe for these works.
[16374/04]

Minister for Education and Science (Mr. N. Dempsey): In the order of 500 schools have not yet been tested for radon. Arrangements for the testing of these schools are currently in hand. This includes ten schools in County Westmeath. The tests are being carried out by the Radiological Protection Institute of Ireland on behalf of my Department. It is expected that the results will be available in September and remediation, if required, will be carried out as soon as possible thereafter.

Teachers' Remuneration.

195. **Mr. P. McGrath** asked the Minister for Education and Science the rates of pay available to special needs assistants in primary schools and second level schools. [16376/04]

Minister for Education and Science (Mr. N. Dempsey): A table outlining the salary scale applicable to special needs assistants from 1 January 2004 following. The scale applies to both the primary and second level sector. The circulars outlining the details of the scales may also be accessed on the website of my Department www.education.ie. The circulars may be obtained by accessing the website, entering "education personnel" and then entering "payroll".

Grade	Scale 1/10/02	Revised Scale 1/1/04
	€	€
Special Needs (Child Care) Assistants	18,394	19,733
	19,257	20,660
	20,117	21,584
	20,983	22,511
	21,845	23,438
	22,708	24,364
	23,572	25,289
	24,430	26,211
	25,297	27,139
	26,155	28,062
	27,022	28,992
	28,649	30,738
	29,809	31,981
Long service increment w.e.f. 1/4/2000		

Schools Building Projects.

196. **Mr. Wall** asked the Minister for Education and Science his views on a matter (details supplied); and if he will make a statement on the matter. [16377/04]

197. **Mr. Wall** asked the Minister for Education and Science the plans for school extensions which his Department is processing for the Newbridge area; the status of such applications; and if he will make a statement on the matter. [16378/04]

198. **Mr. Wall** asked the Minister for Education and Science the plans his Department has to deal

with the overflow of children unable to obtain places in the Newbridge area (details supplied) for 2004-2005; the way in which parents can obtain places for their children; and if he will make a statement on the matter. [16379/04]

199. **Mr. Wall** asked the Minister for Education and Science the position regarding the provision of a new primary school (details supplied) in Newbridge that will meet the needs of the fast expanding population of the town; if his Department has evaluated the statistics and concerns of the town; the progress which has been made since the specially convened meeting

of his Department and concerned representatives; and if he will make a statement on the matter. [16380/04]

200. **Mr. Wall** asked the Minister for Education and Science the meetings his Department has had with relevant local authorities in regard to the development plans of same; if his Department has made submissions to Kildare County Council in regard to its projected needs for the Newbridge area in future years; if his Department has statistics in regard to the Newbridge area; and if he will make a statement on the matter. [16381/04]

201. **Mr. Wall** asked the Minister for Education and Science the meetings he or his Department has had or proposes to have with the Department of Environment, Heritage and Local Government in regard to the projected needs of areas of primary growth development such as the Newbridge, Naas and Kildare triangle for educational purposes; the results of such meetings and the progress which has been made with or contact which has resulted from the local authority in regard to such decisions; and if he will make a statement on the matter. [16382/04]

218. **Mr. Wall** asked the Minister for Education and Science the position of his Department in regard to a submission (details supplied); if the contents of the submission will be agreed to; and if he will make a statement on the matter. [16601/04]

Minister for Education and Science (Mr. N. Dempsey): I propose to take Questions Nos. 196 to 201, inclusive, and 218 together.

The school planning section is responsible for planning the provision of suitable cost-effective accommodation to underpin the delivery of first and second level education. Key functions of the section are ensuring there are sufficient pupil places available at first and second level schools and that the use of existing accommodation is optimised.

Assessing the need for new or additional educational facilities involves a detailed appraisal of enrolment patterns in all existing schools in an area, an analysis of demographic trends in an area, a review of housing developments and, crucially, a determination regarding the capacity of existing schools to meet demands for new places that may be identified. The Minister for Education and Science is included among the prescribed authorities to whom local authorities are statutorily obliged to send draft development plans or proposed variations to development plans. These plans are monitored and, where necessary, meetings with local authorities are arranged to establish the location, scale and pace of major housing developments and their possible implications for school provision. Where appropriate, the local authority may be requested to reserve a site for educational purposes. In this way, every effort is made to ensure that there is adequate existing provision or that timely

arrangements are made to extend capacity where necessary. Liaison with existing schools is an important part of the process also, as the school authorities would usually alert my Department where, in their view, the need for additional accommodation is anticipated.

Officials from the school planning section of my Department recently met with officials from Kildare County Council with regard to monitoring demographic changes and assessing the likely impact of planned new developments in County Kildare. While my officials have no evidence to support a claim of an accommodation crisis in Newbridge, they will keep in close contact with the council to monitor ongoing developments in the area.

With regard to details of current school building projects in Newbridge, the capital programme for 2004 has been published and full details for all counties, including Kildare, are available on my Department's website at www.education.ie.

When publishing the 2004 school building programme, I outlined that my strategy going forward will be grounded in capital investment based on multi-annual allocations. My officials are reviewing all projects which were not authorised to proceed to construction as part of the 2004 school building programme, with a view to including them as part of a multi-annual school building programme from 2005 onwards. I expect to be in a position to make further announcements on this matter in the course of the year. This multi-annual building programme, when published, will provide a comprehensive picture detailing all planned building projects in the Kildare area, including Newbridge.

Special Educational Needs.

202. **Mr. Ring** asked the Minister for Education and Science if extra hours from a resource teacher or classroom assistant will be provided to a person (details supplied) in County Mayo. [16383/04]

Minister for Education and Science (Mr. N. Dempsey): My Department sanctioned ten hour's special needs assistant support and two and a half hour's resource teaching support per week for the pupil in question, in August 2003. I can confirm that my Department recently received an application for full-time special needs assistant support for this pupil from the school referred to by the Deputy. This application will be considered by my Department and a decision will be conveyed to the school authorities as quickly as possible.

Schools Building Projects.

203. **Mr. McGinley** asked the Minister for Education and Science if there are plans to provide a new national school to replace St. Columba's national school, Kilmacrennan, County Donegal; the stage the said new school is

[Mr. McGinley.]
at; when it is likely that a contract will be placed and building will commence; and if he will make a statement on the matter. [16384/04]

Minister for Education and Science (Mr. N. Dempsey): A large-scale building project for Scoil Naomh Colmcille, Kilmacrennan, County Donegal, is listed in section 9 of the 2004 school building programme which is published on my Department's website at *www.education.ie*. This project is at early stages of architectural planning. It has been assigned a band 2 rating by my Department in accordance with the published criteria for prioritising large-scale projects. It is planned to progress this project to the next stage of architectural planning during 2004.

The budget announcement regarding multi-annual capital envelopes will enable me to adopt a multi-annual framework for the school building programme, which in turn will give greater clarity regarding projects that are not progressing to tender in this year's programme. I will make a further announcement in that regard during the year.

Physical Education Facilities. –

204. **Mr. Kenny** asked the Minister for Education and Science the position regarding allocation of moneys for the provision of a sports hall at Davitt College, Castlebar, County Mayo; when he expects work to commence; and if he will make a statement on the matter. [16428/04]

Minister for Education and Science (Mr. N. Dempsey): The PE hall for Davitt College, Castlebar, is listed in section 8 of the 2004 school building programme which is published on my Department's website at *www.education.ie*. This project is at stage 4/5, the detailed design and bill of quantities stage of architectural planning.

Indicative timescales have been included for large-scale projects proceeding to tender in 2004. The budget announcement regarding multi-annual capital envelopes will enable me to adopt a multi-annual framework for the school building programme, which in turn will give greater clarity regarding projects that are not progressing to tender in this year's programme, including Davitt College. I will make a further announcement in that regard during the year.

Schools Building Projects.

205. **Caoimhghín Ó Caoláin** asked the Minister for Education and Science the status of the application by a school (details supplied) in County Cavan for the building of a permanent school, in view of the fact that the present temporary accommodation is most unsatisfactory. [16435/04]

Minister for Education and Science (Mr. N. Dempsey): When publishing the 2004 school building programme, I outlined that my strategy going forward will be grounded in capital

investment based on multi-annual allocations. My officials are reviewing all projects which were not authorised to proceed as part of the 2004 school building programme with a view to including them as part of a multi-annual school building programme from 2005. I expect to be in a position to make further announcements on this matter later in the year. The application from Gaelscoil Bhreifne will be considered in this regard.

Departmental Audits.

206. **Mr. Kenny** asked the Minister for Education and Science the number of internal audit reports completed within his Department since January 2001; the title of each completed audit report; and if he will make a statement on the matter. [16462/04]

Minister for Education and Science (Mr. N. Dempsey): The number of internal audit reports completed in my Department since 1 January 2001 is 36. The following tabular statement details the title and date of issue of these reports.

Department of Education & Science, Internal Audit Unit:
Reports completed since January 2001.

Report Title	Issued
Mayo Education Centre	04/01/01
Tralee Education Centre	13/02/01
Birr Community School	13/02/01
Ballyhaunis Community School	13/03/01
Boherbue Comprehensive School	23/05/01
Crescent College Comprehensive	26/06/01
Kildare Education Centre	11/07/01
Shannon Comprehensive School	31/07/01
Cork Youth Encounter Project	18/09/01
Finglas Child and Adolescent Centre	26/10/01
Blackrock Education Centre	16/11/01
Carndonagh Community School	30/11/01
Audit Evaluation of Euro Changeover	01/12/01
Clare Education Centre	03/12/01
Commission on School Accommodation	14/12/01
St. Joseph's School Clonmel	19/12/01
St. Clare's Comp School, Manorhamilton	15/01/02
EU Audit of Apprenticeship	15/02/02
EU Audit of MLT/HTBS	15/02/02
EU Audit of ATS	15/02/02
EU Audit of VTOS	09/04/02
Dunmore Community School	11/09/02
Ionad Oideachais Chorca Dhuibhne	11/09/02
Athlone Institute of Technology	27/09/02
Kilkenny Education Centre	18/11/02
Audit & Risk Management Evaluation of the ICT in Education Programme	04/02/03
Audit of Maintenance Grants For Primary Schools	10/04/03
School Completion Initiative	07/07/03

Report Title	Issued
Certification, National Qualifications Framework	04/11/03
National Adult Literacy Strategy	07/11/03
St Bridgets Secondary School, Goresbridge, County Kilkenny	24/11/03
Ashton Comprehensive School	23/01/04
Royal & Prior Comprehensive , Raphoe	26/01/04
Third Level Access	10/02/04
St. Wolstan's Community School, Celbridge	11/02/04
Ballinrobe Community School	06/05/04
Total	36

Question No. 207 answered with Question No. 164.

Question No. 208 answered with Question No. 165.

Higher Education Grants.

209. **Ms Harkin** asked the Minister for Education and Science if a person (details supplied) will be considered for a higher education maintenance grant under the exceptional circumstances category. [16476/04]

Minister for Education and Science (Mr. N. Dempsey): Under the terms of my Department's third level student support schemes, maintenance grants are not generally payable in respect of a repeat period of study at the same level. However, clause 7.6 of the higher education grant, scheme states: "A Local Authority shall have discretion to waive this provision in exceptional circumstances, such as certified serious illness." There is a similar provision attaching to the free fees initiative under which my Department meets the tuition fees of eligible candidates who are attending approved undergraduate courses for the first time.

It is a matter for the relevant officials in the higher education grants section of the local authority to decide, at their discretion, whether a candidate should receive funding towards maintenance in respect of a repeat period of study at the same level. A decision in this regard would be made under the exceptional circumstances clause of the higher education grant scheme on the basis of the evidence supplied to the local authority.

Separately, it is a matter for the fees office of the institution to decide, at its discretion, whether a candidate should receive tuition fees in respect of a repeat period of study at the same level. A decision in this regard would be made under the exceptional circumstances clause of the free fees initiative on the basis of the evidence supplied to the college.

In exceptional cases, under the terms of the maintenance grant scheme, where funding has been awarded for a repeat year at the same level, it has generally been where the student is

repeating a year or period of study on the same course.

I understand the candidate referred to by the Deputy has already pursued two years of a degree programme and is a first year student on a second degree, programme. My Department has considered the evidence submitted to the local authority in support of the candidate's application for financial assistance on the second degree, course but considers that it is not sufficient to justify funding a repeat period of study on a different undergraduate course. The candidate may be considered for grant assistance, subject to the usual terms and conditions, once he has completed two years of study on the current course and progresses, for the first time, to year three of the undergraduate course.

Section 7.6 of the higher education grants scheme is quite clear in that a candidate who has previously pursued an undergraduate course approved for the purposes of the scheme is not eligible to be considered for grant assistance until he or she has completed an equivalent period of study at undergraduate level.

210. **Mr. Stagg** asked the Minister for Education and Science the reason parents participating in a home study of applied behavioural analysis are not assisted through subsidising the fees (details supplied); if he will include parents in the categories for which subsidies will be awarded; and if he will make a statement on the matter. [16477/04]

Minister for Education and Science (Mr. N. Dempsey): The role of my Department, through its teacher education section, does not extend to the provision of training for parents in the circumstances referred to in this question. The teacher education section does provide additional training for teachers involved in the special provision, which my Department makes for children diagnosed with particular special educational needs. However, before a final decision is made in this case, officials in my Department's special education section will arrange to contact the person referred to by the Deputy for additional information about the training course in question.

Early Childhood Education.

211. **Mr. Stagg** asked the Minister for Education and Science if he intends to assist Montessori schools with pre-school education grants to assist them with ongoing costs and developmental costs; and if he will make a statement on the matter. [16478/04]

Minister for Education and Science (Mr. N. Dempsey): There are no plans to assist Montessori schools with pre-school education grants.

Special Educational Needs.

212. **Mr. R. Bruton** asked the Minister for

[Mr. R. Bruton.]

Education and Science if he has given consideration to a proposal to require his Department appointing special needs assistants to various schools in the country, as against the current situation which requires his Department to appoint special needs assistants to designated children in the primary school sector; if he has given further consideration to this policy position; the implications of such a shift in policy; if, in the context of the recent announcement to extend and increase the number of special needs assistants in national schools, he will make a statement concerning when such assistants will become available and the schools that are likely to benefit from such an announcement; and if he will make a statement on the matter. [16479/04]

Minister for Education and Science (Mr. N. Dempsey): I wish to advise the Deputy that my recent announcement concerning an increase in staffing resources in the special needs sector related to 350 additional teaching posts. The transitional arrangements for the introduction of a new weighted model of allocation of such posts are being finalised and all schools will be notified of the revised arrangements as soon as possible.

My Department allocates special needs assistant, SNA, support on the basis of the assessed care needs of individual pupils. There are no proposals to depart from this arrangement for the present. However, the process for the allocation of SNAs will be kept under review.

Schools Recognition.

213. **Ms O'Sullivan** asked the Minister for Education and Science when permanent status will be sanctioned for Gaelscoil Choladh an Treoigh, Castletroy, County Limerick; and if he will make a statement on the matter. [16563/04]

Minister for Education and Science (Mr. N. Dempsey): Gaelscoil Choladh an Treoigh commenced operation with provisional recognition from my Department in 2001. Newly established schools are generally required to undergo a period of provisional recognition during which the operation of the school and the growth of pupil numbers are monitored.

An application for permanent recognition has been received and is under consideration in the school planning section of my Department. As part of the examination, factors such as the long-term viability of the school, current and projected enrolments and suitability of accommodation will be considered. A decision on the school's application will be made as soon as possible.

Site Acquisitions.

214. **Ms O. Mitchell** asked the Minister for Education and Science if he will sanction the purchase of a school building site for Monkstown Educate Together school. [16564/04]

Minister for Education and Science (Mr. N. Dempsey): The school is currently accommodated in prefabricated classrooms on a site adjoining Monkstown community centre. The cost of site and portacabin rental is grant aided by the Department at the rate of 95%.

The property management section of the Office of Public Works, which purchases sites for schools on behalf of my Department, is actively pursuing the identification and acquisition of a suitable site for the Monkstown Educate Together national school. My Department intends to secure a site for the school as soon as possible. When this has been done, the question of the architectural planning of a new school building will be examined as a matter of urgency. In the meantime, however, my Department will continue to grant aid the use of temporary accommodation by the school at a rate of 95% of the cost pending the delivery of permanent accommodation.

Services for People with Disabilities.

215. **Mr. Crowe** asked the Minister for Education and Science if he will give a report on the committee established to look at issues affecting the deaf community; the remit of the committee and the timescale set for its report to be issued. [16574/04]

Minister for Education and Science (Mr. N. Dempsey): The advisory committee on the education of the deaf and hard of hearing was established with the following terms of reference:- to review the adequacy of the current range of educational support services available to students who are deaf or hard of hearing; to identify; and prioritise areas of service provision which require development or adjustment, and to bring forward such proposals as are considered appropriate to ensure the development and delivery of an appropriate, effective and efficient education support service for students who are deaf or hard of hearing. The committee has not yet concluded its deliberations but the group is aware that I am anxious to have its report at the earliest possible date.

Residential Institutions Redress Scheme.

216. **Ms Enright** asked the Minister for Education and Science the progress that has been made in the verification process of additional institutions to be added to the Schedule to the Residential Institutions Redress Act 2002; when a list of additional institutions will be brought before Dáil Éireann for approval; and if he will make a statement on the matter. [16593/04]

Minister for Education and Science (Mr. N. Dempsey): Section 4 of the Residential Institutions Redress Act 2002 provides for the addition to the Schedule of institutions that are identified as reformatory schools, industrial schools, orphanages, children's homes and special schools, in which children were placed and

resident and in respect of which a public body had a regulatory or inspection function.

My Department has received correspondence from both individuals and survivor groups identifying a number of additional institutions that may be eligible for inclusion in the Schedule. Discussions have taken place between my Department and other Departments that may have provided a regulatory or inspection function in the operation of these facilities to ascertain whether these institutions are eligible for inclusion. A number of institutions have been identified for inclusion and I intend bringing this matter to Government for its consideration shortly.

School Accommodation.

217. **Ms Enright** asked the Minister for Education and Science if, under the small schools initiative, he would consider granting funding for additional space for a third teacher in a school (details supplied) in County Donegal. [16596/04]

Minister for Education and Science (Mr. N. Dempsey): The school referred to by the Deputy was recently approved for grant aid towards the rental of temporary accommodation.

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

Question No. 218 answered with Question No. 196.

School Transport.

219. **Mr. McGuinness** asked the Minister for Education and Science the progress in establishing a new bus route for Piltown national school, County Kilkenny; the outcome of a meeting between the local community and his Department regarding the issue; and if a resolution will be expedited. [16628/04]

Minister for Education and Science (Mr. N. Dempsey): The position in this case is that an appeal against my Department's decision not to allow transport under the terms of the school transport scheme was upheld by the school transport appeals board in November 2003. The board was satisfied that the terms of the school transport scheme had been fairly applied, and the decision of the appeals board is final.

School Placement.

220. **Ms O. Mitchell** asked the Minister for Education and Science the status of the application by a school (details supplied); and if funding can be expedited to meet the vastly expanded demand for school places in the area. [16629/04]

Minister for Education and Science (Mr. N. Dempsey): The large-scale building project for the school referred to by the Deputy is listed in section 8 of the 2004 school building programme which is published on my Department's website at www.education.ie. This project is at stage 3, developed sketch scheme, of architectural planning. It has been assigned a band 2 rating by my Department in accordance with the published criteria for prioritising large-scale projects. It is planned to progress this project to advanced architectural planning during 2004.

Indicative timescales have been included for large-scale projects proceeding to tender in 2004. The budget announcement regarding multi-annual capital envelopes will enable me to adopt a multi-annual framework for the school building programme, which in turn will give greater clarity regarding projects that are not progressing to tender in this year's programme including the school in question. I will make a further announcement in that regard during the year.

Harbours and Piers.

221. **Ms Cooper-Flynn** asked the Minister for Communications, Marine and Natural Resources when approval will be given by his Department for the investment of €1 million for the development of a marina for Westport as promised in 2002 and again recently by a spokesman for the Government in February 2004. [16266/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): In March 2002, Mayo County Council in association with Westport Town Council and Westport Harbour Commissioners submitted an application for funding under the marine tourism grant scheme of the national development plan, for the proposed marina, 46 berths. However, as the applicants had not obtained the necessary statutory permissions, that is, planning permission and foreshore lease, as required under the conditions for the scheme, their application could not be considered further. The applicants were informed of this and that they could apply for funding under a future call having obtained the required permissions. However, in December 2002, the grant scheme was suspended and the applicants were formally notified.

No funding was available for the grant scheme in 2003 or in 2004. In light of the findings of the mid-term review of the regional operational programmes completed by the ESRI which recommended reallocation of funds to other priorities, it is unlikely that the scheme will be reactivated within the term of the national development plan. I am not aware of nor do I have at my disposal any other source of funds to support this project.

Aquaculture Licences.

222. **Mr. Ferris** asked the Minister for

[Mr. Ferris.]

Communications, Marine and Natural Resources if his attention has been drawn to the concerns being highlighted by an association (details supplied) in County Donegal; and the action he intends to take to alleviate this national scandal. [16275/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): Following the granting of two aquaculture licences for the bottom cultivation of mussels in Lough Swilly, local oyster fishermen claimed that parts of the licensed areas overlapped with wild oyster beds in the lough.

In light of these complaints, the aquaculture initiative was asked to carry out a survey of the lough. This examined the location and size of the oyster beds and sought to ascertain if there was any overlap between these areas and the sites licensed for mussel cultivation. The results of the survey confirmed that there was an element of overlap.

Following consultation with the persons to whom the aquaculture licences had been granted, it was agreed that they would surrender the parts of their areas that had been found to contain oysters. Arrangements were made also to have mussels removed from the areas concerned, and any oysters retrieved during this process were relaid. Since then, the oyster fishermen have applied for an aquaculture licence in respect of oyster beds in the lough. This application is being considered by my Department.

Lighthouse Service.

223. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources if he will make a statement on the upkeep and cost of lighthouses here; and the person responsible for funding this service. [16439/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The Commissioners of Irish Lights, CIL, provide a service of lighthouses throughout the whole island of Ireland. CIL have vested in them under section 634 of the Merchant Shipping Act 1894 the responsibility of superintendence and management of all lighthouses and other aids to navigation in respect of the State and the adjacent seas and island. The UK Merchant Shipping Act 1995, section 195(1), empowers the commissioners with the same functions for Northern Ireland and adjacent seas and islands. In addition, there is an obligation on CIL to inspect and approve the aids to navigation systems and to audit the subsequent management of aids to navigation provided by ports and local authorities.

CIL is one of three general lighthouse authorities serving Great Britain and Ireland. The Commissioners of Irish Lights is a user pays service, the primary source of revenue coming from light dues levied on commercial shipping,

which relies for its safety on these aids to navigation. All light dues collected in Britain and Ireland are pooled into a central fund called the general lighthouse fund which is administered by the UK Department of Transport. This fund meets the costs of the three general lighthouse authorities. Light dues collected at ports in the State are not sufficient to meet the full cost of the service and are supplemented by an annual Exchequer contribution to the general lighthouse fund.

The cost of running the Irish lighthouse service for 2002-03 was €23.4 million for the whole island of Ireland. Light dues income was €5.3 million and the Irish Exchequer contribution was €2.8 million.

Departmental Audits.

224. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources the number of internal audit reports completed within his Department since January 2001; the title of each completed audit report; and if he will make a statement on the matter. [16463/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): A list of internal audit reports completed since January 2001 follows. Sixty-two reports have been completed in this period. All internal audit reports are made available to the Comptroller and Auditor General, who is the constitutional officer of the Oireachtas for audit issues as per Article 33.1 of Bunreacht na hÉireann.

2001

1. Operational Programme for Agriculture, Rural Development and Forestry
Sub-Programme 2; Forestry, Measure No.1: Second Instalment Grants
Forestry Operational Programme 1989 to 1993
Reconstitution of Woodland
Woodland Improvement Scheme
Private Recreational Forestry
Western Package Forestry Planting Scheme
Co-funded by the European Agricultural Guidance and Guarantee Fund (Guidance)
Review of the implementation of the recommendations set out in the Audit Report dated April 2000 — January 2001
2. Operational Programme for Fisheries, 1994 to 1999
Measure 7: Human Resources Sub-Measure 7.1 Training
Co-funded by European Social Fund, January 2001
3. Operational Programme for Fisheries
Measure 2: Restructuring-Renewal of the Fishing Fleet
Sub-Measure 2.1: Fleet Renewal
Sub-Measure 2.2: Vessel Modernisation: including safety
Co-funded by the Financial Instrument for Fisheries Guidance, FIG February 2001
4. Ireland/Wales Maritime INTERREG II Programme 1994-99
Sub-Programme 1, Measure: 1 Transport (Ports)
Co-funded by the European Regional Development Fund, February 2001
5. European Agricultural Guidance and Guarantee Fund (Guarantee), Fish Withdrawal Compensation Scheme, Council Regulation (EEC) No. 3759/92, February 2001
6. External Report by Arthur Andersen
Risk Consulting Information Technology,
Report on Internal Audit of Information Systems,
Initial Draft — 2 February 2001
7. Audit Review Operational Programme for Fisheries

Marine and Land-based Aquaculture, Measure: 3
Co-funded by Financial Instrument for Fisheries Guidance
Review of the implementation of the recommendations of the
Audit Report dated February 2000 — March 2001

8. Ports and Technical Measures, Co-funded by Cohesion
Fund, March 2001

9. Operational Programme for Agriculture Rural
Development and Forestry
Sub-Programme 2: Forestry, Measure: Forestry Development
Sub Measure D: Downstream Development March 2001

10. Operational Programme for Agriculture, Rural
Development and Forestry
Sub-Programme 2: Forestry Woodland Improvement Scheme
Co-funded by the European Agricultural Guidelines and
Guarantee Fund (Guidance) May 2001

11. Audit of Accreditation Guidelines for Paying Agencies,
May 2001

12. Operational Programme for Fisheries, Measure 5:
Processing
Co-funded by Financial Instrument for Fisheries Guidance,
FIFG June 2001

13. Operational Programme for Fisheries, Measure 6:
Promotion of Fish Products
Co-funded by Financial Instrument for Fisheries Guidance,
FIFG June 2001

14. Operational Programme for Transport
Sub-Programme: Supporting Sub-Regional Economic
Development
Measure: S4: Regional Ports, Co-funded from ERDF June
2001

15. Ireland and Northern Ireland: Joint Audit of the Loughs
Agency June 2001

16. Operational Programme Agriculture, Rural Development
and Forestry
Sub-Programme 2: Forestry, Measure 2: Forestry
Development
Sub-Measure (b): Reconstitution of Woodland, including
formative shaping of broadleaves
Co-funded by European Agricultural Guidance and
Guarantee Fund (Guidance) July 2001

17. Operational Programme for Agriculture, Rural
Development and Forestry 1994-99
Sub-Programme 2: Forestry, Measure 2: Forestry
Development
Sub-Measure (g) — Forest Roads,
Co-funded by European Agricultural Guidance and
Guarantee Fund (Guidance) July 2001

18. Operational Programme for Fisheries, Measure 3: Marine
and Land-Based Aquaculture
Co-funded by Financial Instrument for Fisheries Guidance
(FIFG) July 2001

19. Suspense Account July 2001

20. PESCA COMMUNITY INITIATIVE
Co-funded by the European Regional Development Fund and
European Social Fund
Financial Instrument for Fisheries Guidance, FIFG August
2001

21. AUDIT REVIEW Operational Programme for
Agriculture, Rural Development and Forestry
Sub-Programme 2 — Forestry, Measure No.1: Second
Instalment Grants
Forestry Operational Programme (1989 to 1993)
Reconstitution of Woodland
Woodland Improvement Scheme
Private Recreational Forestry
Western Package Forestry Planting Scheme
Co-funded by the European Agricultural Guidance and
Guarantee Fund (Guidance) November 2001

22. Operational Programme for Fisheries
Measure: 9: Technical Assistance Programme, TAP
Co-funded by: Financial Instrument for Fisheries Guidance
November 2001

23. Central Fisheries Board, Operational Programme for
Tourism 1994-1999
Sub-Programme 2: Product Development: Measure 3:
Tourism Angling
Co-funded by: European Regional Development Fund,
ERDF November 2001

24. European Agricultural Guidance and Guarantee Fund
(Guarantee)
Fishery Market Support Framework
Council Regulations (EEC) No.3759/92 and 104/2000, which
superseded 3759/92 with effect from 1 January 2001
January 2002

25. European Agricultural Guidance and Guarantee Fund
(Guarantee)
Afforestation Grants Scheme, Maintenance Grant Scheme,
CAP Farmer Premium Scheme, CAP Non-Farmer Premium
Scheme
Council Regulation (EU) No. 2080/92 January 2002

26. Ireland/Northern Ireland Interreg II Programme
Sub Programme 4: Agriculture Fisheries and Forestry
Measure 4: Forestry
Co-funded by European Agricultural Guidance and
Guarantee Fund (Guidance) February 2002

27. Operational Programme for Agriculture, Rural
Development and Forestry
Measure 2: Forestry Development, Sub-Measure (c)
Publicity /Awareness
Co-funded by European Agricultural Guidance and
Guarantee Fund (Guidance) February 2002

28. Operational Programme for Agriculture, Rural
Development and Forestry
Sub-Programme 2 — Forestry, Measure 2 — Forestry
Development
Sub-Measure (h) — Research and Development
Co-Funded by the European Regional Development Fund
February 2002

29. Mercantile Marine Office, Eden Quay, Dublin 2 March
2002

30. Operational Programme for Agriculture, Rural
Development & Forestry, 1994 — 1999
Sub-Programme No. 2 — Forestry, Measure No. 2: Forestry
Development, Sub-Measure F: Technical Assistance
Co-funded by European Agricultural Guidance and
Guarantee Fund (Guidance) March 2002

31. Suspense Accounts April 2002

32. Special Support Programme for Peace and Reconciliation
in Northern Ireland and the Border Counties of Ireland, 1995
to 1999
Sub-Programme 3: Cross Border Development (1999)
Measure 3(D): Co-operation between Public Bodies (FIFG)
Co-funded by Financial Instrument for Fisheries Guidance
(FIFG) June 2002

33. Operational Programme for Agriculture Rural
Development and Forestry (1994 τ 2000)
Co-funded by European Agricultural Guidance & Guarantee
Fund (EAGGF) τ (Guidance), Sub-Programme 2: Forestry
Measure 1: Second Instalment Grants, Measure 2: Forestry
Development
Audit of Final Claim covering the expenditure in the period
2000-2001 (to closure) June 2002

34. Operational Programme for Fisheries
Measure 2: Restructuring / Renewal of the Fishing Fleet
Sub-Measure 2.1: Fleet Renewal, Sub-Measure 2.2: Vessel
Modernisation: (including Safety)
Co-funded by the Financial Instrument for Fisheries Guidance
(FIFG) July 2002

35. Audit of Fisheries Harbours: Expenditure under G1
Development of Fishery Harbours and G2 Fishery Harbours
Centres Fund July 2002

36. Operational Programme for Fisheries (1994-2000)
Co-funded by the Financial Instrument for Fisheries
Guidance (FIFG)
Measure 1: Adjustment of Fishing Fleet Effort
Measure 2: Renewal and Modernisation of Fishing Fleet
Measure 3: Marine and Land Based Aquaculture
Measure 5: Processing
Measure 6: Marketing of Produce
Measure 9: Technical Assistance Programme
Audit of Final Claim covering the expenditure in the period
2000-2001 (to closure) July 2002

37. European Agricultural Guidance and Guarantee Fund
(Guarantee)
Afforestation Grants Scheme
Maintenance Grant Scheme
CAP Farmer Premium Scheme

[Mr. D. Ahern.]

CAP Non-Farmer Premium Scheme September 2002

38. Report On The Verification Of 2001 Expenditure

Co-Funded By The European Commission

Carried out by PricewaterhouseCoopers

Dated September 2002

39. Audit of Accreditation Guidelines for Paying Agencies

European Agricultural Guidance and Guarantee Fund (Guarantee)

EU Regulation 1663/95

In relation to;

- Forestry;
- Afforestation
- CAP Maintenance
- CAP Premium

September 2002

40. The Border, Midland and Western Regional Operational Programme 2000-2006

Forestry, Woodland Improvement — Sub Measure

Co-funded by European Agriculture Guarantee and Guidance Fund (EAGGF) October 2002

41. European Agricultural Guidance and Guarantee Fund (Guarantee)

Fishery Market Support Framework

Council Regulations (EEC) 104/2000, which superseded 3759/92 with effect from 1 January 2001-October 2002

42. Interreg II Programme Ireland and Northern Ireland

Sub-Programme 4: Agriculture/Fisheries/Forestry, Measure 2: Fisheries 1, FIFG

Co-funded by Financial Instrument for Fisheries Guidance, FIFG October 2002

43. Border, Midland and Western Regional Operational Programme 2000-2006

Local Enterprise Priority Measure: 5 Fishery Harbours

Sub-Measure 1: Port Infrastructure Improvement Programme Co-funded by European Regional Development Fund, ERDF December 2002

44. Economic Infrastructure Operational Programme for 1994-1999

Measure: Telecommunications

Co-funded by ERDF December 2002

45. Purchase of Office Machinery and Equipment Subhead A5 (2001)

Purchases of Computer Equipment and provision of Services Information Services Division and Services Division December 2002

Audits conducted by the old Department of Public Enterprise on Divisions for which this Department now has responsibility in 2002;

46. Audit of Telecommunication Measure with Eircom

December 2002

47. Review of E-Commerce Corporate Infrastructure Measure Report December 2002

48. Energy Efficiency Measure December 2002

2003

49. Fish Withdrawal Compensation Scheme 1 October 2001 — 31 March 2002

January 2003

50. Audit of the Petroleum Affairs Division 2003

May 2003

51. 5% Verification Checks: Údaras na Gaeltachta 2000-2002 May 2003

52. Review of the Fisheries Harbours Audit:

G1: Development & G2: Fisheries Harbours Centres Fund. June 2003

53. Salaries: The system and procedure relating to Management and Control of the payment of Salaries, Overtime and allowances to staff within DCMNR. June 2003

June 2003

54. Audit Supporting Measures for Sea Fisheries Development:

Innovation and Sustainability June 2003

55. Loughs Agency July 2003

56. Review of Suspense Account Audit August 2003

57. Audit of the Coastal Zone Administration Division

Foreshore October 2003

58. An Bord Iascaigh Mhara, Structural Funding for the year ended 31/12/2002 (Conran and Company) November 2003

2004

59. EIOP: Sustainable Energy Sub-Programme: Energy Priority February 2004

60. Audit Review of Debtors Control System February 2004

61. Audit of the Geological Survey of Ireland, GSI February 2004

62. Audit of the Coastal Zone Administration Division Management /Aquaculture. March 2004

Decentralisation Programme.

225. **Mr. Stanton** asked the Minister for Communications, Marine and Natural Resources the number of posts decentralised to Wexford by the then Department of Forestry; the number of posts that were filled on promotion; the number of posts that were filled by staff maintaining their current grade; the number of posts that were filled internally by serving members of the Department; the number of posts that were filled from outside his Department; and if he will make a statement on the matter. [16472/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I do not have responsibility for the forestry function which was transferred to my colleague the Minister for Agriculture and Food on 1 January 2004.

226. **Mr. Stanton** asked the Minister for Communications, Marine and Natural Resources the period of time which elapsed between the initial announcement of decentralisation plans for the then Department of Forestry and the date on which decentralisation to Wexford was completed. [16473/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I do not have responsibility for the forestry function which was transferred to my colleague the Minister for Agriculture and Food on 1 January 2004.

Fisheries Protection.

227. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources the way in which the tagging system for salmon fishing is operated, in particular the way in which the number of tags each fisherman receives is decided; and if he will make a statement on the matter. [16565/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The tagging system to which the Deputy refers is operated under the wild salmon and sea trout tagging scheme regulations which, *inter alia*, limit the total allowable commercial catch, TAC, of salmon each year for all fishery districts throughout the country. The allocation of the fishing quotas within each district, and the distribution of the tags to the commercial fishermen, are matters for the chief executive officers of the relevant regional fisheries board to decide in accordance with the power vested in them under the regulations following consultation

with the relevant fishery district committees which are representative of all the commercial fishermen in the particular district.

Fuel Prices.

228. **Mr. McHugh** asked the Minister for Communications, Marine and Natural Resources if, in view of the recent costs increases, the plans the Government have while holding the EU Presidency to bring forward proposals to give more certainty to fuel prices and to regulate oil companies, so as to alleviate some of the difficulties faced by hauliers; and if he will make a statement on the matter. [16616/04]

229. **Mr. McHugh** asked the Minister for Communications, Marine and Natural Resources if in view of the recent cost increase, the plans the Government is pursuing with its EU partners to source alternative sources of fuel; and if he will make a statement on the matter. [16617/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I propose to take Questions Nos. 228 and 229 together.

The price of oil is set by the international oil market, with supply into that market being influenced by OPEC policies. The current high price reflects a complex interaction of unanticipated strong demand, tight capacities, geopolitical uncertainties and the influence of speculators on the markets. There is however no disruption to oil supplies.

The Irish oil market is an open and private sector one. Retail prices take account of factors such as international market price, importation and distribution costs, and euro-dollar fluctuations. The relative weak performance of the US dollar against the euro softened the impact for Ireland of increasing prices for some time. I appreciate that current high prices impact more severely on certain sectors, including hauliers.

It is clear that economic recovery worldwide, and especially in developing countries, would benefit from stable oil prices at a reasonable level. In this context, continued volatility in international oil prices is on the agendas of the G7 countries, the European Union, OPEC, the International Energy Agency, IEA, and the International Energy Forum, IEF.

I attended the recent 9th IEF held in Amsterdam on 22 to 24 May. While it is not possible for the EU Presidency to bring forward proposals regarding the operation of the oil industry in the context that the sole right of initiative in the EU rests with the Commission, the situation is being closely monitored at EU level through the working group on oil supply which met most recently on 26 May to review the current price situation and also to review emergency supply arrangements in place in

member states to ensure an efficient, timely and co-ordinated response in the event of an oil supply disruption. The matter is also to be discussed by EU Finance Ministers this week.

I have no function in regard to the sourcing of alternative fuels in the context of cost increases.

Arts Funding.

230. **Mr. Hayes** asked the Minister for Arts, Sport and Tourism if a decision will be reviewed to allow a grant to a band (details supplied) in County Tipperary which applied for assistance for participation in the International Youth Festival of Wind Orchestras in the Czech Republic in July 2004. [16152/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Requests for financial assistance from Irish artists who wish to perform abroad are considered by the cultural relations committee, CRC, an independent body under my Department's aegis which then makes recommendations to me as Minister. The CRC has not recommended assistance in this instance and there do not appear to be any grounds for a review of its decision.

Sports Capital Programme.

231. **Ms Cooper-Flynn** asked the Minister for Arts, Sport and Tourism if he will provide a league table based on points acquired under the sports capital programme 2004 for all the applicants from County Mayo; and the identity of the applicants that were invalid or disqualified. [16263/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The national lottery-funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level.

A total of 1,304 applications were received under the 2004 sports capital programme, including 50 from County Mayo. All applications under the programme were evaluated by my Department in accordance with the assessment criteria for the programme published in the guidelines, terms and conditions document which accompanied the application form for the programme. Following completion of the evaluation of the applications received by my Department under the programme, on May 7 last, I announced provisional grant allocations totalling €50.8 million to 717 projects, including €1.594 million to 23 projects in County Mayo. In due course, I will make further announcements under the programme in respect of funding for projects of major significance which, while meeting local needs, will also add considerably to the national and regional sporting infrastructure which is required both for increasing levels of

[Mr. O'Donoghue.] participation and improving standards of performance.

Details of how individual applicants fared in the assessment process is a matter for that applicant. Letters are being issued to all applicants under the programme. Those awarded provisional grant allocations are being informed of the requirements to be fulfilled to enable them to have the allocations approved and drawn down and those applicants which were unsuccessful in this year's programme are being given the reasons for this and a copy of the assessment of their application. It is open to these organisations to take cognisance of the assessment and to prepare and submit an application to the 2005 sports capital programme when that scheme is publicly advertised.

Swimming Pool Projects.

232. **Mr. Connolly** asked the Minister for Arts, Sport and Tourism the state of progress in regard to the reconstruction of Monaghan swimming pool; the proposed timescale for the completion of the project; and if he will make a statement on the matter. [16264/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The contract documents for the provision of a replacement swimming pool in Monaghan town were submitted to my Department on 17 May 2004. This documentation is now being examined by my Department's technical advisers, the Office of Public Works. The proposal will be considered further when its report is received.

233. **Mr. Stanton** asked the Minister for Arts, Sport and Tourism, further to Question No. 34 of 25 May 2004, the amount available in 2004 for the

local authority swimming pool programme; the amount of this funding spent or committed to date and the projects involved, including the amount made available to each project; the amount not yet expended or committed; the plans he has to increase the amount available; and if he will make a statement on the matter. [16424/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Further to my reply of 25 May 2004 referred to by the Deputy, a provision of €15 million has been made in my Department's Estimates to meet costs associated with the local authority swimming pool programme for 2004. The likely drawdown this year arising from grant commitments carried forward from earlier years and from the projects approved this year is estimated at €12 million which would, therefore, leave some €3 million available for possible drawdown this year against other projects yet to be approved.

The rate of drawdown in respect of each project varies in accordance with the speed at which the project proceeds. The normal timescale for pool construction is in the region of 18 months. Arising from the need for the assembly of properly documented claims by the project promoter and scrutiny of these by the Office of Public Works, the process of drawing down allocated funding invariably extends beyond the construction period. Thus my expectation would be that for projects approved this year the grant drawdown will extend into 2005 and beyond. In addition, 5% of grant aid is retained until the final account and architect's opinion on compliance with building regulations and planning permission is provided and found to be in order.

The following table outlines the position with regard to projects that have outstanding grant commitments in 2004:

Project	Grant Commitment	Drawn down prior to 2004	Drawn down to date in 2004	Outstanding
	€	€	€	€
Enniscorthy	2,693,565	2,541,197	0	152,368
Arklow	2,349,015	2,231,565	0	117,450
Dundalk	3,809,214	3,618,753	0	190,461
Roscommon	3,809,214	3,618,735	0	190,479
Ballinasloe	3,809,214	3,618,753	0	190,461
Finglas, Dublin	3,809,214	3,618,753	0	190,461
Grove Island, Limerick	3,809,214	2,108,526	1,510,227	190,461
Tralee	3,809,214	1,379,338	1,205,725	1,224,151
Clonmel	1,641,934	336,600	156,096	1,149,238
Churchfield, Cork City	3,809,214	0	0	3,809,214
Tuam	3,809,214	0	591,630	3,217,584
Ballymun, Dublin	3,809,214	0	0	3,809,214
Total	40,967,440	23,072,220	3,463,678	14,431,542

Expenditure allocations for 2005 and later years will be determined in the course of the annual Estimates process.

Departmental Audits.

234. **Mr. Kenny** asked the Minister for Arts, Sport and Tourism the number of internal audit reports completed within his Department since January 2001; the title of each completed audit report; and if he will make a statement on the matter. [16464/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Since the establishment of my Department in June 2002, a total of seven internal audit reports have been completed to date. The title of each report is as follows: survey of procedures for payments of grants and grants-in-aid to bodies under the aegis of the Department of Arts, Sport and Tourism; arts and culture capital enhancement support scheme, ACCESS; postal and telecommunications services; travel and subsistence; office machinery and office supplies; horse and greyhound racing fund; and compliance with late payments in commercial transactions legislation.

Swimming Pool Projects.

235. **Ms Cooper-Flynn** asked the Minister for Arts, Sport and Tourism the maximum level of grant assistance available to a local authority for the provision of a new swimming pool; his views on whether this is adequate in view of the current building costs; and if he has plans to increase this grant. [16634/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Under the local authority swimming pool programme, LASPP, grants of up to €3.8 million are made available towards either the refurbishment of existing pools or the provision of new pools, subject, in both cases, to the total grant not exceeding 80% of the eligible cost of the project or 90% for projects located in designated disadvantaged areas. There are no plans at present to increase this grant amount.

However, my Department has commenced an expenditure review of the LASPP, the outcome of which will be used to assist in formulating future policy in this area. This review is examining, among other things, how the programme has worked to date, the benefits which have accrued to areas where pools have been built and what amendments, if any, are required to ensure the effective and efficient delivery of the programme. It is hoped to have this review completed by mid-year.

Health Board Services.

236. **Ms Shortall** asked the Minister for Health and Children if there are plans to provide a speech therapist at a school (details supplied) in

Dublin 5; and if he will make a statement on the matter. [16364/04]

Minister for Health and Children (Mr. Martin):

The provision of health related services, including speech and language therapy, for 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 question has been referred to the regional chief executive of the Eastern Regional Health Authority with a request that he examine the matter and reply directly to the Deputy, as a matter of urgency.

Hospital Services.

237. **Mr. Naughten** asked the Minister for Health and Children if, further to Question No. 595 of 27 April 2004, a decision has been made in regard to same; and if he will make a statement on the matter. [16129/04]

Minister for Health and Children (Mr. Martin):

Responsibility for the provision of services at St. Vincent's Hospital, Athlone, is in the first instance a matter for the Midland Health Board. My Department has been informed by the Midland Health Board that a reply will issue to the Deputy today.

Services for People with Disabilities.

238. **Mr. Kehoe** asked the Minister for Health and Children if a person (details supplied) in County Wexford can be offered additional respite care during the summer holidays as the family are finding it increasingly difficult to give full-time care; and if he will make a statement on the matter. [16130/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Responsibility for the provision of health related services for people with an intellectual disability and autism in the Wexford region is a matter, in the first instance, for the South Eastern Health Board. My Department has, therefore, asked the chief executive officer of the South Eastern Health Board to investigate the matter raised by the Deputy and reply directly to him.

Health Board Services.

239. **Dr. Upton** asked the Minister for Health and Children if a person (details supplied) in Dublin 12 will be approved for orthodontic treatment; and if he will make a statement on the matter. [16131/04]

Minister for Health and Children (Mr. Martin):

Responsibility for the provision of orthodontic treatment to eligible persons in Dublin 12 rests with the Eastern Regional Health Authority. My Department has asked the regional chief

[Mr. Martin.]

executive to investigate the matter raised by the Deputy and to reply to her directly.

Services for People with Disabilities.

240. **Mr. Perry** asked the Minister for Health and Children if he will intervene on behalf of a person (details supplied) in County Sligo who has autism to ensure, when he or she starts transition and beyond in rehabilitation, that his or her needs will be specifically catered for; and if he will make a statement on the matter. [16132/04]

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 and autism in the Sligo region is a matter, in the first instance, for the North Western Health Board. My Department has, therefore, asked the chief executive officer of the North Western Health Board to investigate the matter raised by the Deputy and reply to him directly.

Hospital Services.

241. **Mr. Naughten** asked the Minister for Health and Children when a person (details supplied) in County Roscommon will be called for a cataract operation in Galway Hospital; and if he will make a statement on the matter. [16153/04]

Minister for Health and Children (Mr. Martin): The provision of hospital services to residents of County Roscommon is the responsibility of the Western Health Board. My Department has asked the chief executive officer of the board to investigate the position regarding this case and to reply directly to the Deputy.

Health Board Services.

242. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will receive orthodontic treatment. [16156/04]

Minister for Health and Children (Mr. Martin): As the Deputy is aware, responsibility for the provision of orthodontic treatment to eligible persons in County Mayo rests with the Western Health Board. My Department has asked the chief executive officer to investigate the matter raised by the Deputy and to reply to him directly.

Hospital Services.

243. **Mr. O'Shea** asked the Minister for Health and Children if he has committed funding towards the provision of radiotherapy units in private hospitals; and if he will make a statement on the matter. [16164/04]

Minister for Health and Children (Mr. Martin): My Department has not committed any revenue

or capital resources towards the provision of radiotherapy services in private hospitals.

As the Deputy is aware, I launched the report of the expert working group on the development of radiation oncology services in Ireland on 9 October 2003. Its recommendations have been accepted by the Government. The Government agrees that a major programme is now required to develop rapidly clinical radiation oncology treatment services to modern standards. Furthermore, the Government has agreed that the first phase of such a new programme should be the development of a clinical network of large centres in Dublin, Cork and Galway. The development of those centres as a clinical network is of paramount importance and will, in the shortest possible timeframe, begin to address the profound deficit in radiation therapy services that has been identified in the report. The implementation of the report's recommendations is the single most important priority of my Department in cancer services in the acute setting.

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 amounting to more than €4 million to commission that service as rapidly as possible. In 2004, €1 million in ongoing revenue funding is being made available for the development, which will improve services for cancer patients in the Southern, Mid-Western and South Eastern Health Boards. Approval has issued for the appointment of two consultant radiation oncologists with sessional commitments to the South Eastern and Mid-Western Health Boards.

Regarding the supra-regional centre at University College Hospital, a new radiotherapy unit has been constructed and is being commissioned. In 2004, €2.5 million in ongoing revenue funding is being made available. Approval has been issued for the appointment of one consultant medical oncologist and three consultant radiation oncologists, two of whom will have sessional commitments to the North Western and Mid-Western Health Boards. Recruitment for those consultant posts is under way.

Care of the Elderly.

244. **Mr. Ring** asked the Minister for Health and Children the position with the site selection for the Ballinrobe nursing home, County Mayo (details supplied). [16170/04]

254. **Ms Cooper-Flynn** asked the Minister for Health and Children when he will approve an allocation for funding for Ballinrobe community nursing unit to enable a design team to be appointed in view of the fact that a brief for that

project was submitted to his Department on 26 April 2004. [16254/04]

Minister of State at the Department of Health and Children (Mr. Callery): I propose to take Questions Nos. 244 and 254 together.

Funding for the purchase of a site at Claremorris Road, Ballinrobe, was provided to the Western Health Board by my Department. I understand that contracts for the sale of the site have been completed and that full title will be transferred to the board in the coming weeks.

My Department, in association with the Department of Finance, is at present examining the health capital programme for 2004 and beyond to ascertain what new projects can be progressed through either planning or construction stages, taking account of existing commitments and overall funding resources available. It is in that context that my Department will continue to liaise with the Western Health Board regarding the proposed development in Ballinrobe in the light of the board's overall capital funding priorities.

Hospital Services.

245. **Mr. S. Power** asked the Minister for Health and Children if his attention has been drawn to the fact that the paediatric out-patient service at Tallaght Hospital is closed to new appointments; and if he will make a statement on the matter. [16172/04]

Minister for Health and Children (Mr. Martin): Responsibility for the funding of services at the Adelaide and Meath Hospital, incorporating the National Children's Hospital, Tallaght, rests with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive of the authority to investigate the matter raised by the Deputy and to reply to him directly.

Health Board Services.

246. **Mr. Perry** asked the Minister for Health and Children if his attention has been drawn to the difficulties encountered by a person (details supplied) in County Sligo; if he will intervene on their behalf to ensure that they receive speech and language therapy; if he will make a favourable decision; and if he will make a statement on the matter. [16174/04]

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 a physical or sensory disability is a matter for the Eastern Regional Health Authority and the health boards in the first instance. Accordingly, the Deputy's question has been referred to the chief executive officer of the North Western Health Board with a request

that he investigate the matter and reply directly to the Deputy as a matter of urgency.

Hospital Services.

247. **Mr. S. Ryan** asked the Minister for Health and Children the provision of enhanced external counter-pulsation treatment for heart conditions here and in particular regarding the ceasing of that treatment at Beaumont Hospital, where 200 or so patients receive it and were due booster sessions during 2004; and if measures will be taken to ensure that those patients get their booster treatments, including the persons who have to travel to get the treatment. [16210/04]

Minister for Health and Children (Mr. Martin): Services at Beaumont Hospital are provided under an arrangement with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive of the authority to investigate the matter raised by the Deputy and to reply to him directly.

Health Board Services.

248. **Mr. Wall** asked the Minister for Health and Children when a person (details supplied) in County Kildare will receive an appointment for an operation at Beaumont Hospital in view of the very severe pain that he or she is encountering; and if he will make a statement on the matter. [16219/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of health services to persons residing in counties Dublin, Kildare and Wicklow rests with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive of the authority to investigate the matter raised by the Deputy and to reply to him directly.

249. **Mr. Ring** asked the Minister for Health and Children if a person (details supplied) in County Mayo will be reassessed for orthodontic treatment. [16223/04]

Minister for Health and Children (Mr. Martin): As the Deputy is aware, responsibility for the provision of orthodontic treatment to eligible persons in County Mayo rests with the Western Health Board. My Department has asked the chief executive officer to investigate the matter raised by the Deputy and to reply to him directly.

Services for People with Disabilities.

250. **Mr. F. McGrath** asked the Minister for Health and Children if the service to a person (details supplied) in County Galway will be increased to ensure that he or she can live independently. [16230/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The provision of

[Mr. T. O'Malley.]

health-related support services, including home help services for people with physical and sensory disabilities, is a matter for the relevant health board. Accordingly, the Deputy's question has been referred to the chief executive officer, Western Health Board, with a request that she examine the case and reply directly to the Deputy as a matter of urgency.

Ambulance Service.

251. **Cecilia Keaveney** asked the Minister for Health and Children when funding will be made available (details supplied) in County Donegal; and if he will make a statement on the matter. [16231/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of ambulance services in counties Donegal and Sligo rests with the North Western Health Board. My Department is advised that the development of new part-time ambulance stations at Falcarragh, Buncrana and south Sligo is one of a number of capital development projects proposed by the board for funding under the national development plan, or NDP. The proposal will be considered by my Department in conjunction with the board in the context of the board's capital development priorities and with regard to the level of resources available.

Cancer Incidence.

252. **Mr. Carey** asked the Minister for Health and Children if his Department, or any agency reporting to him, can carry out tests or an examination at a location (details supplied) in Dublin 11 to establish whether there is evidence to explain the reason that, in the small area, a significant number of residents have had cancer-related illnesses in recent years; and if he will make a statement on the matter. [16247/04]

Minister for Health and Children (Mr. Martin): My Department has asked the chief executive of the Eastern Regional Health Authority to investigate the matter raised and to advise the Deputy of the outcome as soon as possible.

Community Care.

253. **Mr. P. McGrath** asked the Minister for Health and Children the timeframe for the provision of a primary health care centre located in Mulhuddart Dublin 15; and if he will make a statement on the matter. [16253/04]

Minister for Health and Children (Mr. Martin): With regard to the provision of new health centres generally, the position is that the identification, prioritisation and provision of such facilities to meet the needs of local communities within its functional area is a matter for the

relevant health board or the Eastern Regional Health Authority, or ERHA. In the case of Mulhuddart, that responsibility rests with the ERHA.

The ERHA has indicated that the development of a new health centre would constitute a regional priority in the context of the community health service requirements in the Mulhuddart area. That capital proposal will be considered by my Department and the ERHA in the context of capital priorities under the capital investment framework for 2004 to 2008.

Question No. 254 answered with Question No. 244.

Inter-Country Adoptions.

255. **Mr. Murphy** asked the Minister for Health and Children if it is possible for Irish persons to adopt children from Vietnam; and if there is a bilateral agreement between the two countries. [16312/04]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): During 2002 the Vietnamese authorities decided that, from the end of 2002, adoptions would be allowed only to countries with which a bilateral agreement was in place. Accordingly, in March 2003, I contacted the Irish ambassador, and a delegation headed by the ambassador to Malaysia and Vietnam negotiated a bilateral agreement on inter-country adoption. Both Ireland and Vietnam have signed and ratified the agreement.

The practical operation of the agreement is a matter for the Adoption Board. The board has informed me that, following an interview process, it nominated an individual to act as an authorised person under the agreement. The board is now awaiting approval of the authorised person from the Vietnamese authorities.

Services for People with Disabilities.

256. **Mr. McGuinness** asked the Minister for Health and Children if he has determined the extent of the facility to be provided for persons with autism at Myshall, County Carlow; when a decision will be made regarding the provision of a centre of excellence at that location for the care and treatment of persons with autism; and if he will make a statement on the matter. [16317/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): As the information requested by the Deputy regarding Myshall is, in the first instance, the responsibility of the South Eastern Health Board, my Department has asked the chief executive officer of the South Eastern Health Board to investigate the matter and reply directly to the Deputy.

Hospital Services.

257. **Mr. Crowe** asked the Minister for Health and Children if his attention has been drawn to the logjam at Tallaght Hospital, at which up to 41 patients have been left on trolleys on several occasions in 2004; and the funding and resources he proposes to introduce to prevent that occurring. [16394/04]

Minister for Health and Children (Mr. Martin): Responsibility for the funding of services at the Adelaide and Meath Hospital, incorporating the National Children's Hospital, Tallaght, rests with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive of the authority to investigate the matter raised by the Deputy and to reply to him directly.

Services for People with Disabilities.

258. **Mr. Crowe** asked the Minister for Health and Children if his attention has been drawn to the difficulties being experienced by deaf and hard-of-hearing persons who wish to follow social and political current affairs programmes on television channels (details supplied); and the discussions he has had with senior management at those channels regarding that matter. [16395/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The issue raised by the Deputy has not previously been brought to my attention. It does not appear to be a matter for my Department.

National Treatment Purchase Fund.

259. **Mr. Ring** asked the Minister for Health and Children the reason questions relating to having persons (details supplied) in County Mayo treated under the national treatment purchase plan are not being responded to in full. [16396/04]

Minister for Health and Children (Mr. Martin): The provision of hospital services to residents of County Mayo is the responsibility of the Western Health Board. My Department has asked the chief executive officer of the board to investigate the issues raised and to reply directly to the Deputy.

Health Board Services.

260. **Mr. Ring** asked the Minister for Health and Children the reason Question No. 295 of 11 May 2004 has not been answered in full by the Western Health Board. [16397/04]

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. The Western Health Board has outlined the position in this case in its letter to the Deputy dated 29 April 2004. My Department

has again asked the chief executive officer of the board to respond to the Deputy's queries regarding this case and to reply directly to him.

Long-Term Illness Scheme.

261. **Mr. N. O'Keeffe** asked the Minister for Health and Children if a person (details supplied) in County Cork who suffers from cystic fibrosis is entitled to receive a long-term illness scheme card. [16402/04]

Minister for Health and Children (Mr. Martin): Under the Health Act 1970, a health board may arrange for the supply, without charge, of drugs, medicines and medical and surgical appliances to people with a specified condition, for the treatment of that condition under the long-term illness, or LTI, scheme. The conditions are: mental handicap, mental illness — for people under 16 only, phenylketonuria, cystic fibrosis, spina bifida, hydrocephalus, diabetes mellitus, diabetes insipidus, haemophilia, cerebral palsy, epilepsy, multiple sclerosis, muscular dystrophies, parkinsonism, conditions arising from thalidomide and acute leukaemia.

The Deputy will be pleased to note that cystic fibrosis is an eligible condition for the LTI scheme. A person with an eligible condition should contact their local health board to register under the scheme.

Health Board Allowances.

262. **Mr. N. O'Keeffe** asked the Minister for Health and Children if he will investigate the case of a person (details supplied) in County Cork seeking the backdating of a domiciliary care allowance in respect of their child for the period of time they were resident in the Dublin area. [16403/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The assessment of entitlement to and payment of the domiciliary care allowance, including the payment of arrears, in any individual case is a matter for the relevant health board. My Department has therefore asked the regional chief executive, Eastern Regional Health Authority, to investigate the matter raised by the Deputy and reply directly to him.

Hospital Services.

263. **Mr. Connaughton** asked the Minister for Health and Children the reason a person (details supplied) in County Galway has been unable to have a hernia operation as a public patient at University College Hospital, Galway; and if he will make a statement on the matter. [16408/04]

Minister for Health and Children (Mr. Martin): The provision of hospital services to residents of County Galway is the responsibility of the

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Western Health Board. My Department has asked the chief executive officer of the board to investigate the position regarding the case and to reply directly to the Deputy.

Services for People with Disabilities.

264. **Dr. Upton** asked the Minister for Health and Children if he will investigate the lengthy unacceptable delays in a service (details supplied); and the steps he will take to improve the matter. [16409/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The provision of health-related services, including occupational therapy, for people with physical or sensory disabilities is a matter for the Eastern Regional Health Authority and the health boards in the first instance. Accordingly, the Deputy's question has been referred to the regional chief executive of the Eastern Regional Health Authority with a request that he examine the matter and reply directly to the Deputy as a matter of urgency.

265. **Dr. Upton** asked the Minister for Health and Children if a person and their family (details supplied) in Dublin 6W will have the benefit of respite care; and if he will make a statement on the matter. [16410/04]

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 and autism in the Dublin area is a matter, in the first instance, for the Eastern Regional Health Authority. My Department has, therefore, asked the chief executive officer of the Eastern Regional Health Authority to investigate the matter raised by the Deputy and reply directly to her.

Nursing Home Subventions.

266. **Mr. Wall** asked the Minister for Health and Children if his attention has been drawn to the fact that a person (details supplied) in County Kildare is unable to stay in a nursing home owing to the financial implications of the cost to their family; if he will investigate the matter and have it resolved; and if he will make a statement on the matter. [16414/04]

Minister of State at the Department of Health and Children (Mr. Callely): As the Deputy will be aware, the provision of health services in the Kildare area is, in the first instance, the responsibility of the South Western Area Health Board acting under the aegis of the Eastern Regional Health Authority. My Department has, therefore, asked the chief executive of the authority to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

Departmental Audits.

267. **Mr. Kenny** asked the Minister for Health and Children the number of internal audit reports completed in his Department since January 2001; the title of each completed audit report; and if he will make a statement on the matter. [16465/04]

Minister for Health and Children (Mr. Martin):

The audits carried out in my Department since 1 January 2001 are as follows: ERDF operational programme 1994 to 1999: Tallaght Hospital: 5% verification under Article 3.1(b) of Regulation 2064/97: audit carried out by consultants Deloitte & Touche: January 2002.

ERDF operational programme 1994 to 1999: vocational training infrastructure: system-based audit: 1999 to close of programme under Article 3.1(a) of Regulation 2064/97: audit carried out by consultants Deloitte & Touche: December 2002.

ERDF operational programme 1994 to 1999: vocational training infrastructure: 5% verification under Article 3.1(b) of Regulation 2064/97: audit carried out by consultants Deloitte & Touche: February 2003.

ESF human resources operational programme 1994 to 1999: NRB: 5% verification under Article 3.1(b) of Regulation 2064/97: the verification report was collated by the Department's internal audit unit: February 2003.

Patient Statistics.

268. **Mr. Gregory** asked the Minister for Health and Children the number of babies born in May 2004 in each of the Dublin maternity hospitals, the parents of whom had entered the State during 2004. [16483/04]

283. **Mr. Gregory** asked the Minister for Health and Children the number of requests received during May 2004 from non-nationals who were still resident outside of this country during May 2004 to make arrangements for admission to each of Dublin's maternity hospitals. [16592/04]

Minister for Health and Children (Mr. Martin):

I propose to take Questions Nos. 268 and 283 together.

The information requested by the Deputy is not routinely collected by my Department. My Department has, therefore, requested the regional chief executive of the Eastern Regional Health Authority to collate the information and to forward it directly to the Deputy.

Medical Aids and Appliances.

269. **Mr. Stagg** asked the Minister for Health and Children the reason special tricycles for children with moderate or severe learning difficulties are subsidised by health boards in some parts of the country but are not subsidised in the SWAHB region; and if he will make a statement on the matter. [16484/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Responsibility

for the provision of health services for people with intellectual disabilities and autism in the south-west region is a matter, in the first instance, for the Eastern Regional Health Authority. My Department has, therefore, asked the chief executive officer of the Eastern Regional Health Authority to investigate the matter raised by the Deputy and reply to him directly.

Services for People with Disabilities.

270. **Mr. Stagg** asked the Minister for Health and Children the reason the SWAHB refuses to award a grant in respect of a special needs bed (details supplied); and if the grant will be issued now without delay; and if he will make a statement on the matter. [16486/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Responsibility for the provision of health services to people with intellectual disabilities in the south-east region of Dublin is a matter, in the first instance, for the Eastern Regional Health Authority. My Department has, therefore, asked the chief executive officer of the Eastern Regional Health Authority to investigate the matter raised by the Deputy and reply directly to him.

Health Board Services.

271. **Mr. Stagg** asked the Minister for Health and Children the reason a person (details supplied) in County Kildare who had a stroke cannot be transported to rehabilitation in Dún Laoghaire for speech therapy owing to the fact that transport is not provided by the health board in the afternoons; his views on whether that is fair to the person, who has now missed their first appointment owing to that rule; if he will investigate the matter with a view to providing transport for the person; and if he will make a statement on the matter. [16487/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Responsibility for the provision of health-related services for people with a physical disability in the Dún Laoghaire region is a matter, in the first instance, for the Eastern Regional Health Authority. My Department has, therefore, asked the chief executive officer of the Eastern Regional Health Authority to investigate the matter raised by the Deputy and reply directly to him.

Hospital Services.

272. **Ms McManus** asked the Minister for Health and Children if his attention has been drawn to the fact that persons under the age of 65 cannot avail of physiotherapy at Tallaght Hospital; his views on whether that is unsatisfactory; and his plans to improve the situation. [16488/04]

Minister for Health and Children (Mr. Martin): Responsibility for the funding of services at the Adelaide and Meath Hospital, incorporating the

National Children's Hospital, Tallaght, rests with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive of the authority to investigate the matter raised by the Deputy and to reply to her directly.

Health Board Services.

273. **Ms McManus** asked the Minister for Health and Children if his attention has been drawn to the fact that there is a one-year waiting period for speech and language therapy for children in Bray, County Wicklow, and a four-year waiting period in Wicklow; and if the recruitment embargo will be lifted to ensure proper staffing to meet the need. [16489/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The provision of health-related services, including speech and language therapy, for people with physical or sensory disabilities is a matter for the Eastern Regional Health Authority and the health boards in the first instance. Accordingly, the Deputy's question has been referred to the regional chief executive of the Eastern Regional Health Authority with a request that he examine the matter and reply directly to the Deputy as a matter of urgency.

Hospital Services.

274. **Mr. Carey** asked the Minister for Health and Children the capital and revenue funding that will be available in 2004 to a hospital (details supplied); if new plans will be funded; and if he will make a statement on the matter. [16490/04]

Minister for Health and Children (Mr. Martin): Responsibility for the funding of services at Cappagh National Orthopaedic Hospital rests with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive of the authority to examine the issues raised and to reply to the Deputy directly.

Services for People with Disabilities.

275. **Mr. Carey** asked the Minister for Health and Children the reason adequate services have not been put in place to assist a person (details supplied) in Dublin 11 with fragile X syndrome; and if he will make a statement on the matter. [16491/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Responsibility for the provision of health services to people with disabilities and autism in the Dublin region is a matter, in the first instance, for the Eastern Regional Health Authority. My Department has, therefore, asked the chief executive officer of the Eastern Regional Health Authority to investigate the matter raised by the Deputy and reply directly to him.

Health Board Services.

276. **Ms Shortall** asked the Minister for Health and Children the policy of the ERHA regarding orthodontic care for children in cases in which conflicting assessments are given to parents by a private orthodontist and by the health board's own orthodontist as in the case of a person (details supplied) in Dublin 3; the number of category V patients who have been treated in each of the past three years; the number currently awaiting treatment; and if he will make a statement on the matter. [16492/04]

Minister for Health and Children (Mr. Martin):

As the Deputy is aware, the provision of orthodontic services to eligible persons is the responsibility of the health boards or authority in the first instance.

The aim of my Department is to develop the treatment capacity of orthodontics in a sustainable way over the longer term. Given the potential level of demand for orthodontic services, the provision of those services will continue to be based on prioritisation of cases based on treatment need, as happens under the existing guidelines. It is widely recognised that decisions made in the private sector regarding orthodontic treatment are based primarily on subjective need and are not based on any evidence linking the orthodontic condition to any aspect of dental ill health. On the other hand, decisions made in health boards are based on prioritised guidelines ensuring that cases are selected for treatment based on the objective severity of the condition.

The guidelines for orthodontic treatment were issued in 1985. They are intended to enable health boards to identify in a consistent way those in greatest need and to commence timely treatment for them. Patients in category A require immediate treatment and include those with congenital abnormalities of the jaws such as cleft lip and palate, and patients with major skeletal discrepancies between the sizes of the jaws. Patients in category B have less severe problems than category A patients and are placed on the orthodontic treatment waiting list. Patients in category C have less severe problems than in category B. The number of cases treated is dependent on the level of resources available in qualified staff in the area, and that is reflected in the treatment waiting list. The provision of orthodontic services is severely restricted due to the limited availability of trained specialist clinical staff to assess and treat patients. Consequently, a category C waiting list may not be maintained in some health boards.

However, I am pleased to advise the Deputy that I have taken several measures to address the shortage of specialists and so increase the treatment capacity of orthodontic services in the Eastern Regional Health Authority, or ERHA, area and on a national basis.

The grade of specialist in orthodontics has been created in the health board orthodontic service.

In 2003, my Department and the health boards funded 13 dentists from various health boards for specialist in orthodontics qualifications at training programmes in Ireland and at three separate universities in the United Kingdom. Those 13 trainees for the public orthodontic service are additional to the six dentists who commenced their training in 2001. Thus, there is an aggregate of 19 dentists in specialist training for orthodontics, including five from the ERHA. Those measures will complement the other structural changes being introduced into the orthodontic service, including the creation of an auxiliary grade of orthodontic therapist to work in the orthodontic area.

In June 2002, my Department provided additional funding of €5 million from the treatment purchase fund to health boards specifically for the purchase of orthodontic treatment. That funding is enabling boards to provide both additional sessions for existing staff and purchase treatment from private specialist orthodontic practitioners. The ERHA received €1.815 million from the fund for the treatment of cases in that way.

The regional chief executive of the authority has informed my Department that, at the end of the March quarter for 2004, 3,695 children were awaiting orthodontic treatment. The regional chief executive of the authority has also informed my Department that the number of children in treatment in the years 2001, 2002 and 2003 was 3,776, 3,896 and 4,012 respectively.

Nursing Education.

277. **Ms B. Moynihan-Cronin** asked the Minister for Health and Children the number of nurses with special needs training to deal specifically with Parkinson's disease; the location of those nurses; the proposals he has to provide a specially trained Parkinson's nurse for the Kerry area; and if he will make a statement on the matter. [16493/04]

Minister for Health and Children (Mr. Martin):

Parkinson's disease is a neurological disorder. The care and nursing management of the condition is included on the curriculum of the undergraduate general nursing degree and diploma. Regarding specialist training, Parkinson's disease fits into the broader area of neurology. There are eight clinical nurse specialist, or CNS, posts in neurology with one post specific to Parkinson's disease and Aspen. That post is based in the Mid-Western Health Board. Gerontological nursing also embraces the holistic approach to care for persons with Parkinson's disease. The National Council for the Professional Development of Nursing and Midwifery has approved 13 CNS posts specific to care of the older person. I understand that the Southern Health Board has no immediate plans to develop a specialist nursing post in the area of Parkinson's disease in County Kerry.

Medical Aids and Appliances.

278. **Mr. R. Bruton** asked the Minister for Health and Children if he has satisfied himself that his Department supports the cost of expensive medical appliances for persons with a serious disability only in circumstances in which their income is below medical card guidelines (details supplied); the extent to which Ireland is out of line with other EU countries in failing to provide substantial cost rebates for medical appliances for persons with a disability; and his estimate of the cost of providing hearing aids to persons with an identified acute hearing difficulty without a means test. [16530/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The information sought by the Deputy is not readily available in my Department. If the Deputy has a specific instance in mind, I will have the case examined by my Department on receipt of the relevant details.

Patient Statistics.

279. **Mr. Gormley** asked the Minister for Health and Children the figures available for ulcerative colitis for the age group of 16 to 25 for the years 2002 and 2003; the figures for the age group of 16 to 25 for the years 2001, 2002 and 2003 for Crohn's disease; if an increase has been noted; the steps he intends to take to ensure that patients are entitled to the long-term illness payment (details supplied); and if he will make a statement on the matter. [16531/04]

Minister for Health and Children (Mr. Martin): The conditions that the Deputy refers to are not notifiable diseases under the public health system. Thus the figures that the Deputy requested are not collected by my Department.

Under the Health Act 1970, a health board may arrange for the supply, without charge, of drugs, medicines and medical and surgical appliances to people with a specified condition for the treatment of that condition under the long-term illness, or LTI, scheme. The conditions are: mental handicap, mental illness — for people under 16 only, phenylketonuria, cystic fibrosis, spina bifida, hydrocephalus, diabetes mellitus, diabetes insipidus, haemophilia, cerebral palsy, epilepsy, multiple sclerosis, muscular dystrophies, parkinsonism, conditions arising from thalidomide and acute leukaemia.

Other schemes provide assistance towards the cost of approved drugs and medicines for people with significant ongoing medical expenses. People who cannot, without undue hardship, arrange for the provision of medical services for themselves and their dependants may be entitled to a medical card. Eligibility for a medical card is solely a matter for the chief executive officer of the relevant health board. In determining eligibility, the CEO has regard to the applicant's financial circumstances. Health boards use income guidelines to assist in determining eligibility. However, where a person's income exceeds the

guidelines, a medical card may be awarded if the CEO considers that the person's medical needs or other circumstances would justify that. Medical cards may also be issued to individual family members on that basis. Non-medical card holders and people with conditions not covered under the LTI can use the drugs payment scheme. Under that scheme, no individual or family unit pays more than €78 per calendar month towards the cost of approved prescribed medicines. There are no plans to amend the list of eligible conditions for the LTI.

Health Board Services.

280. **Mr. Gormley** asked the Minister for Health and Children the reason that children with learning difficulties and in need of speech and language therapy have not received any therapy for more than a year; and the reason that their parents have now been informed that those children, who need the therapy at a vital stage of their lives, are not on a waiting list. [16532/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The provision of health-related services, including speech and language therapy, for people with physical or sensory disabilities is a matter for the Eastern Regional Health Authority and the health boards in the first instance. Accordingly, the Deputy's question has been referred to the regional chief executive of the Eastern Regional Health Authority with a request that he examine the matter and reply directly to the Deputy as a matter of urgency.

Vaccination Programme.

281. **Mr. O'Shea** asked the Minister for Health and Children the action he proposes to take in regard to concerns (details supplied) of parents regarding the MMR vaccine; and if he will make a statement on the matter. [16557/04]

Minister for Health and Children (Mr. Martin): The MMR vaccine protects against measles, mumps and rubella and, in accordance with the recommendations of the immunisation advisory committee of the Royal College of Physicians of Ireland, can be administered to children between 12 and 15 months of age. A vaccine uptake rate of 95% is required to protect children from the diseases concerned and to stop the spread of the diseases in the community. Measles, in particular, is a highly infectious and serious disease; approximately one in 15 of children who contract measles suffers serious complications.

There is concern among some parents regarding the measles, mumps and rubella, or MMR, vaccine. Negative coverage on the issue has added to the confusion of parents in deciding whether to vaccinate their children. In April 2002, I launched the MMR vaccine discussion pack, an information guide for health professionals and parents. The pack was produced by the NDSC and the department of public health, Southern

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Health Board, and was published by HeBE on behalf of the health boards. The pack sets out the facts regarding the most common concerns about MMR in a way that will help health professionals and parents to explore those concerns together, review the evidence regarding MMR and provide the basis for making an informed decision. The information is presented in such a way as to allow full discussion between health professionals and parents on each issue. The pack also contains an information leaflet for parents. The pack is set out in a question-and-answer format and addresses such issues as the alleged link between MMR and autism and Crohn's disease, the safety and side effects of the vaccine, the purpose of a second dose of vaccine, combined vaccine versus single doses and contraindications to the vaccine. The pack will enable health professionals to respond to the very real concerns of parents.

There is a sound evidence basis for the use of the MMR vaccine. Since the original publication of UK research from Dr. Andrew Wakefield about a possible causal link between MMR vaccine and autism, many researchers have investigated the proposed causal relationship and concluded that there is no link between MMR vaccine and autism or inflammatory bowel disease. My Department's submission to the Oireachtas committee contained further details on the scientific evidence in that regard. In Ireland, the issue has been examined by the immunisation advisory committee of the RCPI and the Irish Medicines Board. The conclusions are that there is no evidence to support the association between MMR vaccines and the development of autism or inflammatory bowel disease and the vaccine is safer than giving the three component vaccines separately. The Oireachtas committee has also endorsed the safety of the MMR vaccine.

The international consensus from professional bodies and international organisations is that the MMR is a safe and effective vaccine. The institutions include the Medical Research Council expert committee and the British Committee on the Safety of Medicines in the UK, the centres for disease control and prevention, or CDC, and the American Academy of Paediatrics in the USA, as well as the World Health Organisation. Studies by the United States Institute of Medicine concluded that there is no link between the vaccine and autism or inflammatory bowel disease. A large Finnish study involving 1.8 million individuals demonstrated that no case of inflammatory bowel disease or autism was linked to the MMR vaccine. A recent UK study where researchers analysed 2,000 studies from 180 countries found no evidence of a causal link between the MMR vaccine and autism or inflammatory bowel disease. A similar Swedish study found no increase in cases of autism in the ten years since the MMR vaccine was introduced. In late 2002, *The New England Journal of*

Medicine published details of a study of more than 500,000 children born in Denmark between January 1991 and December 1998 which indicated that the risk of autism was the same for children regardless of whether they were vaccinated with MMR. The World Health Organisation, or WHO, strongly endorses the use of MMR vaccine on the grounds of its convincing record of safety and efficacy.

Dr. Simon Murch of the centre for paediatric gastroenterology, Royal Free and University College Medical School, London, who had originally questioned the safety of the MMR vaccine, categorically supports use of the MMR vaccine. In the November 2003 edition of *The Lancet* he states that:

by any rational standards of risk/benefit calculation, it is an illogical and potentially dangerous mistake for parents to be prepared to take their children in a car on the motorway or in an aeroplane on holiday, but not to protect them with the MMR vaccine. An unprotected child is not only at personal danger, but represents a potential hazard to others, including unborn children.

I am aware that the editor of *The Lancet* has said recently that the journal had learned of a "fatal conflict of interest" concerning the research carried out by Dr. Wakefield. I understand that the British General Medical Council is to examine that matter.

I have no plans for the introduction of a national database at this stage. I would like to take this opportunity again to urge all parents to have their children immunised against the diseases covered by the childhood immunisation programme to ensure that both their children and the population generally have maximum protection against the diseases concerned.

National Drugs Strategy.

282. **Mr. Crowe** asked the Minister for Health and Children the number of clients that are receiving methadone treatment, the yearly cost of such treatments; and if he will report on the average waiting time for heroin addicts seeking help in the various Dublin health board areas. [16575/04]

Minister for Health and Children (Mr. Martin):

Responsibility for the provision of drug treatment services rests with the health boards in the first instance. Since 1997, additional funding of €52 million has been provided to health boards to fund a wide range of drug treatment services. Those services include methadone maintenance, methadone detoxification, education, outreach services, rehabilitation and counselling.

I am advised by the Eastern Regional Health Authority, or ERHA, that, as of 30 April 2004, 6,611 clients were in receipt of methadone treatment in the Eastern Region, shown in Table 1. That represents 95.5% of clients in treatment nationally.

Table 1: Number of clients by provider agency as of
30 April 2004

Eastern Regional Health Authority	
East Coast Area Health Board	713
Northern Area Health Board	2,419
South Western Health Board	2,642
Drug Treatment Centre Board	495
Prison Services in ERHA	342
Total	6,611

I am also advised that, as of 30 April 2004, there were 319 clients awaiting methadone treatment, and the average waiting time for clients on the list was 5.5 months, shown in Table 2.

Table 2: Number of clients on waiting list by provider agency as of 30 April 2004

Service Provider	Number waiting
East Coast Area Health Board	7
Northern Area Health Board	49
South Western Health Board	178
Drug Treatment Centre Board	85
Total	319

Question No. 283 answered with Question No. 268.

Hospital Services.

284. **Ms O. Mitchell** asked the Minister for Health and Children the number of lung transplants anticipated at the new Mater Hospital unit in 2004; and the number anticipated per annum when the unit is operating at a capacity which is consistent with the maximum anticipated availability of transplant organs. [16613/04]

285. **Ms O. Mitchell** asked the Minister for Health and Children the number of lung transplants which took place at Newcastle as part of the Irish-Newcastle contract arrangements in each of the years from 1999 until 2003. [16614/04]

Minister for Health and Children (Mr. Martin): I propose to take Questions Nos. 284 and 285 together.

Services at the Mater Hospital are provided under an arrangement with the Eastern Regional Health Authority. The primary objective in establishing an Irish-based lung transplant programme is to increase the numbers of Irish patients receiving lung transplants, while at the same time ensuring that the clinical outcomes for those patients are at least as good as those obtained in established centres elsewhere.

Consistent with that objective, and having regard to the complexity of the issues involved in establishing a transplant programme, a phased

approach to the repatriation of the lung transplant programme is being taken.

My Department is advised that the Mater Hospital is proposing to carry out three lung transplants this year and hopes to increase that level of activity to at least 15 transplants per annum as the programme develops. The service agreement with the Freeman Hospital in Newcastle provides for a minimum of 15 lung transplants to be performed on Irish patients in the current year, subject to the availability of suitable organs. The position will be further reviewed in the event of additional donor organs being available.

My Department is advised that the number of lung transplants performed on Irish patients at the Freeman Hospital in Newcastle in each of the years from 1999 to 2003 is as follows:

	Number
April 1999 to March 2000	4
April 2000 to March 2001	7
April 2001 to March 2002	9
April 2002 to March 2003	13
April 2003 to March 2004	14
	47

Driving Tests.

286. **Ms Enright** asked the Minister for Transport when a person (details supplied) in County Offaly who applied for a driving test in November 2003 can expect to be given a date to take their driving test; and if he will make a statement on the matter. [16595/04]

Minister for Transport (Mr. Brennan): A driving test will be arranged as soon as possible for the person concerned.

Public Transport.

287. **Dr. Twomey** asked the Minister for Transport if the Railway Procurement Agency and the CIE group of companies applied to National Development Finance Agency for advice on any Public Private Partnership projects. [16636/04]

Minister for Transport (Mr. Brennan): I am informed by CIE and the Rail Procurement Agency that they have held discussions with the National Development Finance Agency, or NDFA, regarding options for financing major capital projects. Such discussions have included the scope for public private partnership arrangements.

Rail Services.

288. **Mr. O'Shea** asked the Minister for Transport the proposals he has to publish and implement a rail freight national policy (details supplied); and if he will make a statement on the matter. [16146/04]

Minister for Transport (Mr. Brennan): It is my policy that Iarnród Éireann should remain in the rail freight business, and I am aware that the company has made great strides in the past year in restructuring that element of its operations.

As part of an overall plan to address its difficult financial position, Iarnród Éireann is undertaking a restructuring of its rail freight business. Its strategy is to develop the profitable traffic it already has, such as bulk freight and trainload traffic, and reshape the loss-making container business.

Over recent months, the company has attracted additional freight traffic to the railways, particularly from the west. I understand that it is in negotiation with other prospective customers and continues to examine new sources of business, all of which will serve to reduce the impact of freight on the road network.

Railway Stations.

289. **Mr. Gregory** asked the Minister for Transport his response to the issues raised in the correspondence (details supplied) regarding the lack of service for the disabled at Connolly and Tara rail stations; and if he will make a statement on the matter. [16185/04]

Minister for Transport (Mr. Brennan): The issues raised by the Deputy are day-to-day operational matters for Iarnród Éireann.

However, the company has informed me that the lift in question at Tara Street was in operation on Saturday, 22 May 2004. It is accepted that the lift operates very slowly as it has constantly been subject to abuse and vandalism. Options to improve the performance of the lift are being reviewed.

Iarnród Éireann has further informed me that, when Connolly Station was redeveloped, the layout and location of the old suburban entrance did not lend itself to improvements up to modern standards, including the installation of escalators and lifts. A new link was opened between the suburban and main station with escalator and lift for easier access. That facility was opened on 1 October 2000, and Iarnród Éireann states that it has proved very popular with their customers, and it is not proposed to reopen the old entrance.

Driving Tests.

290. **Mr. Howlin** asked the Minister for Transport the current waiting list for the D1 licence driving test; if in view of the fact that applicants require this licence for employment purposes, he can take steps to reduce the waiting time for tests; and if he will make a statement on the matter. [16186/04]

Minister for Transport (Mr. Brennan): Applicants for heavy goods vehicle tests are given a higher priority than other categories as my Department is aware that such applicants usually require the driving test for employment purposes.

Separate statistics on the waiting times for such tests are not compiled.

Light Rail Project.

291. **Mr. Crowe** asked the Minister for Transport if his attention has been drawn to the concerns highlighted recently regarding the passenger capacity of the proposed light rail carriages for the Tallaght Luas line; and if he has had discussions recently in relation to this matter. [16243/04]

Minister for Transport (Mr. Brennan): The Railway Procurement Agency has informed me that it will monitor capacity levels on the Luas lines once passenger services commence and it has assured me that there is some flexibility to increase service frequency should the demand so require.

Road Safety.

292. **Mr. Cuffe** asked the Minister for Transport his views on the National Safety Council's belief that adults and teenagers should be permitted to cycle only while wearing cycle helmets and that children should not be permitted to cycle at all; and his views on the British Medical Association and others' belief that benefits of a mandatory helmet law for cyclists would be outweighed by the resulting drop in cycling, and that cycling produces far more health benefits than costs. [16426/04]

Minister of State at the Department of Transport (Dr. McDaid): It is longstanding Government policy to recommend and promote the wearing of cycle helmets by all cyclists. The literature internationally does not agree whether the wearing of safety helmets is best achieved through the compulsory route or through other strategies. I am of the view that the wearing of cycle helmets is better achieved by way of encouragement and education rather than by pursuing a punitive approach to the issue particularly having regard to the large numbers of children and young people who cycle. The rules of the road booklet encourages the use of cycle helmets and draws attention to their safety benefits.

I have no plans to make the wearing of bicycle safety helmets, for children and adults, a legal requirement at this time. I am satisfied that at present a statutory requirement to wear cycle helmets, together with the associated prosecutions and penalties for contravention, would not be appropriate, particularly in the case of minors. For similar reasons I believe that a prohibition on cycling by children would not be appropriate. I believe that equipping children with the necessary skills for the safe use of a bicycle and using it in accordance with responsible parental guidance are the appropriate ways to deal with child cycle safety. I am advised that this is also the approach to cycle safety recommended by the National Safety Council.

Public Transport.

293. **Ms Shortall** asked the Minister for Transport if his attention has been drawn to the fact that 42% of the Dublin Bus fleet is low-floor wheelchair accessible; the discussions he has had with Dublin Bus to improve this figure significantly; if he has agreed additional resources for Dublin Bus for this particular purpose; and if he will make a statement on the matter. [16438/04]

Minister for Transport (Mr. Brennan): All buses purchased by Dublin Bus since the year 2000 are low-floor wheelchair accessible vehicles. The implementation of this policy has resulted in 42% of the Dublin Bus fleet now being comprised of wheelchair accessible vehicles. Following discussions with my Department, it is now company policy that all new buses purchased are

low-floor accessible vehicles. I understand that under current plans, the company hopes to increase the ratio of accessible buses to 60% by the end of 2006.

Departmental Audits.

294. **Mr. Kenny** asked the Minister for Transport the number of internal audit reports completed within his Department since January 2001; the title of each completed audit report; and if he will make a statement on the matter. [16466/04]

Minister for Transport (Mr. Brennan): As the Deputy is aware the Department of Transport was formed in June 2002. Following is a table listing internal audits carried out in this Department from mid 2002 to date. Summary List of all Internal Audits carried out since January 2001

EU Audits

Report Number	Title	Fund	Type of Report	Date
EUIAR 8	Energy Efficiency Measure	ERDF- Economic Infrastructure Operational Programme 1994-1999	Final Report-Systems Audit	November 2002
EUIAR 9	E-Commerce Corporate Infrastructure Measure	ERDF- Economic Infrastructure Operational Programme 1994-1999	Final Report-Systems Audit	December 2002
EUIAR 10	Technical Assistance Measure	ERDF- Economic Infrastructure Operational Programme 1994-1999	Final Report-5% Verification Check	October 2002
EUIAR 11	Dunleer-Dundalk (Stage 2) Project	Cohesion Fund 1994-1999	Final Report-Systems Audit	May 2003
EUIAR 12	M1 Cloghran-Lissenhall (Stage 2) Project	Cohesion Fund 2000-2006	Final Report-Systems Audit	March 2004
EUIAR 13	M1 Lissenhall-Balbriggan Project	Cohesion Fund 2000-2006	Final Report-Systems Audit	March 2004

Non-EU Audits

Report Number	Title	Type of Report	Date
IAR 17	Travel & Subsistence System	Final Report-Systems Audit	November 2003

Parking Regulations.

295. **Mr. Carey** asked the Minister for Transport if, in relation to the enforcement of the parking or lorries in excess of three tonnes in residential areas, whether it is possible to park the tractor unit of an articulated vehicles in such an area even if this unit is in itself over three tonnes and is parked without the trailer unit attached; and if he will make a statement on the matter. [16547/04]

Minister for Transport (Mr. Brennan): Article 38 of the Road Traffic (Traffic and Parking) Regulations 1997 provides that where the appropriate traffic sign is provided by a local authority, a vehicle whose unladen weight exceeds the weight specified on the information plate accompanying the sign shall not be parked in the said area. For the purposes of the regulations, a vehicle includes the drawing component of an articulated vehicle where the

unladen weight of such component exceeds that specified on the information plate.

Decisions as regards the locations where such prohibitions are to be applied and the size, that is, weight, of vehicles to be banned from parking at such locations are matters for determination by the relevant local authorities. This provision can be implemented on an area basis through the provision of the appropriate signage on the main entrance roads into particular estates and the restriction applies until a traffic sign is encountered indicating the end of the prohibition. This obviates the need to provide individual signs on every estate road. Enforcement of these regulations is a matter for local authority traffic wardens and the Garda Síochána.

Public Transport.

296. **Mr. R. Bruton** asked the Minister for Transport the number of notifications he has

[Mr. R. Bruton.] received from Dublin Bus concerning a proposed new service or proposed change to an existing service in the greater Dublin area since 10 January 2001; if he can confirm that Dublin Bus does not require the authority of his Department before making a decision to operate a new bus route; and if he will make a statement on the matter. [16548/04]

Minister for Transport (Mr. Brennan): Section 7 of the Road Transport Act 1932 prohibits the carrying on of a passenger road service without a licence. However, section 24 of the Transport Act 1958 provides that this does not apply to the State bus companies. Section 25 of the Transport Act 1958 then goes on to provide the State bus companies may not, without the consent of the Minister, initiate any passenger road service or alter any passenger road service for the time being operated by them so as to compete with a licensed passenger road service.

Since 10 January 2001, Bus Éireann and Dublin Bus are required by statutory ministerial direction to notify my Department of proposed new services or proposed changes to existing services at least four weeks prior to their introduction. Where a proposal conflicts with a prior application from a private operator to licence a service under the Road Transport Act 1932, Bus Éireann or Dublin Bus, when notified by my Department, is required to defer the introduction of the proposed service changes until the prior application from the private operator concerned is decided. Once the application for the licence has been processed, Bus Éireann or Dublin Bus will be advised that the Department has noted its proposal and it is free to proceed or, where appropriate, it will be asked to review its proposals in the light of any licence that may have been issued to the private operator for the route in question. In the majority of cases there is no conflict with an existing licensed service or with a prior licence application and in these circumstances the companies' proposals are noted within one month of receipt and they are then free to proceed. My Department has received 149 notifications from 10 January 2001 to date from Dublin Bus for amendments to existing services and for new services in the greater Dublin area. Of these, 40 notifications were received in 2001, 33 in 2002, 52 in 2003 and 24 in 2004 to date.

State Airports.

297. **Mr. Crowe** asked the Minister for Transport the rationale for transferring the ownership of Dublin, Shannon and Cork airports to Aer Rianta in 1999; the professional and departmental advice he received on the matter in favour or against such a transfer; his estimation of the value of these assets; and if he will make a statement on the matter. [16631/04]

298. **Mr. Crowe** asked the Minister for Transport if he will report on the economic case made by departmental officials and all professional consultants, hired since 1997, for or against the break-up of Aer Rianta; and if he will make a statement on the matter. [16632/04]

299. **Mr. Crowe** asked the Minister for Transport the professional and departmental advice he has received on the future projected profitability of Dublin, Shannon and Cork airports; and if he will make a statement on the matter. [16633/04]

Minister for Transport (Mr. Brennan): I propose to take Questions Nos. 297 to 299 inclusive.

The Air Navigation and Transport (Amendment) Act 1998 provided for the vesting of the three State airports at Dublin, Shannon and Cork in Aer Rianta and for the establishment of the latter as a normal commercial State owned company. Prior to the passing of the 1998 Act, Aer Rianta operated and managed the three airports on behalf of the Minister. Even though Aer Rianta acquired most of the airport assets itself, it held those assets in trust. Some airport property, however, was funded by the State and the company made a payment of £13.9million-€17.65million — representing the written down value of Exchequer funded airport assets — to the Exchequer when ownership of the three airports was vested in it following the passing of the 1998 Act.

There have been a number of consultancy or expert reports in recent years in relation to Aer Rianta and the State Airports including the Warburg Dillon Read report of 1999 which reviewed the strategic options for the future of Aer Rianta, the Doganis report of January 2002 on aviation-tourism issues and the Mullarkey report of February 2003 on the independent terminal concept for Dublin Airport. In addition, in May of last year, Aer Rianta submitted to me a copy of a report which the company commissioned from NERA Economic Consulting on competition in the context of Irish airports.

The Warburg Dillon Read report of 1999, while offering some general observations on the issue of separating the three State airports, did not analyse this issue, draw any conclusions nor make any recommendations in respect of it. The work which is being carried out by my Department's current advisers, PricewaterhouseCoopers, PWC, in connection with the Government's decision of July last to restructure Aer Rianta does not constitute a consultancy report or study. PWC, together with legal and aviation experts, were engaged last year to advise my Department on all aspects of the implementation of that decision.

PWC has assisted my Department in its analysis of financial projections and data provided both by Aer Rianta at group level and by the chairmen-designate in conjunction with local Aer Rianta management at Shannon and Cork airports. These working papers contain

confidential and commercially sensitive information. They have, however, been provided to the financial advisers engaged by the ICTU and the Aer Rianta unions subject to a strict confidentiality agreement which they entered into with my Department.

It will be a matter for the new airport authorities, when formally established, to develop strategic and business plans, including marketing strategies, for each of the three airports. I believe that with a fresh start both Shannon and Cork airports will be a commercial success and each will maximise sustainable employment both within the airport companies themselves and in their catchment areas. 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.

Family Support Services.

300. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform if a crèche (details supplied) will receive increased funding to allow it continue its important services; and if he will make a statement on the matter. [16272/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Support towards staffing costs under the equal opportunities childcare programme 2000 — 2006 is only made available to community based projects which can demonstrate that they are providing child care in areas of significant disadvantage and are supporting parents who are availing of employment, education or training opportunities.

In July 2001, the group in question received a staffing grant of €44,441 for one year, towards the staffing costs of its out of school project. This funding was administered by the former Department of Social, Community and Family Affairs. The group then submitted a further application under the EOCP and, in March 2003, was awarded additional staffing funding of €70,000 over two years, towards the operation of its child care service, which operates full-time out of school term. This funding of €35,000 per annum was considered to be appropriate to the level of service being provided by the group. The Deputy may also be aware that this community based group received capital grant assistance of €2,570 in December 2003. The child care directorate has not received a request from the group to increase this funding level.

Garda Stations.

301. **Cecilia Keaveney** asked the Minister for Justice, Equality and Law Reform the ranking which a Garda station (details supplied) in County Donegal had in each of the years 1998, 2000, 2002 and 2003; and the reason for the decrease in priority afforded to it in view of its

important location; and if he will make a statement on the matter. [16333/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I understand that the Deputy has been informed by the Minister of State at the Department of Finance, Deputy Parlon, in a recent reply to Question No. 128 of 25 May 2004 that, for operational reasons, the completion of works to Burnfoot Garda station must precede works to the station mentioned by the Deputy. This is because it is necessary to have one of these stations operating with cell accommodation at any one time. This strategy has the agreement of the Garda authorities. In that regard, I understand from the Office of Public Works that it expects to have a contract placed for the necessary works to Burnfoot station in late July, 2004.

As regards the priority afforded to the station mentioned by the Deputy, it was not until 2002 that it was placed on the Garda building programme list at No. 32 because of the scope of the works envisaged for the station. In 2003 it was placed at No. 34 on the list, a position it still holds.

While I cannot say at this time when the project to provide the newly refurbished station will commence, I can assure the Deputy that the matter will be progressed as quickly as overall priorities within the Garda building programme and the availability of financial and other resources allow.

Garda Recruitment.

302. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the membership of the Garda at the latest date for which figures are available; if he has received Cabinet approval for the recruitment of 2,000 additional gardaí; the annual capacity of the Garda training college at Templemore; if he has plans to extend the college or otherwise increase training capacity; and if he will make a statement on the matter. [16358/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities who are responsible for the detailed allocation of resources, including personnel, that the personnel strength of the Garda Síochána, all ranks, as at 28 May 2004 was 11,964.

In April 2000, the Government agreed, *inter alia*, to a system of delegated authority under which recruitment is carried out to maintain the strength of the force at an agreed level. In April 2002, the Government agreed to increase the approved strength of the force by 200 to 12,200. Recruitment was carried out during 2003 with a view to bringing the strength of the force to 12,200 by 31 December 2004.

An Agreed Programme for Government states that the coalition will complete the current expansion of the Garda Síochána and increase recruitment so that numbers will increase by a

[Mr. McDowell.] further 2,000. This commitment remains, and while it will not be possible to increase numbers beyond the approved strength of 12,200 for as long as the cap on public service numbers remains in place, I will be asking the Government to look again at how quickly budgetary circumstances will permit progress towards achieving the target of 14,000 to be made.

The Garda college has accommodation on a weekly basis of 400 single rooms. These are utilised to cater for student and course accommodation. The student garda “living out” programme that has been developed to cater for increased numbers of trainees, enables Garda students to be accommodated off campus and within the environs of Templemore and can cater for a further 300 students per week. The implementation of the Government commitment to increase the strength of the force by a further 2,000 represents a significant challenge for the Garda training college. The annual intake required to implement the commitment would require an enhancement of the current capacity of the Garda college, and this will be factored into the recruitment plan.

Proscribed Organisations.

303. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if the Real IRA is a proscribed organisation under Irish law; if not, the steps being taken to address this issue; and if he will make a statement on the matter. [16608/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Section 18 of the Offences against the State Act 1939 provides, inter alia, that any organisation which raises or maintains or attempts to raise or maintain a military or armed force in contravention of the Constitution shall be an unlawful organisation. Section 19 of the 1939 Act provides that it shall be lawful for the Government by order to declare that such an organisation is an unlawful organisation and ought in the public interest to be suppressed.

One of two such orders made to date is the Unlawful Organisation (Suppression) Order 1939, which suppresses the organisation styling itself the Irish Republican Army, also the IRA and Óglaigh na hÉireann.

It has been held by the courts that labels such as “Official”, “Provisional” or “Real” are irrelevant in considering whether a particular person or group of persons are within the ambit of the 1939 order, that is, whether they belong to an organisation which styles itself the Irish Republican Army, I.R.A. or Óglaigh na hÉireann.

Prisoner Transfers.

304. **Mr. Crowe** asked the Minister for Justice, Equality and Law Reform if there is a swift

mechanism for transferring prisoners from jails in England to prisons here. [16133/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Transfer of Sentenced Persons Acts 1995 and 1997 provide a mechanism whereby Irish persons who are imprisoned overseas may apply to serve the remainder of their sentences in Ireland under the terms of the 1983 Council of Europe Convention on the Transfer of Sentenced Persons.

The purpose of the convention is to facilitate the transfer of foreign prisoners to their home countries by providing a procedure which is simple and expeditious. The procedures involved in processing a transfer request between two states require information to be exchanged about the sentenced person. This information includes a copy of the judgment and of the law on which it is based, sentence administration particulars and medical-social reports. The terms of the convention also provide that, for a transfer to take place, a three-way consent is required from the offender, the sentencing state and the state to which the transfer is requested — the administering state. The convention imposes an obligation on states to ensure that the sentenced person’s consent to a transfer is given voluntarily and with full knowledge of the legal consequences which the transfer would entail for the person concerned.

Due to the complexity of the documentation required to effect a transfer between other states and Ireland, the process of information exchange can be time-consuming. This invariably lengthens the timeframe involved in completing a transfer. The operation of the convention is kept under review by a Council of Europe committee of experts on the operation of European conventions in the penal field. My Department is represented on this committee which seeks to streamline the operation of the convention.

Registration of Title.

305. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform the position in relation to an application (details supplied) with Land Registry; when this application will be completed; and if he will make a statement on the matter. [16135/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is an application for conversion of title which was lodged on 19 May 2004. Dealing Number D2004CR004960R refers. I understand that due to their complicated nature, applications for conversion of title can take some time to process. Accordingly, it is not possible to estimate a completion date at this stage. However, I assure the Deputy that the application is receiving attention in the Land Registry.

Legal Aid Services.

306. **Mr. Crowe** asked the Minister for Justice, Equality and Law Reform the length of waiting lists for free legal aid for clients in the various centres throughout the State; and if he has plans to release additional funding to address the increased demands for this service. [16136/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Legal Aid Board does not process information relating to the length of waiting lists for free legal aid. However, it does record the length of time the person longest on the waiting list has waited. The following table shows the length of time the person longest on the waiting list has waited as of April 2004 by law centre.

The Board operates a procedure whereby priority is accorded for certain categories of cases over other cases, for example, domestic violence, child care and cases where there are time limits. These cases are dealt with immediately. In 2003, the total number of priority appointments offered by law centres was approximately 1,500, or almost 22% of the total number of appointments offered to new clients during the year. The Board continually monitors the waiting times and is seeking to utilise resources in such a way as to reduce them at centres with particularly long waiting times.

With regard to the position of additional funding, funding is allocated to the board, by way of a grant-in-aid and is not allocated by me to individual law centres. In this regard, the Deputy may be interested to note that the grant-in-aid for 2004 is €18,388 million, an increase of almost 5% over the 2003 provision of €17,539 million. The level of resources provided to the Legal Aid Board in recent years has increased significantly. In 1997 the grant-in-aid available to the board was €10.656 million. The figure for 2004 represents an increase of almost 73% during this period.

Law Centre	Maximum Waiting Time in Months in April 2004
Athlone	3.00
Castlebar	2.00
Cavan	2.75
Cork: Popes Quay	7.00
Cork: South Mall	12.00
Blanchardstown	9.75
Clondalkin	3.00
Finglas	13.75
Gardiner Street	7.25
Brunswick Street	11.50
Ormond Quay	3.00
Tallaght	10.75
Dundalk	7.50
Ennis	12.25
Galway	7.00
Kilkenny	12.25

Law Centre	Maximum Waiting Time in Months in April 2004
Letterkenny	9.50
Limerick	5.00
Longford	0.00
Monaghan	3.50
Navan	11.75
Nenagh	4.50
Newbridge	12.00
Portlaoise	17.00
Sligo	5.00
Tralee	5.00
Tullamore	2.25
Waterford	4.50
Wexford	6.50
Wicklow	10.00

307. **Mr. Crowe** asked the Minister for Justice, Equality and Law Reform if he will confirm that many clients requesting assistance at the Tallaght free legal aid centre have to wait up to six months and will he be allocating extra funding for this increasingly busy centre. [16137/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Legal Aid Board does not process information relating to an average waiting time for people seeking its services. However, it does record the length of time the person longest on the waiting list has waited. In this regard, the longest a person has waited, as at 30 April 2004, for legal services at the Tallaght law centre is 10.75 months.

The board operates a procedure whereby priority is accorded for certain categories of cases over others, for example, domestic violence, child care and cases where there are time limits and these are dealt with immediately. In 2003, the total number of priority appointments offered by law centres was approximately 1,500, or almost 22% of the total number of appointments offered to new clients during the year. The Legal Aid Board continuously monitors the waiting times and is seeking to utilise resources in such a way as to reduce them at centres with particularly long waiting times. The board is offering applicants an alternative law centre where waiting times are shorter.

With regard to the position of allocating extra funding for this centre, funding is allocated to the board by way of a grant-in-aid and is not allocated by me to individual law centres. In this regard, the Deputy may be interested to note that the grant-in-aid for 2004 is €18,388 million compared with €17,539 million in 2003. This represents an increase of almost 5% over last years provision and an increase of 71% in funding since 1997.

Legal Aid Services.

308. **Mr. Crowe** asked the Minister for Justice, Equality and Law Reform the position on long

[Mr. Crowe.]
term funding for legal aid centres in the Blanchardstown and Finglas areas; and if there are plans to close them and re-locate them to the city centre. [16154/04]

316. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform the steps he will take to ensure that the law centres in Finglas and Blanchardstown, Dublin will remain open; and if he will make a statement on the matter. [16224/04]

320. **Mr. Carey** asked the Minister for Justice, Equality and Law Reform if there are proposals by the Legal Aid Board to reduce the number of centres it operates in the Dublin area; if there are plans to downsize or close the Finglas office of the board; and if he will make a statement on the matter. [16249/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 308, 316 and 320 together.

The Deputies will be aware that, in accordance with the provisions of the Civil Legal Aid Act 1995, the Legal Aid Board is independent in the exercise of its functions. In particular, section 30 of the Act provides that responsibility for determining how legal services should be provided is solely a matter for the Legal Aid Board. The responsibility of the board in this regard includes decisions in relation to the location of law centres.

I am sure that the Deputies will appreciate that the aim of the Legal Aid Board is to provide a cost effective and professional service, in a timely manner, to the greatest number of persons possible within the level of resources available to it. In this regard the board, as part of its remit, constantly monitors the operation of its law centre network, including the location of law centres, with a view to ensuring that its services are available to the greatest number of people from within its available resources.

As part of this process, I understand that the board is examining the possible benefits of relocating some or all of its suburban law centres in Dublin to locations in the city centre, to bring them closer to the courts. However I have not received any concrete proposals in this regard from the board and I would expect that any such proposal would take into account any proposals by the Courts Service in relation to the location of family law court sittings.

With regard to the position on long term funding for legal aid centres, I can inform the Deputies that funding is allocated to the board, by way of a grant-in-aid and that funding is not allocated by me to individual law centres. In this regard the Deputies may be interested to note that the grant-in-aid to the Legal Aid Board for this year is €18.388 million, an increase of almost 5% over the 2003 provision of €17.539 million. The level of resources provided to the Legal Aid Board in recent years has increased significantly.

In 1997 the grant-in-aid available to the board was €10.656 million. The figure for 2004 represents an increase of almost 73% during this period. During this period, sanction to employ additional staff was conveyed to the board. Since 1997 sanctioned posts in the board's law centre network increased from 191 to 215, of which 89 are solicitor posts, an increase of eight solicitor posts.

Registration of Title.

309. **Mr. Hogan** asked the Minister for Justice, Equality and Law Reform when matters will be completed in respect of a dealing (details supplied) in County Carlow; and if he will make a statement on the matter. [16165/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is an application for First Registration, which was lodged on 6 August, 2003. Dealing Number D2003TJ013898V refers.

I understand that due to the complicated nature of these type of cases, which require examination of an applicant's entitlement to the property concerned, it is not possible to estimate a date of completion at this time.

I am further informed that a query issued to the lodging solicitor on 19 May, 2004 and that the application cannot proceed until this query has been satisfactorily resolved.

However, I assure the Deputy that on receipt of a satisfactory reply, the matter will receive further attention in the Land Registry.

Grant Payments.

310. **Mr. Hogan** asked the Minister for Justice, Equality and Law Reform the reason grant assistance for Carrigeen pre-school in County Kilkenny has ceased; and if he will make a statement on the matter. [16166/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The group referred to by the Deputy was approved a staffing grant of €12,000 for one year and a capital grant of €20,426 under the equal opportunities childcare programme 2000 — 2006 on 20 January 2003. I understand that the group has now drawn down both grants.

The group was advised that the staffing grant would be paid over one year and that they would be required to prepare and submit a development plan which demonstrated their focus on disadvantage, if future funding of the service was to be considered.

As the Deputy may be aware, each application for funding undergoes a thorough assessment by Area Development Management Limited, which has been engaged by my Department to carry out the day to day administration of the programme. On completion of the assessment process all applications are then considered by the programme appraisal committee, which is chaired by my Department, which makes a funding

recommendation to me before I make a final decision on the project proposal.

Recently, following a submission for a staffing grant for a further two years, I concurred with a recommendation of the programme appraisal committee not to approve additional funding, as the group had not satisfactorily demonstrated its focus on disadvantage. As the Deputy will appreciate, funding under the staffing measure of the programme is awarded to community based organisations providing child care which supports disadvantaged parents, particularly women, while accessing work, training or educational opportunities. In this instance, and on the basis of the material supplied by the group, it was considered that this project has limited impact on this objective of the programme.

Visa Applications.

311. **Mr. Gogarty** asked the Minister for Justice, Equality and Law Reform when a decision will be made on a visa application by a person (details supplied); and if he will make a statement on the matter. [16175/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The visa application in question was in respect of a non-EEA national who wished to join his wife who is employed in the State under the work permit scheme. A worker employed under this scheme may be joined by their spouse and minor children, after the worker has been in the State for one year and has been offered a contract for a further year. The worker must also be able to fully support the family members in question without the need to have recourse to public funds. The application in question was refused as the supporting documentation did not show that the worker was in a position to fully support her husband.

It is open to the applicant to appeal against the refusal by writing to the visa appeals officer in my Department, enclosing up to date pay slips or a P60 as evidence of the worker's income. A recent bank statement showing at least three months transactions should also be submitted in support of the appeal.

Citizenship Applications.

312. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform if the application of a person (details supplied) in Dublin 1 for naturalisation can be expedited in view of the exceptional circumstances. [16180/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It is quite clear from the details submitted with the Deputy's question that the individual concerned does not fulfil the statutory residency requirements for making an application for naturalisation until September 2005 at the

earliest. Any matters relating to the processing of the application can be considered when it has been lodged in my Department.

313. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform the position in relation to application for residency for a person (details supplied) in County Louth. [16181/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question arrived in the State in July 2002 and made an application for asylum. His wife arrived in the State the previous month, June 2002, and made an asylum application. She gave birth in September 2002. Both withdrew their asylum applications and applied for residency on the basis of parentage of that Irish born child.

Following the decision of the Supreme Court in the cases of L & O, the separate procedure which then existed to enable persons to apply to reside in the State on the sole basis of parentage of an Irish born child ended on 19 February 2003. The Government decided that the separate procedure would not apply to cases, which were outstanding on that date. There are a large number of such cases outstanding at present, including the case to which the Deputy refers.

Since the persons in question do not have an alternative legal basis for remaining in this jurisdiction the issue of permission to remain will be considered — but only in the context of a ministerial proposal to make a deportation order. In that context, a notification of a proposal to make a deportation order issued to the persons in question on 6 May 2004 and they were given an opportunity to make representations in relation to it. If, in the light of those representations and the range of factors set out in section 3(6) of the Immigration Act 1999, the Minister decides not to make a deportation order, they will be given leave to remain on a humanitarian basis. Because of the large number of such cases on hand I am unable to say at this stage when the file will be further examined.

Registration of Title.

314. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform the position of a folio of a person (details supplied) in County Mayo in the Land Registry. [16206/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that the application referred to by the Deputy is an application for a copy folio and filed map. The original application, No. P2004SM034582P, was lodged and issued on 28 April, 2004. I am informed, however, that in imaging the filed map for this folio an error was made.

I am further informed that on foot a letter received from the lodging solicitors on the 11

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May 2004, a new filed map for this folio was expeditiously prepared and a new copy folio and filed map was issued free of charge on 26 May 2004 to the lodging solicitors. Application No. C2004SM001914U refers.

315. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform if steps will be taken to expedite an application for first registration by a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [16215/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is an application for first registration, which was lodged on 12 May 2004. Dealing No. D2004XS006807K refers. I understand that due to the complicated nature of these type of cases, which require examination of an applicant's entitlement to the property concerned, it is not possible to estimate a date of completion at this time. I am further informed that queries issued to the lodging solicitors on 26 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.

Question No. 316 answered with Question No. 308.

Garda Operations.

317. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if he and the Gardaí will take practical action regarding anti-social behaviour, particularly at the weekends at a location (details supplied) in Dublin 9; and the maximum safety for local residents will be ensured. [16232/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that they are aware of the reports regarding anti-social behaviour in the location concerned. I am further informed that the area will continue to receive particular attention by the community garda in the area. In addition, I understand that gardaí have been assigned under Operation Encounter to patrol the area in particular on Friday and Saturday nights.

I am assured that local Garda management are satisfied that there are adequate resources to meet the policing needs of the area and will ensure that a concentrated visible presence is maintained in this area.

Visa Applications.

318. **Mr. O'Dowd** asked the Minister for

Justice, Equality and Law Reform if visas will be granted to person (details supplied). [16238/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I can inform the Deputy that the visas have been approved on appeal and the visa office in Beijing will be in contact with the applicants to make the necessary arrangements.

Citizenship Applications.

319. **Mr. J. Higgins** asked the Minister for Justice, Equality and Law Reform the status of a citizenship application made by a person (details supplied) in Dublin 15. [16248/04]

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 16 August 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 matter I will inform both the applicant and the Deputy of the outcome.

Question No. 320 answered with Question No. 308.

Registration of Title.

321. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform the position regarding a dealing for a person (details supplied) in County Mayo; and when this section 49 application will be completed. [16274/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is an application under section 49, that is, acquisition of title by virtue of long possession, of the Registration of Titles Act 1964, which was lodged on 18 July 2002. Dealing No. D2002SM006447E refers. I understand that due to their complicated nature, applications under section 49, which require detailed examination of claims for registration as owners, can take some time to process. Accordingly it is not possible to estimate a completion date at this stage. I am further informed that queries issued to the lodging solicitors on 8 October 2003 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.

Road Traffic Accidents.

322. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform If his attention has been drawn to recent criticisms of the National Safety Council from the Dublin Cycling Campaign that road deaths are on the rise due to

a lack of law enforcement by authorities and that Ireland's speed and drink driving checks must be brought in line with other countries such as Austria and Sweden to reduce road deaths; and if he will make a statement on the matter. [12505/04]

323. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform if he plans to ensure that gardaí have sufficient resources to enforce the new road safety strategy; and if he will make a statement on the matter. [12489/04]

324. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to recent comments from the road safety taskforce that insufficient Garda enforcement of road safety measures is contributing to spiralling road deaths here; and if he will make a statement on the matter. [12524/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 322 to 324, inclusive, together.

A very high priority continues to be given to the allocation of resources to the Garda Síochána in relation to road safety. As of 30 April, 2004 the personnel strength of the Garda Síochána was more than 11,900. For the year 2004, the Garda Vote is at its highest ever level at more than €1 billion. There are approximately 520 gardaí attached to dedicated traffic units throughout the State. There are 243 Garda vehicles allocated specifically to traffic duties, including cars, motorbikes and vans as well as an array of modern speed detection equipment, including in-car and motor cycle cameras and mobile GATSO units.

The Garda national traffic bureau, headed by a chief superintendent and based at Garda headquarters, was established in 1998 to give greater focus and direction to Garda road safety initiatives. There are now traffic units in every Garda division with special responsibility for traffic law enforcement and a new unit, managed by the chief superintendent in Dublin Castle, is currently operating on a pilot basis in the Dublin metropolitan region. All Garda personnel have, *inter alia*, a responsibility to deal with road traffic matters as they arise.

I have no responsibility for the National Safety Council. However, the new Road Safety Strategy 2004 — 2006, which is due to be published shortly by my colleague, the Minister for Transport, and to the drafting of which my Department has contributed, contains ambitious enforcement targets which recognise the additional enforcement capacity which innovative measures such as outsourcing and random breath testing will bring to the area of road safety. It is my understanding that the principal targets contained in the forthcoming strategy are in line with EU

targets. As the Deputy is no doubt aware, proposed new road traffic legislation broadening the powers of the Garda Síochána will be introduced before the House in the near future by the Minister for Transport which will, when enacted, greatly strengthen the effectiveness of the powers available to the Garda in these matters.

Visa Applications.

325. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform, further to Question No. 373 of 25 May 2004, if his attention has been drawn to the fact that the person (details supplied) has made an application for a visa at the Irish embassy in Beijing but was refused; and if he will make a statement on the matter. [16372/04]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): I have established that the person in question made a visa application in the visa office in Beijing. 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 her obligations to return home following her proposed visit.

An appeal against the refusal of the application was received. However, the visa appeals officer, having re-examined the application, upheld the original decision to refuse the application. It is open to the applicant to make a fresh application with up to date supporting documentation and the matter will be considered anew.

Data Protection.

326. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the request of the Data Protection Commissioner's office to the effect that each Oireachtas Member register and pay a fee under the requirements of the Act as opposed to central registration on behalf of Members by the Houses of the Oireachtas; if the privilege heretofore attaching to Members, their private papers, records, letters and communications are likely to be affected in any way in the event of the registration of individual Members under the Act; and if he will make a statement on the matter. [16411/04]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): The position is that under section 16 of the Data Protection Act 1988, certain categories of data controller are required to register formally with the Data Protection Commissioner. One such category comprises persons who keep personal data of a sensitive nature in respect of individuals.

[Mr. McDowell.]

Section 16 of the Data Protection (Amendment) Act 2003 amends section 16 of the 1988 Act and sets out revised registration requirements. In future, these requirements will not apply to categories of data controller specified in regulations to be made by the Minister for Justice, Equality and Law Reform following consultation with the Data Protection Commissioner. I have not brought these new arrangements into force yet pending completion of a consultation exercise.

I understand that no submissions have been made by, or on behalf of, Members of the Houses of the Oireachtas during the consultation period. However, while the formal deadline for the receipt of submissions has passed, I am willing to consider any submissions made by, or on behalf of, Oireachtas Members by the end of June 2004 before finalising the regulations that I have referred to.

The provisions of the Data Protection Acts 1988 and 2003 apply to all data controllers regardless of whether they are required to register formally with the Data Protection Commissioner.

Departmental Staff.

327. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if a person (details supplied) in County Kildare can transfer as per their request to another Department; the procedure to be followed in such circumstances; and if he will make a statement on the matter. [16412/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question is a member of staff of the Courts Service. In accordance with section 20 of the Courts Service Act 1998, the chief executive officer of the Courts Service is responsible for the management and conduct generally of the staff of the service including applications for transfer.

Garda Stations.

328. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform the position regarding the location and improvement of the Garda station at Ballyvary, Castlebar, County Mayo; if he has satisfied himself that new facilities will be provided there; the timescale for the new facilities concerned; and if he will make a statement on the matter. [16413/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that there is a requirement for a new Garda station at Ballyvary, Castlebar, County Mayo.

While I cannot say at this time when the project to provide the new station will commence,

I can assure the Deputy that the matter will be progressed as quickly as overall priorities within the Garda building programme and the availability of financial and other resources allow.

Garda Deployment.

329. **Mr. Ferris** asked the Minister for Justice, Equality and Law Reform the provisions for policing that will be included in the north fringe new town development in Dublin 13; and if he will make a commitment to community policing for the area. [16437/04]

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 new fringe town referred by the Deputy will receive appropriate Garda attention, and that the need for community policing will be addressed in this context.

Departmental Audits.

330. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform the number of internal audit reports completed within his Department since January 2001; the title of each completed audit report; and if he will make a statement on the matter. [16467/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My Departments internal audit unit has completed 74 audit reports since January 2001. Details are as follows:

2001

Title	Date
Details Office, Garda HQ	12/02/01
Garda Payments System	30/07/01
Justice Payments System	23/10/01
New Ross Garda District	22/10/01
Parkside CDP Ltd	04/11/01
Prisons Payment Systems	11/10/01
Probation and Welfare Service HQ	13/11/01

2002

Title	Date
Abbeyleix Women's Development Group	08/11/02
Anti-Racism Awareness	26/06/02
Ardcarne Community Playgroup	12/11/02
Asylum Seekers Task Force	17/06/02
Aughadone	06/11/02
Avondhu Development Group	10/10/02
Ballyboden Family Resource Centre	12/11/02
Bantry Childcare Group	11/10/02
Border Counties Childcare Network	07/11/02
Brackenhill School Charitable Trust	25/09/02

Title	Date
Bundoran Community Playgroup	08/11/02
Canal Communities	15/10/02
Cork City Partnership	08/10/02
City Quay Creche	19/11/02
Eiri Corca Baiscinn Ltd	07/10/02
European Refugee Fund	26/09/02
Galway Rural Development	08/10/02
Garda Industrial Civilian Staff	01/04/02
Garda National Immigration Bureau	28/01/02
Garda Payroll (Civil Servants)	26/08/02
Garda Payroll (2000)	16/07/02
Glenties Community Playgroup	06/11/02
Granard Community Playgroup	13/11/02
Independent International Commission	27/05/02
Irish Association for Victim Support	30/05/02
Kealkill Community Playgroup	06/11/02
Keel Community Pre-School Group	19/09/02
Knockanrawley Resource Centre	10/10/02
Land Registry	09/07/02
Leitrim County Partnership	15/10/02
Longford Community Resources	16/10/02
Lourdes Youth and Community Services	22/10/02
Milltown Community Playgroup	05/11/02
Muintearas	13/11/02
National Children's Nursery Association	14/11/02
National Consultative Committee on Racism and Interculturalism	03/06/02
National Co-op Farm Relief Services	01/11/02
Nenagh Community Network	11/10/02
People with Disabilities in Ireland	01/05/02
Phil's Montessori	11/11/02
Portlaoise Garda District	12/08/02
Rathmore Community Childcare Group	06/11/02
Ronanstown Community Childcare Programme	26/09/02
Sticky Fingers Community Playgroup	14/11/02
St Catherine's Community Service	14/11/02
Sunflower Childcare Scheme	11/11/02
Togher School and Family Care	09/10/02
Tubbercurry Family Resource House Project	16/11/02
Company Ltd	
Waterford Area Partnership	10/10/02
Women's Community Project Mullingar	09/10/02

2003

Title	Date
Cairde	13/06/03
Churchfield Youth Community Trust	10/12/03
Cork Alliance for Justice and Social Care	13/11/03
Cork Probation Hostel	20/11/03
Dochas don Oige	17/11/03
Galway Refugee Support Group	30/05/03
Harristown House	20/11/03
Irish Immigrant Support Centre (NASC)	26/05/03
Linkage Programme	05/12/03
Lionsvilla	12/09/03
North Clondalkin Probation Project	22/12/03

Title	Date
Tivoli Training Centre	24/11/03
West Tallaght Probation Project	22/12/03
Wexford Area Partnership	28/11/03

2004

Title	Date
Aislinn Project	08/01/04
Legal Aid Board	13/02/04
Loughan House	24/02/04

Citizenship Applications.

331. **Mr. Hayes** asked the Minister for Justice, Equality and Law Reform if the case of a person (details supplied) who has applied for naturalisation will be expedited to allow time for their passport to issue. [16533/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A declaration of post-nuptial citizenship was lodged very recently at the Irish Embassy in the Hague by the person referred to in the Deputy's question. The processing of such declarations by persons resident outside of the island of Ireland is done by the Department of Foreign Affairs.

The process involves an examination of the declaration by officials in both the embassy where it is lodged and the Department of Foreign Affairs in Dublin. If it is found to be in order, it is passed to my Department for the issue of a formal certificate of Irish citizenship. The length of time this process takes depends on several factors, including whether the correct documentation has been supplied. I will let the Deputy know when the process has been completed. It is open to the person concerned to apply at any time for a visa to enter the State as the spouse of an Irish citizen. Officials at the Irish Embassy in the Hague will be able to assist her in this regard.

Data Retention.

332. **Mr. J. Higgins** asked the Minister for Justice, Equality and Law Reform the purpose of a motion on communications data retention measures in the EU put down to the Council of Ministers of Justice and Home Affairs by Ireland, along with Britain, France and Sweden; and if he will make a statement on the matter. [16534/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): On 28 April 2004, a proposal for a framework decision on the retention of communications data, co-sponsored by Ireland, the UK, France and Sweden, was published. It arose from the Declaration on Combating Terrorism, adopted by the European Council on

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25 March 2004 following the terrorist bombings in Madrid on 11 March. The declaration instructed the Council to examine measures for establishing rules on the retention of communications traffic data by service providers with a view to adoption by June 2005.

The purpose of the proposal is to ensure that data processed and stored in the course of making or receiving a communication over publicly available electronic networks is retained for a specified period by the service providers. The period of retention specified in the draft proposal is between 12 months and three years with power to derogate from the 12 months period in the case of certain types of technology. The proposal is concerned solely with information about communications traffic, such as, for example, when and to which number a phone call was made. It does not allow access to the content of communications.

Law enforcement agencies will have the power to request access to the data for the purpose of prevention, detection, investigation and prosecution of criminal offences, including terrorism, subject to certain data protection and security principles.

Crime Levels.

333. **Mr. Gormley** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the increasing number of break-ins in the Kenilworth Lane area; his plans with regard to same; and if he will make a statement on the matter. [16535/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that six burglaries have been reported to An Garda Síochána, in the area concerned, since 1 January 2004. To date, no persons have been charged in connection with the crimes. I have been further informed that local uniform and plain clothes units patrol the area on a regular basis and a community garda is assigned to the area. The divisional crime task force and divisional traffic unit assist the local units in patrolling the area on the directions of the divisional officer. Finally, I am informed that

every effort is being made by local Garda management to deal with this matter.

Citizenship Applications.

334. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform when a decision will be made in relation to the case of a person (details supplied) for citizenship, which was lodged eighteen months ago. [16553/04]

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 in July 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 matter I will inform both the applicant and the Deputy of the outcome.

Departmental Correspondence.

335. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform if he will meet with a group (details supplied); and if he will make a statement on the matter. [16554/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Officials in my Department met with this group last year and a wide range of issues was discussed. Any matters that the group wishes to discuss further can be examined with a view to another meeting in my Department if necessary.

Crime Levels.

336. **Mr. Grealish** asked the Minister for Justice, Equality and Law Reform the number of homicides, assaults and sexual offences reported to the Garda, in each Garda division, for each of the years 2001, 2002 and 2003; and if he will make a statement on the matter. [16566/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have made enquiries with the Garda authorities and the following tables give the number of homicides, assaults and sexual offences recorded in each Garda division for the years 2001 to 2003. It should be noted that the statistics furnished for 2003 are provisional and are, therefore, subject to change.

Table 1

Homicides Reported in each Garda Division 2001-2003

Garda Divisions	2001 Recorded	2002 Recorded	2003 Recorded
Eastern Region	13	6	9
Carlow/Kildare	4	1	0
Laois/Offaly	1	0	2
Longford/Westmeath	3	2	1
Louth/Meath	5	3	6

Garda Divisions	2001 Recorded	2002 Recorded	2003 Recorded
<i>Dublin Met Region</i>	26	51	39
Eastern	1	1	2
North Central	6	11	7
Northern	6	6	5
South Central	3	7	7
Southern	5	17	10
Western	5	9	8
<i>Northern Region</i>	5	7	3
Cavan/Monaghan	3	2	0
Donegal	2	2	1
Sligo/Leitrim	0	3	2
<i>South Eastern Region</i>	5	8	3
Tipperary	1	2	1
Waterford/Klikenny	3	6	2
Wexford/Wicklow	1	0	0
<i>Southern Region</i>	22	56	42
Cork City	3	20	4
Cork North	1	3	0
Cork West	0	2	0
Kerry	0	1	0
Limerick	18	30	38
<i>Western Region</i>	3	5	5
Clare	2	1	2
Galway West	1	1	1
Mayo	0	0	0
Roscommon/Galway East	0	3	2
State Total	74	133	101

Figures for 2003 are provisional and subject to change.

Table 2

Assaults Reported in each Garda Division 2001-2003

Garda Divisions	2001 Recorded	2002 Recorded	2003 Recorded
<i>Eastern Region</i>	521	931	704
Carlow/Kildare	119	282	216
Laois/Offaly	93	151	104
Longford/Westmeath	93	190	129
Louth/Meath	216	308	255
<i>Dublin Met Region</i>	1441	2115	1669
Eastern	125	218	163
North Central	233	349	251
Northern	247	329	241
South Central	242	398	309
Southern	258	372	348
Western	336	449	357
<i>Northern Region</i>	362	589	457
Cavan/Monaghan	150	213	158
Donegal	163	254	222
Sligo/Leitrim	49	122	77
<i>South Eastern Region</i>	383	607	525
Tipperary	98	141	147
Waterford/Klikenny	178	281	234
Wexford/Wicklow	107	185	144

Garda Divisions	2001 Recorded	2002 Recorded	2003 Recorded
<i>Southern Region</i>	664	1102	878
Cork City	215	417	288
Cork North	88	160	136
Cork West	99	126	113
Kerry	99	145	109
Limerick	163	254	232
<i>Western Region</i>	431	651	505
Clare	74	118	116
Galway West	167	258	186
Mayo	98	167	113
Roscommon/Galway East	92	108	90
State Total	3,802	5,995	4,738

Figures for 2003 are provisional and subject to change.

Table 3

Sexual Offences Reported in each Garda Division 2001-2003

Garda Divisions	2001 Recorded	2002 Recorded	2003 Recorded
<i>Eastern Region</i>	277	404	404
Carlow/Kildare	80	123	168
Laois/Offaly	85	71	50
Longford/Westmeath	43	65	60
Louth/Meath	69	145	126
<i>Dublin Met Region</i>	704	1266	830
Eastern	78	115	71
North Central	128	271	158
Northern	159	157	120
South Central	124	222	104
Southern	120	291	195
Western	95	210	182
<i>Northern Region</i>	131	296	301
Cavan/Monaghan	65	109	65
Donegal	48	145	183
Sligo/Leitrim	18	42	53
<i>South Eastern Region</i>	345	326	291
Tipperary	85	85	73
Waterford/Kilkenny	173	136	137
Wexford/Wicklow	87	105	81
<i>Southern Region</i>	268	396	344
Cork City	73	137	140
Cork North	65	93	57
Cork West	26	45	30
Kerry	30	55	52
Limerick	74	66	65
<i>Western Region</i>	214	473	293
Clare	71	81	111
Galway West	87	239	107
Mayo	33	87	47
Roscommon/Galway East	23	66	28
State Total	1,939	3,161	2,463

Figures for 2003 are provisional and subject to change.

Garda Deployment.

337. **Mr. Durkan** asked the Minister for

Justice, Equality and Law Reform the number of gardaí available for duty, daily and nightly for foot and mobile patrols and station duties in each

station throughout County Kildare; the way in which this figure compares with those of five years ago; and if he will make a statement on the matter. [16577/04]

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 personnel strength — all ranks — of each Garda station in County Kildare as at 28 May 2004 and May, 1999 is as set out hereunder:

Station	Strength as at 28 May, 2004	Strength as at May, 1999
Naas	81	74
Clane	6	6
Kill	3	3
Celbridge	19	13
Maynooth	14	14
Kildare	27	27
Newbridge	28	28
Robertstown	2	2
Kilcullen	3	3
Carbury	2	2
Monasterevin	2	3
Rathangan	3	2
Athy	18	17
Castledermot	2	2
Ballytore	1	1
Ballymore Eustace	1	1
Leixlip	27	19
Kilcock	4	6

For security and operational reasons it is not Garda policy to disclose the number of Garda personnel on duty in a particular station at any given time.

338. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the extent to which adequate resources are available to meet the fight against drugs; and if he will make a statement on the matter. [16578/04]

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 total personnel strength of the Garda Síochána as at 28 May 2004 was 11,964 (all ranks). All Garda personnel have a responsibility, *inter alia*, to deal with drug related matters as they arise.

The measures undertaken by the Garda Síochána designed to address drug trafficking and distribution centre around the issue of strategy, structures and resources.

At a strategic level the Garda Síochána is committed to rigorous enforcement of the laws in relation to drug misuse. This is one of the

fourteen key strategic goals set out in the annual policing plan. Each Garda division is required to produce a divisional drug policing plan which contributes to the overall goals of the national plan taking into account local circumstances.

Responsibility for co-ordinating the drugs strategy within the policing plan is vested in assistant commissioner, national support services, who oversees the implementation of the organisation's drug strategy.

In addition to the general resources available to address drug trafficking, specific units have been established to deal with particular aspects of organised crime, some of which impact directly on drug trafficking. Principal amongst these are the Garda National Drugs Unit which is responsible for targeting networks involved in the sale and distribution of illegal drugs, the Garda Bureau of Fraud Investigation, the National Bureau of Criminal Investigation and the Criminal Assets Bureau.

At a local level divisional and district drug units have been established with the specific remit of targeting individuals engaged in the sale and distribution of drugs to local communities. These units are supported by local resources as well as national units when required.

The Garda Síochána also engages in measures designed to reduce the demand of drugs within society. This includes the provision of resources to the national drug strategy team as well as the regional and local drug task forces. Furthermore the work of the Garda community relations section impacts on the issue of substance misuse in a number of ways.

The issue of the adequacy of resources is one which is under constant review having due regard to the nature and extent of the problem coupled with the overall availability of resources. Garda management are of the view that presently there are considerable resources operating at both national and local level aimed at addressing drug trafficking and distribution.

The national drugs strategy sets performance indicators over its lifetime for the volume of drugs seized to increase by 25% by the end of 2004 and 50% by the end of 2008 using the 2000 seizure figures as a baseline. The Garda Síochána and the Customs and Excise are achieving considerable success in relation to this target to date. Data on street value of drug seizures is as follows:—

Garda seizures;

2000 — €20m, 2001 — €45m, 2002 — €49m, 2003 — €100m Customs and Excise seizures; 2000 — €11m, 2001 — €60m, 2002 — €34m, 2003 — €21m

339. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform when he proposes to increase the number of Gardai in line with the

[Mr. Durkan.]
commitment made in the Programme for Government; and if he will make a statement on the matter. [16579/04]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): I am informed by the Garda authorities who are responsible for the detailed allocation of resources, including personnel, that the personnel strength of An Garda Síochána (all ranks) as at 28 May 2004 was 11,964.

In April, 2000, the Government agreed, *inter alia*, to a system of delegated authority under which recruitment is carried out to maintain the strength of the force at an agreed level. In April 2002 the Government decided to increase the approved strength of An Garda Síochána to 12,200.

It is my policy and the policy of the Government to prioritise Garda recruitment and training in order to bring the strength of the Force up to its maximum authorised strength of 12,200 as soon as possible and sustain it at that level by making maximum use of the existing capacity of the Garda Training College at Templemore. In that regard a total of 690 Garda trainees were taken into the Garda college during 2003. The Commissioner has projected, based on the anticipated rate of retirement, that the maximum authorised force strength of 12,200 will be achieved during 2004.

The programme for Government states that the Government will complete the current expansion of the Garda Síochána and increase recruitment so that numbers will increase by a further 2,000. That commitment remains, and while it will not be possible to increase numbers beyond the approved strength of 12,200 for as long as the cap on public service numbers remains in place, I will be asking the Government to look again at how quickly budgetary circumstances will permit progress towards achieving the target of 14,000 to be made.

Courts Service.

340. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he proposes to make changes, statutory or otherwise, with a view to expediting the process of family law cases; and if he will make a statement on the matter. [16580/04]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): Waiting times for the disposal of family law business in the Circuit and District Courts are generally satisfactory but there are delays in some circuits and districts. The waiting time for hearing family law cases in the High Court will be improved as the President of the High Court has indicated his intention to assign an additional judge to family law business in the autumn.

The question of delays, where they occur in the various courts, is a matter of ongoing review by the Courts Service from the point of view of the optimum allocation of resources. I am considering the question of extra judges in the context of amendment of the Civil Liability and Courts Bill 2004.

Judicial Appointments.

341. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if an adequate number of judges has been appointed to deal with the current workload; and if he will make a statement on the matter. [16581/04]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): The Government has provided significant additional resources for the Judiciary and the number of judges attached to all courts has been increased in recent years. Seven additional judges were appointed under the provisions of the Courts and Court Officers Act 2002, two in the High Court, two in the Circuit Court and two in the District Court, and a further two judges of the High Court were appointed under the provisions of the Courts and Court Officers (Amendment) Act 2003. I continue to keep judicial resources under review, and intend to bring proposals in this matter to Government soon.

Legal Aid Service.

342. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the extent to which his Department has provided funding for free legal aid in criminal cases in the past five years; and if he will make a statement on the matter. [16582/04]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): The cost of criminal legal aid between 1999 and 2003 was: 1999, €22.45 million; 2000, €25.11 million; 2001, €25.19 million; 2002, €28.88 million; and 2003, €37.35 million.

Garda Promotions.

343. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the number of women who have been promoted to the senior ranks of the Garda Síochána; if such members are increasing or decreasing; and if he will make a statement on the matter. [16583/04]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): On 28 May 2004 the number of women serving who have been promoted to the senior ranks was: one assistant commissioner, one chief superintendent and four superintendents. The number in these ranks on 31 December 2000 was one chief superintendent and two superintendents. The Garda Síochána is committed to and supports equality of

opportunity in employment regardless of gender, creed, colour or marital status. It is the policy of the Commissioner that the principles and practices of equality of opportunity should apply to the recruitment, placement, selection, career development and all other conditions of service of members of the Garda Síochána.

Garda Strength.

344. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the number of women members of the Garda Síochána; the extent to which this number has increased or decreased in the past five years; and if he will make a statement on the matter. [16584/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The personnel strength of the Garda Síochána, all ranks, on 28 May 2004 was 11,964. Of this figure, 1,888 are female. The total number of female members of the Garda Síochána in May 1999 was 1,120, all ranks. This represents an increase of 768, or 68.6%, in the number of female gardaí serving in the Garda Síochána.

Garda Deployment.

345. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the number of gardaí available for mobile and foot patrols and station duty in each of the Dublin metropolitan Garda divisions, daily and nightly; his views on whether such numbers are adequate; the way in which such figures compare with those of five years ago; and if he will make a statement on the matter. [16585/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The personnel strength of each Garda division in the Dublin metropolitan region as of 28 May 2004 is detailed in the following table.

Division	Strength as at 28 May, 2004	Strength as at May, 1999
South Central	678	673
North Central	634	565
Eastern	516	519
Western	626	538
Northern	570	550
Southern	537	459

For operational and security reasons it is not Garda policy to disclose the number of gardaí detailed for specific duties over any given period. Garda management is satisfied that the total number of personnel available in the Dublin metropolitan region is adequate to meet the current policing needs of that region.

Question No. 346 answered with Question No. 58.

Crime Levels.

347. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the extent to which the number of criminal gangs have increased or decreased in the past two years; and if he will make a statement on the matter. [16587/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The number of organised criminal groups is determined each year using the European Union definition of organised crime to compile the EU situation report on organised crime. Statistics supplied by the Garda Síochána to Europol during 2003 for inclusion in its annual report identified 17 major criminal gangs and approximately 100 groups overall operating in this country at that time. The position regarding criminal gangs does not remain static. Such groups are volatile. Their composition changes frequently and their existence can be of variable duration. Frequently, criminal gangs comprise criminals who are not affiliated to a particular gang but who may be associated with one or more groupings as the opportunity for acquiring cash or property arises. It is difficult, therefore, to establish accurate comparisons with recent years but indications are that the number of such gangs has increased slightly in that time.

Garda Stations.

348. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he will outline the saga to date in regard to the provision of the proposed new Garda station at Leixlip, County Kildare; when the proposals was first approved in principle; the extent and number of attempts to implement the proposal in the interim; the state of progress with the proposal; when it is expected the station will be commissioned; and if he will make a statement on the matter. [16588/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A new Garda station in Leixlip is much needed, and I am anxious that it be provided without undue delay. Projects such as this can be slow to progress for several, including negotiations by the Office of Public Works for the purchase of sites, the planning process etc. In this case, it was necessary for the Office of Public Works to source and secure a suitable site in Leixlip, which took time, and I was concerned that the Garda authorities be afforded the time to consider fully and decide on their accommodation requirements. In that connection, the Deputy will be aware from an answer to a parliamentary question by the Minister of State at the Department of Finance — Reference No. 12926/04 of 5 May 2004 — that a revised brief of requirements for Leixlip was forwarded by my Department to that office last March, and that a revised architectural sketch scheme is being prepared there and will be

[Mr. McDowell.] submitted to my Department for approval by July 2004. When the revised sketch scheme is approved by the Garda authorities the project can then proceed to the planning stage.

Accordingly, I cannot say when the project might be finalised, but I can assure the Deputy that it will be progressed as quickly as overall priorities within the Garda building programme and the availability of financial and other resources allow.

Citizenship Laws.

349. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he will report on communications the Government has had with the British Government since 2002 regarding the Irish citizenship laws, and in particular with respect of the *jus solis* principle in the Constitution. [16623/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Minister for Justice, Equality and Law Reform is not responsible to the Dáil for communications between governments of the kind to which the Deputy refers.

Registration of Title.

350. **Mr. McHugh** asked the Minister for Justice, Equality and Law Reform if an application for persons (details supplied) in County Galway will be expedited to the land registry; and if he will make a statement on the matter. [16624/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Registrar of Titles informs me that this is an application for a transfer order which was lodged on 21 February 2003. Dealing Number D2003GY001932M refers. Queries issued to the lodging party on 27 May 2004 and 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.

Residency Permits.

351. **Mr. Curran** asked the Minister for Justice, Equality and Law Reform the status of an application for permission to reside here by persons (details supplied) in Dublin 22. [16635/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question arrived in the State in October 2002 and made an application for asylum. His wife arrived in the State in July 2002, and made an asylum application. She had a child in September 2002. Both withdrew their asylum applications and

applied for residency on the basis of parentage of an Irish born child.

Following the decision of the Supreme Court in the cases of L and O, the separate procedure which then existed to enable persons to apply to reside in the State on the sole basis of parentage of an Irish born child ended on 19 February 2003. The Government decided that the separate procedure would not apply to cases which were outstanding on that date. There were many such cases outstanding including the case to which the Deputy refers. A feature of the Government's general policy on applications for residency based on Irish born children, outstanding on 19 February 2003 is that such cases will no longer be processed except where the parent is under consideration for deportation. A further feature is that applications which have already been made will not be considered from persons with an alternative legal basis for residency in the State.

The persons in question re-applied for asylum in March 2004 and accordingly have a statutory entitlement to remain in the State under section 9(2) of the Refugee Act 1996 while these applications are being considered. Their applications for residency on the basis of parentage of an Irish born child were returned to them on 15 April 2004. In the event that deportation arises in the future they will be given an opportunity to make representations to the Minister. These representations may include up to date information on their Irish born child.

Road Network.

352. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government if his Department has received a request from Cork County Council for funding to enable the construction of a relief road north of Midleton; if funding has been made available for this project; his plans to make additional funding available; and the total amount required or requested. [16242/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): My Department approved grant assistance of €1,333,225 towards the cost of the Midleton northern relief road under the strategic non-national roads grants scheme in recent years. Details of payments to date and the allocation for 2004 are: 2002, €36,794; 2003, €3,162; 2004, €200,000 (allocation).

Social and Affordable Housing.

353. **Mr. Crowe** asked the Minister for the Environment, Heritage and Local Government if funding for RAPID areas will be made available to South Dublin County Council to improve the overall standards of local authority housing in its RAPID areas; the amount of funding available; and the Government Departments, which

funding will be coming from for this proposed work. [16244/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): My Department approved South Dublin County Council's proposals in July 2003 for the refurbishment of houses situated in RAPID areas. This approval allows refurbishment of 100 houses at Cushlawn Park, 100 houses at Shancastle and Greenfort Estates and 113 houses at Moorefield Estate under my Department's remedial works scheme at an estimated cost of over €8.6 million. While there are no further proposals in my Department from the council, it is expected that further phases of refurbishment works will be proposed when this first phase is nearing completion.

House Prices.

354. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the recent 70% price increase in the cost of steel for the building industry; if his attention has further been drawn to the scarcity of this product; if he will assess this situation and the impact on the building industry, particularly the cost of new houses and major infrastructural projects; and if he will make a statement on the matter. [16416/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Construction inflation, which had reached 12% in the period 1998 to 2000, had fallen to 4% in 2003. Notwithstanding this, recent reports from the construction industry suggest that construction tender prices had bottomed out by the end of 2003. It is too early to determine what effect, if any, an increase in steel prices could have on tender prices in the construction industry. My concern is with any overall rise in total construction costs, and industry sources suggest that the recent price increases for steel will have relatively little impact on total costs. However, it is possible that such an increase could trigger price variation clause increases in a limited number of public and private sector contracts. I intend to keep this matter under review.

Local Authority Staff.

355. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the number of employees of local authorities that have been members of councils since 2001. [16703/04]

356. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government if he will outline per local authority, the numbers of councillors who are full-time employees of that local authority in which they are members; the

grades of those persons; if they complied with regulations under the Local Government Act 2001 when first becoming members of each authority; and if he will make a statement on the matter. [16710/04]

358. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government when the regulations will be signed into law that permit persons working in health boards, local authorities and so on to stand for election; the number of persons who work for such bodies which this affects; and the number of persons in such positions who will be standing for the coming local elections. [16235/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I propose to take Questions Nos. 355, 356 and 358 together.

The Local Government Act 2001 (Section 161) Order 2004, which provides that certain junior grades of local authority employees — broadly up to the level of clerical officer — may become councillors, was made on the 19 May 2004 and has been laid before both Houses of the Oireachtas. My Department does not have information on the number of local authority employees who have been nominated as candidates at the June local elections, and it does not formally seek such information on councillors' status following local elections. However, I understand that there are approximately 25 councillors who are also local authority employees. Relevant criteria for health board employees are a matter for the Minister for Health and Children.

Private Rented Accommodation.

357. **Mr. Crowe** asked the Minister for the Environment, Heritage and Local Government if he will investigate the cases of persons (details supplied). [16151/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Dublin City Council is responsible for enforcing the Housing Rent Books and Housing Standards for Rented Houses Regulations 1993 in cases such as this. I have therefore referred the matters to that authority for investigation of a possible breach of these regulations. Any contract, whether verbal or written, entered into between the persons and the estate agent in question would be subject to resolution ultimately through the courts. The Small Claims Court deals with claims in respect of the non-return of rent deposits provided that a claim does not exceed €1,269.74. The normal practice for deposits generally is that they are refunded on the termination of the tenancy unless there are arrears of rent or other charges owing or there is damage to the property beyond what would be attributable to normal wear and tear.

[Mr. N. Ahern.]

My colleague, the Minister for Justice, Equality and Law Reform, has responsibility for the auctioneering and house agents legislation and is in the process of establishing a working group to review the legislation governing the activities of auctioneers and property letting agents. Any relevant issues that have arisen for the persons in question from their dealings with the estate agent in question might be appropriate for submission to that working group.

Question No. 358 answered with Question No. 355.

Electoral (Amendment) Bill.

359. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government when the Electoral (Amendment) Bill 2004 will be signed into law. [16236/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The Electoral (Amendment) Bill 2004 was signed by the President on 18 May 2004. A commencement order was made by me, as Minister, on 19 May 2004 bringing into operation Parts 1 and 3, sections 33, 34 and 35 of Part 4 and Schedule 5 of the Act.

Radon Protection.

360. **Mr. Carey** asked the Minister for the Environment, Heritage and Local Government if his Department, or any agency reporting to him can carry out tests or an examination at a location (details supplied) in Dublin 11 to establish whether there is evidence to explain the reason, in the small area, a significant number of residents have had cancer related illnesses in recent years; and if he will make a statement on the matter. [16246/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): My Department is not aware of evidence which might explain the incidence of illness referred to, and understands that the Radiological Protection Institute of Ireland has not identified a radon problem in the area concerned. Further information might appropriately be sought from the public health authorities.

Register of Electors.

361. **Mr. Haughey** asked the Minister for the Environment, Heritage and Local Government the reason non-nationals outside the EU who are registered on the register of electors can vote in local elections; and if he will make a statement on the matter. [16255/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Under section 24 of the Local Government Act 2001, every

person whose name is on the register of local government electors for a local electoral area is entitled to vote at a local election poll in that area. A person, irrespective of nationality, is entitled to be registered as a local government elector if he or she has reached the age of 18 years and is ordinarily resident in the local government area.

Heritage Council.

362. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government if discussions will be opened with Fingal County Council with a view to purchasing Beech Park House and gardens for the Irish people; and if he will make a statement on the matter. [16256/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): No representations or submission has been made to my Department by Fingal County Council or any other party regarding this property, and my Department has no proposal for it.

Emergency Services.

363. **Mr. McGinley** asked the Minister for the Environment, Heritage and Local Government his plans regarding the implementation of a review (details supplied) for the emergency services; and if he will make a statement on the matter. [16368/04]

364. **Mr. McGinley** asked the Minister for the Environment, Heritage and Local Government if it is the Government's intention to establish a national fire authority; and if he will make a statement on the matter. [16369/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I propose to take Questions Nos. 363 and 364 together.

I recently announced my intention to introduce a modernisation and change agenda for the local government fire, rescue, building control and emergency services. The objective, which takes account of the conclusions and recommendations of the report of the review of fire safety and fire services, is to deliver a safer society through reducing death and injury, damage to property, and other social and economic costs arising from fire and other emergencies. My intention is to bring to Government firm proposals to seek the establishment of a national fire services authority to develop and manage a new modernised fire and rescue service. The authority will be the overarching body for fire service in Ireland. To deliver this national authority, the Government must see clear and verifiable commitment and progress by all stakeholders in delivering change.

I met several key stakeholders on 10 May 2004 to elaborate on my proposals for the future direction of the fire service and to indicate that

action is needed from all parties to deliver this modernisation and change programme. An initial position paper for delivery of this agenda has issued for stakeholder views and I have arranged a further meeting to continue this engagement with stakeholders for 17 June 2004.

Local Government Elections.

365. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government his views on the fact that persons living outside the administrative areas of many towns in the State can vote in the town council elections of those towns and can therefore influence the composition of those councils even though these councils do not provide services to persons living outside the administrative areas; the way in which these electoral boundaries are decided; his plans to examine this issue; and if he will make a statement on the matter. [16385/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The boundaries of certain towns were altered under the Local Government Act 1994 and associated regulations solely for local electoral purposes, following agreement by the local elected councils concerned. Since the introduction in 1996 of a revised boundary alteration code, under the Local Government Act 1991, it has been open to any such local authority, as a reserved function, to initiate an application for a boundary alteration to have effect for all statutory functions. In recent years several local authorities have made such applications which have been determined and implemented, two as recently as 1 January 2004. I intend to bring into effect, later this year, new arrangements regarding local authority boundary alterations based on provisions in the Local Government Act 2001.

Motor Taxation.

366. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the rates of taxation for the different car horse power engines; if these rates will be increased in 2004; if so, the new rates for each category; and if he will make a statement on the matter. [16386/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The information on motor tax rates on all categories of vehicles is contained in the Motor Vehicle (Duties and Licences) Act 2004 and is also available on my

Department's website at www.environ.ie. A 5% increase on motor tax rates for all motor vehicles, including motor cars, took effect from 1 January 2004.

Water and Sewerage Schemes.

367. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding provision of water by regional water supply to the Shrulue, Kilraine, Cross and Neale areas of County Mayo; if his attention has been drawn to the difficulties this is causing; the timeframe within which the matter can be resolved; and if he will make a statement on the matter. [16388/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The Kilmaine and Shrulue water supply scheme, which will be served by an extension of the Tuam regional water supply scheme, is included in my Department's water services investment programme 2004 — 2006 to start construction in 2005. I approved the preparation of contract documents for the scheme by Mayo County Council in January last and my Department awaits submission of these documents. I also approved the council's proposals to replace certain defective watermains in Kilmaine under the water conservation scheme in October 2003.

Proposed water supply schemes to serve Cross and Neale are listed as post-2007 requirements in the list of water services schemes submitted by Mayo County Council in response to my Department's request to local authorities in 2003 to produce updated assessments of the needs for capital works in their areas and to prioritise their proposals on the basis of the assessments. The assessments were taken into account in the framing of the water services investment programme 2004 — 2006 published last month. Given the rating afforded to these schemes by the council, it has not been possible to include them in the programme.

Departmental Audits.

368. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the number of internal audit reports completed within his Department since January 2001; the title of each completed audit report; and if he will make a statement on the matter. [16468/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The information requested is set out in the following table:

	Name of Audit	Year Completed
1.	Local Government Fund	2001
2.	Nenagh By-Pass (Cohesion Fund)	2001
3.	Lough Derg Water Quality Improvement Scheme (Cohesion Fund)	2001
4.	Lough Gill Regional Water Supply Scheme (Cohesion Fund)	2001

	Name of Audit	Year Completed
5.	Non-National Roads Measure S1 (Transport Operational Programme)	2001
6.	Village Renewal Measure 3 Sub-Programme 3 (Operational Programme for Local Urban & Rural Development)	2001
7.	Municipal Waste Measure 2 Sub-Programme 2 (Environmental Services Operational Programme)	2001
8.	River Liffey Catchment Plan Stage1 (Cohesion Fund)	2002
9.	National Water Conservation Project (Cohesion Fund)	2002
10.	Urban Conservation Measure 4 Sub-Programme 3 (Operational Programme for Local Urban & Rural Development)	2002
11.	Integrated Network Improvements Measure N2 (Transport Operational Programme)	2002
12.	Dublin Transport Initiative Measure S2 (Transport Operational Programme)	2002
13.	Dublin Regional Waste Water Treatment Stage V (Cohesion Fund)	2003
14.	Rural Water Measure of the Local Infrastructure Priority of the Border, Midlands and Western Regional Operational Programme	2003
15.	Rural Water Measure of the Local Infrastructure Priority of the Southern and Eastern Regional Operational Programme	2003
16.	Examination of Waste Disposal Practices in Non-Office Properties of the Department.	2003
17.	Waste Management Measure of the Local Infrastructure Priority of the Border, Midlands and Western Regional Operational Programme	2003
18.	Waste Management Measure of the Local Infrastructure Priority of the Southern and Eastern Regional Operational Programme	2003
19.	Non-National Roads Measure of the Local Infrastructure Priority of the Border, Midlands and Western Regional Operational Programme	2004
20.	Non-National Roads Measure of the Local Infrastructure Priority of the Southern and Eastern Regional Operational Programme	2004
21.	Review of Stores Management System*	2001
22.	Audit of Duchas Heritage Sites*	2002

*This audit was conducted by the internal audit unit of the old Department of the Arts, Heritage, Gaeltacht and the Islands but responsibility for this area now resides in this Department.

Housing Grants.

369. **Mr. McCormack** asked the Minister for the Environment, Heritage and Local Government the reason for the delay in awarding first-time buyer's house grant to a person (details supplied) in County Galway; and if he will make a statement on the matter. [16562/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): An inspection, with a view to payment of the grant if in order, will be carried out as soon as possible.

Wildlife Protection.

370. **Mr. Gregory** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 417 of 2 March 2004, if the details sought from a club (details supplied) have been made available; and if he will make a statement on the matter. [16591/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The Irish Coursing Club has informed my Department that it has checked with all affiliated clubs in County Kerry, and that no hares were captured on Valentia Island under the Irish Coursing Club's licence during the 2003 — 2004 coursing season.

Nitrates Action Programme.

371. **Mr. McHugh** asked the Minister for the

Environment, Heritage and Local Government if he will liaise with the Department of Agriculture and Food to ensure that the organic nitrogen application limits to be included in the Government's nitrates action programme be set at 250kg N per hectare thereby recognising that Irish farming is grass based livestock farming, unlike farming in other EU member states which have highly concentrated arable and livestock production systems; and if he will make a statement on the matter. [16619/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I refer to the reply to Question No. 388 on 25 May 2004. I am in continuing contact with the Minister for Agriculture and Food about the implementation of the nitrates directive. It is the Government's objective to ensure optimal, least-cost arrangements for compliance thereby protecting the environment and the interests of those farmers whose activities will be affected. It has been clarified by recent judgments of the European Court of Justice that the directive requires the application of a general landspreading limit of 170 kg of organic nitrogen per hectare per annum, save where a derogation has been granted. The action programme now being prepared must reflect this requirement. In parallel with its submission to the European Commission, the Government will ask the Commission to consider our proposals to apply

higher limits, up to 250kg per hectare, in accordance with the commitment given in Sustaining Progress.

Air Pollution.

372. **Mr. Crowe** asked the Minister for the Environment, Heritage and Local Government if he will provide statistics to indicate the level of traffic-related pollution in central Dublin.

[15888/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The reporting and making available of information on ambient concentrations of pollutants within the scope of the Air Quality Standards Regulations 2002, including pollutants sourced, *inter alia*, from traffic is the responsibility of the Environmental Protection Agency. The most recent annual report from the EPA is the Air Quality Annual Report 2002 published in 2003. The EPA also recently published its third state of the environment report entitled Ireland's Environment 2004 which contains a chapter dealing with air quality assessment across a range of pollutants including some statistics on traffic-related air pollution in Dublin city. Copies of both EPA reports are available in the Oireachtas Library. In addition, the EPA operates an air quality website, located at www.epa.ie/air/monitoring, with up-to-date information from several monitoring stations, including the Dublin City Council stations at Winetavern Street and Coleraine Street, which allows the public to gauge air quality by reference to current EU and national standards on a real-time basis.

Dublin City Council operates several air quality monitoring stations in central Dublin and statistics are available from the council on request. The council's air quality monitoring and noise control unit also publishes an annual report, the latest of which is the annual report for 2002 — 2003. All monitored data to date indicate that Dublin's air quality is good and no national or EU air quality standards in the city were exceeded, except of PM10 levels at College Street where the 24 hour limit to come into force in 2005 was exceeded on more than the maximum number of permitted days. The site in question does not comply with stringent EU and national siting criteria and, as such, is not considered to be representative of the typical exposure of the public to PM10. In comparison, the Winetavern Street site did not breach the PM10 limits in 2002 and all other air quality standards for pollutants sourced primarily from traffic such as sulphur dioxide, nitrogen oxides, carbon monoxide and lead were complied with in Dublin in 2002.

Local Development Programme.

373. **Mr. Naughten** asked the Minister for Community, Rural and Gaeltacht Affairs the timescale in processing an application under the dormant accounts fund by ADM Ltd.; the date on which applications currently before the appraisals committee were received; the timescale for deciding on an application (details supplied); and if he will make a statement on the matter.

[16189/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Aherne): The Dormant Accounts Fund Disbursements Board engaged Area Development Management Ltd. to administer the initial round of funding on its behalf, which involves the disbursement of up to €30 million from the fund. An invitation to organisations, groups, etc., to make applications for funding was advertised in the national press on Friday 21 November 2003. The closing date for receipt of applications for this round of funding was 5 p.m. on 5 March 2004.

According to ADM's records, an application from the organisation concerned was received before the 5 March deadline and was acknowledged on 2 April 2004. The application, like all others received before the deadline, will be evaluated against the criteria as set out in the published guidelines. Following this evaluation process, a recommendation will be made to the dormant accounts board for decision.

At this stage, ADM is not in a position to specify when a decision is likely to be made on this or other applications due to the volume of applications received that are being assessed. However, the organisation and all other applicants will be advised of the outcome in due course.

Departmental Audits.

374. **Mr. Kenny** asked the Minister for Community, Rural and Gaeltacht Affairs the number of internal audit reports completed within his Department since January 2001; the title of each completed audit report; and if he will make a statement on the matter. [16469/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The Department of Community, Rural and Gaeltacht Affairs was established in June 2002 and the table details the 14 audit reports completed since the its establishment. The internal audit unit undertakes its work using a risk-based approach and prioritises in its annual work plan areas of operation within the Department where there are significant financial or control risks.

[Mr. Cullen.]

Audit Report	Completed
Audit of expenditure under the Ireland/Northern Ireland INTERREG II Prog. (EU)	2002
Report on the Audit of the Management and control systems applying to the Operational Programme for Tourism, Sub-Programme 1, Measures 1-3	2002
Audit of Systems for awarding Grants for Capital projects in the Gaeltacht/on the Islands	2002
Audit and Closure of the Operational Programme for Tourism, Sub-Programme 1, Measures 1-3	2002
Report on Cash Handling systems in the Department of Arts, Heritage, Gaeltacht and the Islands	2002
Closure of the Industrial Development Operational Programme, Film Industry Measure	2002
Follow up review of Grants for Capital projects in the Gaeltacht/on the Islands Gaeltacht Grants Audit	2003
LEADER+/NRDP Audit	2003
Audit of Pay Master General Banklist	2003
Follow up review of EU Audit Of Ireland-Wales INTERREG II Programme	2003
Follow up Review of Financial Authorities 10/2000	2004
Audit of Community Development Support Programme	2004
Audit of Waterways Ireland	2004
Follow up Review of the Review of Procedures Regarding the Production of Payable Orders and Issue of Schedules to the Pay Master General	2004

National Drugs Strategy.

375. **Mr. Crowe** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to the concerns of many communities affected by the ongoing drugs crisis and their concerns also about their lack of any voice on regional drug task forces; and the way he proposes to address this deficit. [16576/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): This Government is committed to tackling the problem of drug misuse and will continue to do so. This is evidenced through the continued implementation of the 100 actions in the national drugs strategy and the substantial funding that has been made available over the past few years to support the work of the local drugs task forces and the young people's facilities and services fund.

Under the national drugs strategy, ten regional drugs task forces have been established throughout the country. These represent a team-based response to illicit drug use. Each task force is chaired by an independent chairperson and is made up of representatives from State agencies working in the region, the community and voluntary sectors and elected public representatives. All the regional task forces work in partnership — in a manner similar to the local drugs task forces.

I am not aware of any concerns expressed by communities about the lack of a voice on the regional task forces. The guidelines for the operation of the regional task forces provide that the community sector can nominate up to six members to each task force. In addition, my Department provided funding for training for regional task force community representatives in 2003. The aim of the training was to support the representative in fulfilling their roles on the task

forces and to facilitate discussion on key issues emerging. Further training is planned for 2004.

Decentralisation Programme.

376. **Mr. Stanton** asked the Minister for Social and Family Affairs the number of posts decentralised in the Department of Social and Family Affairs to Sligo and Letterkenny, if she will state in each case the number of the posts that were filled on promotion and the number that were filled by staff maintaining their current grade; the number that were already serving staff in the Department and the number in each case that were transferred from other Departments; and if she will make a statement on the matter. [16549/04]

387. **Mr. Stanton** asked the Minister for Social and Family Affairs the number of posts decentralised to Sligo and Letterkenny by her Department; the number of the posts that were filled on promotion; the number that were filled by staff maintaining their current grade; the number of posts that were filled internally by serving members of the Department; the number that were filled from outside her Department; and if she will make a statement on the matter. [16543/04]

Minister for Social and Family Affairs (Mary Coughlan): I propose to take Questions Nos. 376 and 387 together.

My Department participated in previous decentralisation programmes to Sligo in 1989 and to Letterkenny in 1990-1991. A total of 319 posts were relocated to Sligo and 176 posts to Letterkenny. There were 127 posts in Sligo filled by promotion, while 192 posts were filled by the lateral transfer of staff in their own grade. In Letterkenny, there were 51 posts filled by promotion and 125 posts filled by staff

transferring laterally in their own grade. A total of 101 posts in Sligo were filled internally by staff serving in the Department while 103 posts were filled by staff from other Departments; 115 posts were filled by the open recruitment, by the Civil Service Commission, of staff specifically for Sligo; 64 posts in Letterkenny were filled internally by staff serving in the Department while 42 posts were filled by staff from other Departments; and 70 posts were filled by the recruitment of staff, by the Civil Service Commission, specifically for Letterkenny.

377. **Mr. Stanton** asked the Minister for Social and Family Affairs if she will give details of the period of time which elapsed between the initial announcement of decentralisation plans and the date on which decentralisation was completed in her Department. [16550/04]

388. **Mr. Stanton** asked the Minister for Social and Family Affairs the period of time which elapsed between the initial announcement of decentralisation plans for her Department and the date on which decentralisation to Sligo and Letterkenny was completed. [16544/04]

Minister for Social and Family Affairs (Mary Coughlan): I propose to take Questions Nos. 377 and 388 together.

The initial decision to relocate some 260 posts of my Department to Sligo was taken by the Government in April 1987. In November 1987, the Government decided to increase the number of posts to be decentralised to Sligo to 300. This decision also expanded the proposed programme of decentralisation to include the transfer of some 190 posts of my Department to Letterkenny. In preparation for the relocation of areas of the Department to Sligo, a canvas of the staff serving in my Department took place in January 1988 to ascertain the level of interest in relocation to Sligo. Subsequently, in May 1988, civil servants from other Government Departments were invited to apply for transfer. The relocation of staff to Sligo was achieved in three phases commencing in July 1989 and finishing in November 1989. The final number of posts transferred was 319.

With regard to the decentralisation of areas of the Department to Letterkenny, a canvas of staff serving in my Department took place in November 1989 to ascertain the level of interest in transfer. In May 1990, civil servants from other Government Departments were invited to apply for lateral transfer to Letterkenny. The relocation of staff to Letterkenny was achieved in two phases, commencing in November 1990 and finishing in March 1991, with a final total of 176 posts transferring.

Social Welfare Fraud.

378. **Mr. Crowe** asked the Minister for Social

and Family Affairs if she would investigate the possibility of applying more lenient penalties to persons in relatively minor breach of the regulations surrounding the procurement of welfare benefits, in view of the fact that heavy financial penalties often lead to a worsening of the individual's overall physical, emotional and financial well-being. [16142/04]

Minister for Social and Family Affairs (Mary Coughlan): Where fraud and abuse of the social welfare system occurs, it is the Department's policy to consider the more serious of these cases for prosecution. Factors considered in deciding whether to prosecute include the duration of the fraud, the earnings of the offender during a period of concurrent working and claiming, any mitigating or aggravating circumstances involved and the deterrent effect a particular prosecution may have in the public mind.

Social welfare legislation lays down penalties ranging from 12 months' imprisonment and-or a fine of €1,270 to be imposed in the event of conviction in summary court proceedings. However, the level of these penalties imposed in an individual case is entirely a matter for the courts.

It is my Department's policy to endeavour to recover all moneys incorrectly paid and every effort is made to recover overpayments in full, having regard to the provisions of the Department's code of practice for recovering overpayments which is in place to regulate this process. The method and pace of recovery is determined having regard to the individual circumstances of those who have been overpaid, and the application of control policy by my Department involves striking a balance between protecting the public purse and exercising sympathetic consideration where such is warranted.

The question of introducing alternative penalties in appropriate cases as an alternative to prosecutions was raised by the Comptroller and Auditor General in his recent value for money study of control activities in my Department. This matter is being examined by my Department in the light of, *inter alia*, the legal and constitutional issues involved.

Social Welfare Benefits.

379. **Dr. Upton** asked the Minister for Social and Family Affairs if she will review the payment of rent allowance, in particular at the poverty trap that makes it very difficult for rent allowance claimants to take up employment and stay in private rented accommodation; and if she will make a statement on the matter. [16183/04]

Minister for Social and Family Affairs (Mary Coughlan): Under standard supplementary welfare allowance assessment rules, rent

[Mary Coughlan.]

supplements are calculated to ensure that an eligible person, after the payment of rent, has an income equal to the rate of supplementary welfare allowance appropriate to his or her family circumstances, less a minimum contribution of €13 which recipients are required to pay from their own resources. Up to €50 in respect of additional income from part-time employment or approved training courses is disregarded in the means test thus ensuring that a person is better off as a result of taking up such an opportunity. The standard means test was further eased in January 2004 whereby any amount of family income supplement in payment is also disregarded.

Under the legislation, supplementary welfare allowance is not normally payable to people in full time employment. However, special arrangements are in place which allow people on approved employment schemes such as back to work allowance, or anyone who has been unemployed for 12 months or more and who moves from a welfare payment to a full-time job to retain part of their rent supplement for up to four years subject to a weekly household income limit of 75% in year 1, 50% in year 2 and 25% in years 3 and 4. Back to work allowance and family income supplement, in cases where one or both of these are in payment, are disregarded in the assessment of the €317.43 weekly income limit. PRSI contributions and reasonable travelling expenses are also disregarded in the means test.

The arrangements outlined above encourage and assist people in the transition from reliance on welfare payments to full-time employment. These arrangements will be reviewed in the course of the programme evaluation of the social welfare allowance scheme, which is under way.

380. **Mr. Durkan** asked the Minister for Social and Family Affairs when rent supplement will be awarded to a person (details supplied) in County Kildare who has supplied all documentation as requested including bank details; and if she will make a statement on the matter. [16207/04]

Minister for Social and Family Affairs (Mary Coughlan): The South Western Area Health Board was contacted regarding this case and has again advised that the position remains as outlined in my reply to Question No. 419 which I answered for the Deputy on 11 May 2004. In particular, the board has advised that certain documentation, which the person concerned has already been requested to furnish, is still outstanding. The community welfare officer at her local health centre will again, if she contacts him, advise her as to the exact nature of the documentation required to allow a determination on her application for rent supplement to be made.

381. **Mr. Wall** asked the Minister for Social and Family Affairs the position regarding recipients of the free travel pass who reside in rural areas; the plans her Department has to permit the applicants to use the passes against the only means of transport available to them, the taxis of their area. [16221/04]

Minister for Social and Family Affairs (Mary Coughlan): The scheme provides free travel on the main public and private transport services for those eligible under the scheme. These include road, rail and ferry services provided by companies such as Bus Átha Cliath, Bus Éireann and Iarnród Éireann, as well as services provided by over 80 private transport operators. Most private contractors providing services under the scheme operate in rural areas. The underlying feature of the scheme is the use of spare capacity on these transport services. I am always willing to consider applications from licensed private transport operators who may wish to participate in the free travel scheme. However, while my Department pays transport providers to operate the free travel scheme, it is not in a position to provide transport services where none exist.

Access to public transport in rural areas is being addressed at present through the rural transport initiative, which is managed by Area Development Management on behalf of my colleague, the Minister for Transport. My Department contributed €500,000 to the initiative in 2003 and in this year. Various alternatives to the existing system have been examined. A study published in 2000 under the Department's programme of expenditure reviews concluded that a voucher type system, which would be open to a wide range of transport providers including taxis and hackneys, would be extremely difficult to administer, open to abuse and unlikely to be sufficient to afford an acceptable amount of travel. Significant improvements have been made to the free schemes, including the free travel scheme, in recent budgets in terms of the qualifying conditions and the coverage of the schemes. I will continue to review the operation of these schemes with a view to identifying the scope for further improvements as resources permit.

Social Welfare Appeals.

382. **Mr. Morgan** asked the Minister for Social and Family Affairs the procedures which are in place for the purpose of re-establishing residency of social welfare applicants when a community welfare officer has revoked that residency; her views on the cases of persons (details supplied) in County Louth; and if she will make a statement on the matter. [16250/04]

Minister for Social and Family Affairs (Mary Coughlan): The North Eastern Health Board was

contacted regarding the cases raised by the Deputy. The board has advised that, as part of a periodic review of rent supplements, the community welfare officer visited a number of addresses in the area to verify that people were actually residing at the address in respect of which they had claimed rent supplement. In the course of a review of claims, several attempts were made to contact the persons concerned at their stated addresses in order to verify their continued entitlement to payments under the supplementary welfare allowance scheme. These attempts were made over several days and at different times of the day. Having failed to make contact with the persons concerned payment of basic supplementary welfare allowance and rent supplement was suspended pending further investigation of the circumstances.

The board has further advised that the review of the cases in question is ongoing and that the persons concerned will be required to satisfy the board that they reside at the addresses in respect of which they are claiming rent supplement before a determination as to whether or not the payments are to be reinstated is made.

Community Services.

383. **Mr. Ring** asked the Minister for Social and Family Affairs when funding will be provided for a service (details supplied) in County Mayo. [16273/04]

Minister for Social and Family Affairs (Mary Coughlan): Following consideration of a submission received from South Mayo Money Advice and Budgeting Service late last year, my Department's regional co-ordinator for the west region recommended on 23 April this year that additional funding be provided to South Mayo MABS to recruit an additional money advisor. This recommendation has been approved and my Department wrote to South Mayo MABS on 27 May 2004 to inform them of this decision. This will enable South Mayo MABS to properly develop this very worthwhile service. Access to the service will be improved to those living in the more remote and sparsely populated areas. It will also allow the provision of community education in budgeting and money management skills to be expanded.

Social Welfare Benefits.

384. **Mr. Ring** asked the Minister for Social and Family Affairs if arrears in fuel allowance have been awarded to a person (details supplied) in County Mayo. [16392/04]

Minister for Social and Family Affairs (Mary Coughlan): Arrears amounting to €63.00 in respect of fuel allowance for the period 5 March 2004 to 28 April 2004 will issue to the person concerned this week.

Departmental Audits.

385. **Mr. Kenny** asked the Minister for Social and Family Affairs the number of internal audit reports completed within her Department since January 2001; the title of each completed audit report; and if she will make a statement on the matter. [16470/04]

Minister for Social and Family Affairs (Mary Coughlan): My Department's internal audit unit conducts audits in respect of the operations and activities of the Department's local, regional, branch and HQ offices. It is also responsible for the auditing of the bodies operating under the aegis of the Department. Since January 2001, the unit has conducted 41 audits. However, for reasons relating to the control and management of internal and external fraud and risk, it is my Department's practice not to publish information on the specific audits conducted nor of the reports produced on foot of those audits. Copies of all audit reports are, as a matter of course, forwarded to the Comptroller and Auditor General. If the Deputy wishes to discuss this matter further with the head of the Department's internal audit unit, this can be arranged.

386. **Mr. Stagg** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Kildare on disability allowance who has recently been diagnosed as a diabetic has been refused the dietary allowance; if she will grant the allowance; and if she will make a statement on the matter. [16542/04]

Minister for Social and Family Affairs (Mary Coughlan): Recipients of social welfare or health board payments who have been prescribed a special diet as a result of a specified medical condition, and whose means are insufficient to meet their needs, may qualify for a diet supplement under the supplementary welfare allowance scheme. The amount of supplement payable depends on which of two categories of diet, lower cost diet or higher cost diet, has been prescribed by the applicant's medical adviser as well as the income of the individual and his or her dependants. Separate rates are payable in respect of child dependants under 18 years of age.

In the case of an adult, a diabetic diet is deemed to be a low-cost diet, in which case the amount of diet supplement payable is €44 less one third of the applicant's income (one sixth in the case of a couple). The South Western Area Health Board has advised that the person concerned does not qualify for a diet supplement as her assessable income exceeds the cost of the appropriate diet.

Question No. 387 answered with Question No. 376.

Question No. 388 answered with Question No. 377.

Social Welfare Benefits.

389. **Mr. Ring** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Mayo was refused carer's allowance. [16590/04]

Minister for Social and Family Affairs (Mary Coughlan): The person concerned applied for carers benefit on 23 March 2004. The principal conditions for receipt of the benefit are that full-time care and attention is required and being

provided, and certain PRSI conditions are satisfied. Her application was initially refused on the grounds that full-time care and attention was not required in this case. In light of further medical evidence and a re-examination of the circumstances that decision has been revised. She has been awarded carer's benefit and her weekly payment of €241.40 will be credited to her account. She has been directly notified of the outcome in her case.

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.