



# DÁIL ÉIREANN

## DÍOSPÓIREACHTAÍ PARLAIMINTE PARLIAMENTARY DEBATES

### TUAIRISC OIFIGIÚIL OFFICIAL REPORT

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*Thursday, 3 June 2004.*

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

*Paidir.*  
*Prayer.*

#### **Business of Dáil.**

**An Ceann Comhairle:** Before I call the Order of Business, I wish to make a brief announcement concerning disorder in the House yesterday. I was concerned at the outburst by Deputy Rabbitte during the course of Leaders' Questions. As experienced parliamentarians, we all accept that from time to time in the heat of the moment robust remarks will be made.

However, the tenor of Deputy Rabbitte's remarks represents a marked departure from what would be considered to be an acceptable standard of behaviour in Parliament, even when issues of heated controversy are before the House, which was not the case yesterday. The remarks represented an unprecedented and unprovoked attack on the Chair and would not be tolerated in a parliamentary democracy of any standing. In fact, if the record were left stand, the position of the Chair, not alone for the Ceann Comhairle and the Leas-Cheann Comhairle but also for future incumbents, would be severely undermined to the detriment of the House itself. If a Member has difficulty with any ruling or rulings of the Chair, there is a time honoured way of challenging this by way of substantive motion.

Yesterday, in deference to Deputy Rabbitte's position as leader of his party, I chose to suspend

the proceedings for five minutes rather than deal with him more directly as I would have been well entitled to do. In any event, Deputy Rabbitte saw fit to remove himself from the Chamber. However, in the interests of the standing of the House and the integrity of the position of Ceann Comhairle, which I am honoured to hold, the Chair is giving a fair warning this morning that any repeat of this type of attack on the Chair will not be tolerated and will lead to the naming of the Member concerned notwithstanding his position in his party.

Since assuming office as Ceann Comhairle — and in my five years as Leas-Cheann Comhairle — I have always upheld the rules of this House without fear or favour to the high standards set by my predecessors. I have no intention of allowing the Chair to be intimidated and deflected from doing his duty.

I ask Members to take note of this announcement here as I do not intend to revisit this matter.

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

**An Ceann Comhairle:** I propose to deal with a number of notices under Standing Order 31. I will

[An Ceann Comhairle.]  
call on the Deputies in the order in which they submitted their notices to my office.

**Mr. Healy:** I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of urgent importance, namely, that the Minister for Health and Children approve the €2 million necessary for the opening of the new state-of-the-art hospital facilities which have remained idle for the past 15 months at South Tipperary General Hospital, Clonmel, particularly in view of the recently announced windfall tax increases to the Exchequer.

**Mr. R. Bruton:** I seek the adjournment of the Dáil under Standing Order 31 to discuss the continuing obstruction by Fianna Fáil and the Progressive Democrats of any scrutiny of the proposals for decentralisation which were introduced under cover of the Budget Statement and for which no evaluation or strategic plan has been published. No risk assessment of the effect on the agencies has been provided and no human resource plan has been developed.

The added urgency for a debate is created by the imminent deadline by which 10,000 public servants must apply for the retention of their jobs at specified regional locations or face a totally uncertain future. This dilemma is particularly acute for those working in State agencies who have not been given any right of transfer. The national importance of such a debate arises from the constitutional obligation under Article 28.4.1 of the Government to be responsible to the Dáil.

**Mr. J. Higgins:** I seek the adjournment of the Dáil to debate the following issues of major importance, namely, the ongoing and inexplicable failure of the Northern Area Health Board and the Minister for Health and Children to provide the funds to open the new accident and emergency unit at James Connolly Memorial Hospital, Blanchardstown, the burden on staff and patients being forced to utilise the old dilapidated accident and emergency unit, which is in an entirely unsatisfactory condition, and the need to remove restrictions on Blanchardstown hospital regarding recruitment of staff who are urgently needed to provide a proper service to the catchment area where the population is expanding exponentially.

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

### Order of Business.

**Minister for Agriculture and Food (Mr. Walsh):** The Order of Business today shall be as follows: No. 14c, Expediency Motion re Appointment of Committee on Article 35.4.1 of the Constitution and section 39 of the Courts of Justice Act 1924; No. 22, International Development Association (Amendment) Bill 2003 — Second Stage (resumed); No. 2, Sea Pollution

(Miscellaneous Provisions) Bill 2003 [*Seanad*] — Second Stage; No. 20, International Criminal Court Bill 2003 — Second Stage (resumed). It is proposed, notwithstanding anything in Standing Orders, that the Dáil on its rising today shall adjourn until 2.30 p.m. on Tuesday, 15 June 2004.

**An Ceann Comhairle:** Is the proposal for dealing with the Adjournment of the Dáil today agreed?

**Mr. R. Bruton:** In respect of No. 14c, will there be an opportunity for Opposition spokespersons to raise concerns about the legal basis on which the Government is proceeding? I presume there will be no restriction and there will be an opportunity to deal with the issue.

**Mr. Walsh:** We appreciate the all-party involvement and support for this measure and there will be no curtailment of debate.

**Mr. Rabbitte:** When does the Government intend to introduce legislation to refurbish the law after the *Abbeylara* case to allow or permit inquiry by parliamentary committee?

**An Ceann Comhairle:** I am sorry, Deputy, we will deal with that matter on the Order of Business. We are dealing with the proposal before the House. Is the proposal agreed? Agreed.

**Mr. Walsh:** With the permission of the Ceann Comhairle, I would like to inform the House of the up-to-date position on Judge Curtin. A plenary summons and statement of claim on this matter were served on the Office of the Chief State Solicitor yesterday afternoon, 2 June 2004. The General Indorsement of Claims therein reads as follows:

The Plaintiff's claim is for:

A. A Declaration that the computer and other materials removed from the Plaintiff's residence on the 27th day of May 2002 were removed therefrom unlawfully and in breach of the Plaintiff's constitutional rights;

B. A Declaration that the aforesaid computer and other materials having been declared inadmissible as unconstitutionally and unlawfully obtained evidence, may not be used as evidence in any other proceedings, process or inquiry;

C. An Order restraining the Defendants, and each of them, their servants or agents from making any use whatsoever of the said computer and other materials or from delivering same over to any third parties;

D. Damages for trespass;

E. Damages for unlawful interference with constitutional rights;

F. Such further and other relief as this Honourable Court shall seem meet;

G. Costs.

It is important to note that neither House of the Oireachtas is a defendant in this litigation; there is no claim contained in these proceedings which would have the effect of preventing the Dáil and Seanad from establishing the select committees which have been proposed in relation to Judge Brian Curtin, or from joining those select committees as a single joint committee; no challenge has been lodged against the procedures which have been established to deal with motions under Article 35.4 of the Constitution; no challenge has been lodged against the motion moved yesterday by the Minister for Justice, Equality and Law Reform; and it is our strong legal advice that the proceedings as served pose no impediment to the House in proceeding to establish the committees as proposed.

**An Ceann Comhairle:** Before I call Deputy Richard Bruton, I draw his attention to the statement I made on a number of occasions to ensure that Members do not prejudice themselves.

**Mr. R. Bruton:** I have no intention of doing so. I thank the Minister for his statement. It gives some clarity to the way in which we are proceeding. I am encouraged by his statement that the Government has categorical legal advice on the robustness of this procedure. Nonetheless, I hope that the Opposition spokespersons will have the opportunity during the day to make comments and hear fully from Government on the issues that have been raised in public discussions and which are contentious here in the procedures. All Members of the House should receive the assurance just given by the Minister.

**Mr. Rabbitte:** I am not clear about what the Minister has said. Notwithstanding what he has said, surely the action being taken against Judge Brian Curtin will inevitably have implications for the process on which these Houses have embarked, or is the Minister claiming that it is an entirely separate matter and has no impact on the process? Having claimed that it is his intention to proceed with the select committee today, when is it proposed that such a committee will initiate its business?

**Mr. Sargent:** I understand that this is not a matter that is to be dealt with on the normal adversarial basis. Will all Members of the Oireachtas be kept informed? The Technical Group has only one representative on that committee and it is my understanding that this is a matter with which the Oireachtas in total is dealing. As far as I am aware there has not yet been any challenge to the Oireachtas proceedings. Will the Minister inform the House how matters will change, for example the length of time, if there is a challenge to the work being done here? Does the Minister know if a plan B exists?

**Mr. Walsh:** This morning I checked with legal advice available to the Government and I was advised that I could issue a statement to the House. It is the strong legal advice that proceedings as served pose no impediment to the House to establish the committee as proposed. The best legal advice to me and to the Government is that we can proceed with the establishment of the committee and the proceedings served pose no impediment to that establishment. The committee will have its own legal advice. There will be no time limit on the workings of the committee. It will be established today and will get down to business as soon as possible. It will have its own legal advice to carry out its work under its own constitutional responsibility. The Members will be kept fully informed as has occurred over recent weeks.

**Mr. Rabbitte:** Does that mean that the Minister will make the advice of the Attorney General on the Judge Curtin affair available to Members of the House or at least to party leaders in the House?

**Mr. Walsh:** The Attorney General has advised me to issue the statement to the House that I have here. It is the strong legal advice that proceedings as served pose no impediment to the House in proceeding to establish the committees today as proposed.

**Mr. Rabbitte:** When will legislation be brought before the House to allow inquiry by parliamentary committee following the striking down of same in the *Abbeylara* judgement?

**Mr. Walsh:** There will be an appointment of inspectors to assist committees. The Deputy must excuse me.

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

**Mr. Quinn:** If it is promised, it will be broken.

**Aengus Ó Snodaigh:** Is it promised or not?

**An Ceann Comhairle:** Will Deputy Rabbitte reply?

**Mr. Rabbitte:** I asked the question. It is for the Government to answer it. What is the eloquent reply?

**Mr. Walsh:** Could the Deputy ask the question again, please? I am trying to be helpful.

**Mr. Rabbitte:** Following the judgement on *Abbeylara*, the inquiry into events such as mini-CTC had to be abandoned, because inquiry by parliamentary committee that was in danger of making findings that would adversely reflect on a particular individual was struck down by the Supreme Court. The question of refurbishing legislation was promised and I am asking where

[Mr. Rabbitte.]  
is it in the schedule and when will it be introduced in the House.

**Mr. Walsh:** The Commissions of Investigations Bill has taken over from that legislation.

**Mr. Rabbitte:** When will that be introduced?

**Mr. Walsh:** That is on Report and Final Stages.

**Mr. R. Bruton:** What is the progress of the Garda Síochána Bill? There was a report today that Ministers have used Garda resources for constituency business. It is a matter of public concern that such resources should be used in a way that is not authorised.

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

**Mr. R. Bruton:** I want to know when that legislation will come before the House so we can have a proper debate on this. I am also interested in the progress of the investment intermediaries Bill. We have again seen today—

**An Ceann Comhairle:** The Deputy is referring to two pieces of legislation.

**Mr. R. Bruton:** I wanted to state why I was—

**An Ceann Comhairle:** It is not necessary to state why, just when it will come before the House.

**Mr. R. Bruton:** It helps in that we are trying to—

**An Ceann Comhairle:** It does not help. It takes up a great deal of time on the Order of Business.

**Mr. R. Bruton:** We have seen Ministers using State money in a cavalier way today for two purposes—

**An Ceann Comhairle:** When the Bill comes before the House, the Deputy will have an opportunity to contribute on it.

**Mr. R. Bruton:**—an investment in Maynooth made at the whim of the Minister for Finance and an investment in his own constituency veered from the Minister for Defence.

**An Ceann Comhairle:** The Deputy should confine himself to questions on legislation.

**Mr. R. Bruton:** We ought to have an opportunity to ask relevant questions about legislative provisions.

**An Ceann Comhairle:** Yes. That is the purpose of Question Time. We are discussing when legislation on the Order Paper might come before the House. We cannot discuss the content of the

legislation or what we might wish to say on Second Stage.

**Mr. Walsh:** Committee Stage of the Garda Síochána Bill 2004 is being taken in the Seanad. On the conclusion of Committee Stage, it will be taken in the House without delay. The heads of the investment intermediaries Bill are expected shortly.

**Mr. R. Bruton:** Will it cover the Minister for Defence?

**Mr. Sargent:** If the Ceann Comhairle will allow me, as I did not have an opportunity to do so yesterday, I welcome home members of the Defence Forces and pay tribute to their peace-keeping work in Liberia. In speaking to me, they wondered whether they would be billeted on the floor this time around when George Bush's plane comes into the hangar in Gormanstown.

**An Ceann Comhairle:** Does the Deputy have a question on legislation? If not, we will move on to Deputy Michael D. Higgins.

**Mr. Sargent:** I do. The Department of Defence promised legislation lists only the Curragh of Kildare Bill. I am not sure if that is for the horses or members of the Defence Forces but the judicial conduct Bill is relevant to us given that we need to reflect on judicial appointments and avoid in future the type of problems we are experiencing now.

**Mr. Walsh:** The Department is working on the judicial conduct Bill and it will be taken before the end of the year.

**Mr. M. Higgins:** In recent days the attention of Members of the House has been drawn to the fact that two Palestinian diplomats spent a year in Abu Ghraib jail and were only released some days ago. That has led me to ask again about the legislation promised on the Diplomatic Relations and Immunities Act 1967, as amended in 1976. Every time I ask about it I get a letter stating there are some difficulties but I never get an explanation as to the practical difficulties in introducing this long-promised legislation.

**Mr. Walsh:** I regret I will not be able to be any more helpful because it is not possible to indicate at this stage when that legislation will be taken.

**Mr. M. Higgins:** On the previous occasion, I received a short letter from the Taoiseach suggesting there had been more difficulties than anticipated. I am sure the Ceann Comhairle will appreciate that the circumstances in which immunity is granted on either a temporary or a permanent basis—

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

**Mr. M. Higgins:** I have done so——

**An Ceann Comhairle:** It is not a matter for the Order of Business.

**Mr. M. Higgins:** ——but I did not get any information. I will try to pursue it in another way as the Ceann Comhairle suggests so regularly.

**Aengus Ó Snodaigh:** The Minister for Justice, Equality and Law Reform has demonstrated his lack of evidence-based planning in regard to the prison service. When will the heads of the prisons Bill be published and will it be published along with the prison service Bill which will provide a statutory basis for an independent prison service? Will additional legislation be required to put the prisons inspectorate on a statutory footing?

**Mr. Walsh:** The heads of the prisons Bill have been approved by Government and the Bill will be published this session.

**Aengus Ó Snodaigh:** I asked about other legislation. Will that Bill be published along with the prison service Bill which would provide for the independence of the prison service?

**Mr. Walsh:** It is not possible to indicate when the prison service Bill will be published.

**Mr. Crawford:** I want to raise three issues. When will the alcohol products (control of advertising, sponsorship and marketing practices/sales promotions) Bill be published? Regarding the Minister's own area, when will the veterinary medicines Bill and the animal health Bill be published? When will the land Bill, which deals with a serious problem for many farmers, be published?

**Mr. Walsh:** The heads of the alcohol products (control of advertising, sponsorship and marketing practices/sales promotions) Bill have been approved and the legislation will be published later this year. The heads of the veterinary medicines Bill have been approved and it is hoped that Bill will be published before the end of this term. The heads of the land Bill have been approved and it will be published in the next few weeks.

**Mr. Crawford:** What about the animal health Bill?

**Mr. Walsh:** The date for the animal health Bill is May 2005.

**Ms Shortall:** Will the Minister indicate if the Cabinet discussed the State airports Bill this week? Also, in light of the fact that two firms of respected consultants have now established that it would not be prudent for the State to continue with the plan to break up Aer Rianta, what is the Government's intention now in respect of that legislation?

**Mr. Walsh:** The Bill will be published this session.

**Mr. S. Ryan:** Will it be with the approval of the Minister for Finance?

**Ms Shortall:** Was the legislation approved by the Cabinet this week?

**Mr. Walsh:** It is under consideration by the Government and it will be published this term.

**Mr. Boyle:** I need the Ceann Comhairle's guidance on this question. Today's business includes questions to the Minister for Community, Rural and Gaeltacht Affairs. I have tabled a question for oral answer in the House today which I will not raise here but which I was disturbed to see was already answered by way of press release yesterday. Does that affect Standing Orders in any way? My question was tabled, under the requirements of Standing Orders, with due notice of three working days and it begs the question why Members table questions when the Government sees fit to release information in that way.

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

**Mr. Stagg:** It is called respect for the House.

**Mr. M. Ahern:** Does Deputy Stagg think he is the only one who has respect for the House?

**A Deputy:** It is the same procedure under freedom of information.

**Mr. Durkan:** Given the fun we have had from time to time, will the Minister indicate the current whereabouts of the gas regulation Bill?

**Mr. Roche:** That is a very appropriate question from Deputy Durkan.

**Mr. Durkan:** It might be no harm to reintroduce it. It might also be no harm to revisit the geological survey of Ireland Bill, which has been around since 1845. The building control Bill, about which there was great urgency last year, appears to have slipped from the list for some unknown reason.

**Mr. Walsh:** The gas regulation Bill, which is very complex, will be published in 2005. It is not possible to indicate at this stage when the geological survey of Ireland Bill will be taken. The building control Bill will be taken before the end of the year.

**Mr. Sherlock:** I want to ask the Minister about the co-operatives Bill to modernise existing co-operative legislation — it is No. 56 on the list — and No. 59, the employee involvement in a European co-operative society Bill.

**Mr. Walsh:** That legislation will be taken in 2005.

**Mr. Sherlock:** Will both Bills be taken?

**Mr. Stagg:** After the general election.

**Mr. Walsh:** No, it will be before the next general election. The other Bill will be taken in 2005.

**Mr. J. Higgins:** With only four weeks of parliamentary time remaining after the elections, is it still the intention of the Government to bring the State airports Bill before the Dáil? What is the timescale for the national oil reserves agency Bill?

**An Ceann Comhairle:** The first question has already been dealt with.

**Mr. J. Higgins:** The Minister for Social and Family Affairs must have been an altar girl in her youth so efficient is she in turning the pages of the Minister's missal.

**Mr. Walsh:** Regarding efficiency, the first question the Deputy asked was answered only a few minutes ago. His attention span appears to be shortening. On the second question, the answer is 2005.

**Mr. McGinley:** Representing the constituencies they do, Donegal South-West and Cork South-West, I am sure both Ministers are aware of the crisis in the salmon fishing industry due to quota restrictions and restrictions on days fishing.

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

**Mr. McGinley:** When can we expect to see the fisheries (amendment) Bill to regulate the fishing industry. I am sure both Ministers are concerned, as I am, about the future of salmon fishermen from Donegal to Cork.

**Mr. Walsh:** The heads of the Bill have been approved and it is expected that it will be taken late this year.

**Mr. McGinley:** Too late for this season.

**Dr. Cowley:** In view of the better economic returns we are hearing about, when will legislation be introduced to compel the Government to give equality to ill people by removing the ban on recruitment of staff which is resulting in essential medical units being left idle while people lie on trolleys in hospitals.

**Mr. M. Higgins:** The Government is against equality. Inequality is a good thing.

**Mr. Walsh:** No legislation is promised but this matter was raised on the Adjournment of the House last night. Deputy Cowley's colleague,

Deputy Ring, availed of that opportunity to raise the matter.

**Mr. Costello:** In view of the action taken recently in the European Court of Human Rights by a Scottish prisoner who obtained compensation for slopping out procedures in 11 o'clock Scottish prisons, the class action being taken by 240 prisoners in Limerick Prison, the thousands of prisoners who may be associated with that action and the millions of euro, perhaps rivalling the Army deafness claims, which may have to be paid out by the State in compensation, does the Government have proposals to change prison rules and regulations so that slopping out is discontinued in Mountjoy, Portlaoise and Limerick prisons? The procedure is degrading and inhumane and should have been ended years ago.

**An Ceann Comhairle:** No such legislation is promised.

#### **Appointment of Select Committee: Motion.**

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

That Dáil Éireann, pursuant to Standing Order 63A:

1. Noting the information provided to the House by the Minister for Justice, Equality and Law Reform:

(a) that the Garda Síochána in August 2001, on receipt of information from Interpol obtained by the United States Postal Inspection Service during a search of premises in Fort Worth, Texas, concerning details of alleged customers of a company offering access to child pornography websites, commenced an operation in relation to persons allegedly so identified from this jurisdiction,

(b) that these details included the names, passwords and credit card and charge card details of certain persons,

(c) that one of the persons from this jurisdiction so named was a Brian Curtin, 35 Ashe Street, Tralee, County Kerry, and that subsequent inquiries indicated that this person was Brian Curtin, Judge of the Circuit Court, with a home address of 24 Ard na Lí, Tralee, County Kerry,

(d) that a warrant to search Judge Curtin's home under section 7 of the Child Trafficking and Pornography Act 1998 issued from the District Court on foot of an application by a member of the Garda Síochána on 20 May 2002,

(e) that Judge Curtin's home was subsequently searched on foot of the said warrant and that gardaí took possession of a

personal computer and other material during the search,

(f) that an investigation file was submitted to the Director of Public Prosecutions by the Garda authorities in October 2002 and that the Director of Public Prosecutions instructed that Judge Curtin be prosecuted for knowingly having in his possession child pornography contrary to section 6 of the Child Trafficking and Pornography Act 1998,

(g) that the trial of the said charge commenced on 20 April 2004 at Tralee Circuit Court and that on 23 April 2004 Judge Curtin was found not guilty of that charge without evidence being given in relation to the subject matter of the charge, the Circuit Criminal Court having determined that the aforesaid warrant was spent when executed at the home of Judge Curtin,

2. Noting the contents of all of the correspondence between the Secretary General to the Government, Judge Curtin and his solicitors, commencing with the letter from the former dated 27 April 2004, and in particular the statement by Judge Curtin's solicitors in their letter of 13 May 2004 that, should the Oireachtas see good to make requirements of Judge Curtin, in due course, Judge Curtin will respond to that body appropriately,

3. Noting in particular the letter of 21 May 2004 from Judge Curtin's solicitors to An Taoiseach, the response to that letter of 25 May 2004, the letter of 31 May 2004 from Judge Curtin's solicitors to the Secretary General to the Government, and a letter of the same date containing submissions on behalf of Judge Curtin,

4. Considering the exceptional circumstances thus arising, having regard to the need for the public to have complete confidence in the Judiciary and in the integrity of the administration of justice, conscious of the fact that the said matters do not relate to any exercise of a judicial function by Judge Curtin, and mindful of the status and importance of the principle of judicial independence,

5. Noting the proposal by the Minister for Justice, Equality and Law Reform that this House, calls for the removal, pursuant to Article 35.4 of the Constitution and section 39 of the Courts of Justice Act 1924, of His Honour Judge Brian Curtin, Judge of the Circuit Court, from office for stated misbehaviour, being his conduct in and in relation to subscribing to, accessing and use of websites containing child pornographic images and thereby rendering himself unsuitable to exercise the office of a Judge of the Circuit Court, but that this motion has been adjourned pending the conclusion of the investigative process herein described,

6. Conscious of the responsibility and duty of the Houses, prior to the Members of the Oireachtas forming a judgment as to whether they wish to vote in favour of or against such a motion, to cause an investigation to take place into the said matters so as to gather and ascertain the facts of and evidence relating to same, and to provide the opportunity to Judge Curtin to state and present his case to the said Houses,

7. Mindful of Judge Curtin's entitlement to due process and fair procedures and noting that this House shall accord fair procedures and due process to Judge Curtin and in particular an opportunity to advance evidence to the select committee herein established and make such submissions as he considers appropriate to that select committee and thereafter to this House and moreover shall provide for the exercise of all rights conferred on him by law to defend and protect his right to his position, his good name and any other right or entitlement enjoyed by him at law,

8. Resolves that:

(I) It is expedient that a select committee of Dáil Éireann be appointed, pursuant to Standing Order 63A(2) of the Standing Orders Relative to Public Business, to be joined with a select committee to be appointed by Seanad Éireann, on a matter pursuant to Article 35.4 of the Constitution and section 39 of the Courts of Justice Act 1924 (to be referred to as the 'Committee on Article 35.4.1° of the Constitution and section 39 of the Courts of Justice Act 1924');

(II) The committee shall take evidence on:

(a) the circumstances and matters referred to in paragraph 1 (a) to (f) above;

(b) any other matters which may arise in the course of the work of the committee which are related to the matters referred to in sub-paragraph (a) above, and which may relate to Judge Curtin's suitability to hold judicial office;

(c) any other matters related to the matters referred to in sub-paragraph (a) above which may be referred to it by resolution of Dáil Éireann and which may relate to Judge Curtin's suitability to hold judicial office;

(III) The select committee shall consist of four members provided that, if one member shall become unable to participate because of death or illness, the committee may continue its proceedings with a membership of no less than three members. Provided further that any such



[Ms Hanafin.]

member who becomes unable to participate due to illness shall forthwith cease to be a member of the committee;

(IV) Without prejudice to the generality of paragraph (5) of Standing Order 63A:

(i) the committee shall in particular afford the judge in question (and, where appropriate, his legal representatives) an opportunity to state his case; to cross-examine any witnesses called by the committee and to lead such evidence as he may think appropriate; and

(ii) the report of the committee to be circulated by the Clerk of the Dáil pursuant to paragraph (8) of that Standing Order shall include a report of the committee's proceedings together with appropriate transcripts in written or electronic form and associated audiovisual material also furnished by the committee pursuant to that Standing Order.

(V) The committee shall have the following powers:

(i) Power to accept written submissions to the extent that such written submissions are necessary for the conveyance of evidence or information essential to the core purpose of the committee;

(ii) Power to engage the services of persons with specialist or technical knowledge to assist it in discharging its function;

(iii) Power to retain the services, should it think fit, of one or more legal advisors whose task it shall be to advise and assist the committee;

(iv) Power to undertake travel necessary to the discharge of its functions;

(v) Power to send for persons, papers and records.

As the House is aware, the Minister for Justice, Equality and Law Reform yesterday proposed a motion calling for the removal, pursuant to Article 35.4 of the Constitution and section 39 of the Courts of Justice Act 1924, of His Honour Judge Brian Curtin, Judge of the Circuit Court, from office for stated misbehaviour, being his conduct in and in relation to subscribing to, accessing and use of websites containing child pornographic images and thereby rendering himself unsuitable to exercise the office of a judge of the Circuit Court.

In the course of proposing that motion, the Minister made the House aware of certain information. This motion sets out information arising from the Minister's speech.

Subsequent to Judge Curtin's acquittal, the Government wrote to Judge Curtin on 27 April 2004, seeking an explanation from him of the circumstances surrounding his case. This was an entirely appropriate thing to do. The judge was, thereby, given an opportunity to provide an explanation of these circumstances.

Unfortunately, Judge Curtin chose not to avail of this opportunity. This is clear from correspondence that has occurred between the judge's legal representative and the Taoiseach, the Secretary General to the Government and the Ceann Comhairle, which correspondence has been brought to the attention of the House.

Of particular significance is a letter of 13 May 2004, in which Judge Curtin's solicitors informed the Secretary General to the Government that Judge Curtin had instructed them to inform the Government that:

It would not be constitutionally appropriate for him to answer questions asked by or on behalf of the Government or to render any explanation to the Government in circumstances where the Government is clearly contemplating a process designed to remove him from office. Should the Oireachtas, the organ of State mandated by the Constitution with the oversight of judicial conduct, see good to make requirements of our client in due course, Judge Curtin will respond to that body appropriately.

Given the situation as it has developed the Oireachtas must now deal with this matter. It is a matter in which we have a duty and responsibility to become involved, particularly in light of the need for the public to have complete confidence in the Judiciary and in the integrity of the administration of justice. These are exceptional circumstances, involving matters of substantial public concern which cannot be ignored.

Before deciding on whether to vote in favour of or against the motion which has been proposed by the Minister, this House has a duty to gather all the relevant evidence in a manner which accords fair procedures to Judge Curtin. Today, we propose to establish a committee for that purpose.

In order to facilitate this process and to provide for other matters which arise in connection with Article 35.4 of the Constitution, the House yesterday adopted a new Standing Order 63A. This Standing Order, at subsection (2), empowers the Dáil to appoint a select committee:

to take evidence in respect of the aforesaid Article 35.4.1o motion provided that the Select Committee shall make no findings of fact nor make any representations in respect of same or express any opinions in respect of same.

The Standing Order goes on to lay out a series of procedures which ensure that persons on the subject of a motion pursuant to Article 35.4.1o will be treated in accordance with fair procedures, both at the select committee and before the House.

I propose the appointment of such a select committee because I believe the resolution proposed in respect of Judge Curtin is a matter in which a motion under subsection (2) of the new Standing Order is appropriate. This follows from the fact that the House is aware of certain information regarding Judge Curtin but is not in possession of all relevant information. A select committee, as here proposed, can gather in the evidence in a manner which will allow the whole House to make the appropriate decisions on the full facts of this matter and the course which is then to be followed.

I ask the House to adopt this proposal in the knowledge that Judge Curtin, by way of a solicitor's letter of 21 May 2004, has strongly asserted that he "has not been involved in impropriety of the type alleged against him". In view of this assertion, the House ought to proceed within the context of the safeguards and protections afforded to a subject of an Article 35.4.1o motion by Standing Order 63A. At 1 p.m. today, I intend to move a motion establishing the committee, subject to confirmation by Seanad Éireann of its concurrence with the establishment of a similar select committee in that House. At the same time I shall move a motion appointing Members of Dáil Éireann to the committee.

I commend this motion to the House.

**Mr. J. O'Keefe:** I am prepared to agree to this motion. Despite the fact that Article 35 of the Constitution does not spell it out in express terms, it is clearly implicit in the Article that we are entitled to regulate our procedures leading to the possible decision on an Article 35 resolution. The question is how this is best to be done. Unfortunately, five years after the Sheedy affair we do not have a structure in place. As a result, Members of the Oireachtas must take the Government at face value and accept in good faith the processes and procedures proposed by Government. The expediency motion before the House is part of the process proposed by the Government for dealing with the current controversy involving Judge Curtin.

The twin pillars of Fine Gael's approach to this matter are that we must ensure there is confidence in the Judiciary and fair process for Judge Curtin. There are three major aspects to this issue about which there will continue to be major debate. First, whether or not legislation should have been enacted to cover the entire evidence gathering process prescribed under Article 35. The Government decided to follow a different route and the matter is now being dealt with under Standing Orders. This is yet another issue on which we have to take at face value the advices from Government that this is the correct approach in the circumstances. Another route could have been followed. We could have introduced comprehensive legislation to deal with this issue, which legislation, if doubts arose about its constitutionality could have been referred to the Supreme Court by the President.

The second issue which will continue to exercise minds and cause considerable debate is the admissibility of the evidence obtained under the out-of-date warrant. The Minister for Justice, Equality and Law Reform, Deputy McDowell, when speaking to the House yesterday was clear in his views on that matter. However, the fact that it is the Minister's view expressed in his normal trenchant terms does not ensure that view will be upheld if challenged, as I expect it will be.

The third issue is the correctness of the compellability approach prescribed by the amending emergency legislation brought before the Houses by Government last week in terms of whether the process prescribed therein will stand up to scrutiny in the Supreme Court or, possibly, the Court of Human Rights in Strasbourg. To a large extent we, as Members of the Oireachtas, must accept in good faith that the rushed process put in place by Government will stand up to judicial scrutiny. We are now aware proceedings have been issued on behalf of Judge Curtin against the Government and the State agencies including, the Garda Commissioner, the DPP and the Attorney General. In that regard, the issues I mentioned earlier may shortly become clearer.

As these issues arise as a result of acts or omissions on the part of Government or the State agencies mentioned, it is right that the Government, rather than the Oireachtas, should be the party which defends the process and procedures before the courts and ensures they are adjudicated upon in another place. That then gives rise to the question of what role the proposed committee will have in the weeks and months ahead. It is proposed that the committee will hold its first meeting on Tuesday, 15 June. I expect the position will become clearer in the meantime.

One other issue also arises. I raise it in the context of our discussions on the Bills before the House last week. There is a great deal of legal advice available. It would be helpful to the Oireachtas if such advice was made available to it, the Attorney General, the Ceann Comhairle and Members of the Oireachtas generally, in particular those who may be chosen to serve on the proposed committee. I raised that issue in the course of our debate last week but it was not dealt with by the Government side. The matter was raised again this morning but the Minister dealt with it by quoting the advice of the Attorney General. I am speaking of the written advices available to the Attorney General given the issues which no doubt will have been teased out therein which would be of great assistance to Members of the Oireachtas and, in particular, those who will be called upon to serve on the committee to be established today by the Oireachtas.

Members of the Fine Gael party, and I am sure all other Members of the Oireachtas, have been and continue to be available to discharge their obligations and responsibilities under Article 35 of the Constitution. We will try to do so in a just and fair manner as has always been our approach.

**Mr. Costello:** The Labour Party will also support the motion. In that regard, my remarks are by way of clarification in terms of ensuring we conform to all the procedures of due process and fair hearing and to ensure the motion and practice outlined are in accordance with that.

The Minister said yesterday the situation in which we find ourselves is unique and unprecedented. For some time now comments such as “we are moving into uncharted waters” have been used. This is a difficult situation with which to deal. Last week, the Oireachtas enacted various Bills including, the Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) (Amendment) Bill 2004 which provides for compellability of a judge before a committee of the House and the Child Trafficking and Pornography (Amendment) Bill 2004 which makes provision for members of that committee to view and have possession of material it would otherwise be illegal for them to view. Yesterday, we adopted a new Standing Order No. 63A and discussed a motion tabled from the Minister for Justice, Equality and Law Reform, Deputy McDowell, which called for the removal from office of Judge Brian Curtin. Today, we are dealing with a motion establishing membership of the proposed committee. The motion now before us is the nub of the issue for many Members.

We all wish there had been co-operation on all sides, that Judge Curtin had co-operated, that compellability powers had not been necessary and that this procedure had not been necessary given it is a novel procedure. The Oireachtas had to make up the procedures as it went along and have those procedures passed by both Houses. Deputy Jim O’Keeffe mentioned the Sheedy affair which he said should have been a warning to all of us that necessary procedures and structures to deal with matters which might arise should have been in place on a statutory basis. It was inevitable that some day an issue of alleged misbehaviour or misconduct might arise with regard to a member of the Judiciary.

It is extremely important that the procedures now being put in place are operated in a fair and impartial manner and that every opportunity is given to Judge Curtin to put his case and to get a proper hearing. We must be painstaking in that regard. I would like the position regarding the application of due process and fair procedures, in terms of statements made on this motion, to be spelled out to a greater degree. Such statements were made on the Abbeylara motion and, obviously, it was found wanting in terms of the challenge put to it. We know there are constitutional and statutory requirements regarding due process and fair procedures. We need greater clarification and elaboration to ensure all members of the committee are intimately acquainted with every nut and bolt in that respect.

The last letter received from Judge Curtin contested the entitlement of the Houses to establish

a committee to conduct their business under the statute and the Constitution. I disagree with him on that point. It is the practice, tradition and right of this House to delegate to a committee the task of addressing any matter it considers appropriate, on a fact-finding basis. One should remember that there will be no adjudication made. It is quite right and proper that we go about our business in this fashion.

No citizen, not even a judge, can expect preferential treatment. Everybody is entitled to fair procedures and due process and the common mechanism that has been employed by the House in the past is the one we propose today. It is procedurally correct that it operate on a strictly fact-finding basis, and I fundamentally disagree with the contention to the contrary in Judge Curtin’s last letter.

I note that the proceedings that have been issued are against the Government, the Director of Public Prosecutions, the Attorney General and the Garda Commissioner and that there are no proceedings against either of the Houses or the Houses of the Oireachtas Commission. Therefore, we are entitled to conduct our business in the manner presented to us today. I certainly believe we are going about it in a reasonable, procedurally correct fashion.

The question of inadmissibility of evidence, which is part and parcel of the challenge being made, does not have to be dealt with immediately. It is a matter for the committee and it may or may not be that it will request certain materials that have been alleged to have been collected unlawfully in the plenary summons by Judge Curtin. It will be up to the committee, on foot its legal advice in respect of paragraph 1(d) of the motion, to decide whether it should make such a request. The proceedings being taken do not present an impediment to our conducting our business in the format outlined.

Paragraph 1(f) of the motion states an investigation file was submitted to the Director of Public Prosecutions by the Garda authorities in October 2002 and that the Director of Public Prosecutions instructed that Judge Curtin be prosecuted. It may very well be that the Director of Public Prosecutions and the Attorney General will be requested to come before the committee. I do not know if the Minister of State has any information on whether these agents are prepared to do so on a voluntary basis. We do not have compellability powers at present and therefore I hope they will attend voluntarily if required to do so. Will the Minister of State address this in her concluding remarks?

As long as we adhere to the key principle of painstakingly ensuring at all times that Judge Curtin is granted full facilities and a full opportunity to present his case to the committee and that he is given an absolutely fair hearing, I will be satisfied to go along with the procedures outlined.

**Mr. Cuffe:** As the previous speaker stated, we are in uncharted waters. As a member of the Opposition, I note that my party is not on the bridge but travelling in steerage where this issue is concerned. Later today, we will be brought up to the bridge to make a decision on it. We will be brought blinking from the hold and we will make as best and informed a decision as we can.

This issue represents a crisis in the balance between the Judiciary and the Legislature. We have often spoken about the need to depoliticise the appointment of the Judiciary and to have a strong system for the training, education, further education and reprimanding of the Judiciary. We hope this will be addressed by the Government as part of the wider process we have begun.

My party wishes the committee well in its deliberations although it has not been chosen to be part of it. We will consider very carefully any evidence the committee presents to the Oireachtas and we will make an informed decision on that basis.

**Aengus Ó Snodaigh:** Obviously, the problem we are facing today was foreseen when the Constitution was being formulated because it granted the Houses the powers they are now invoking. The problem is that the House has not legislated properly — it has not legislated at all.

I have no problem with the procedure as laid before us. I agree the House should have and has the powers under the Constitution to deal with matters such as this in a way that the Oireachtas sees fit, with due regard to due process and fair procedure. That balance has been achieved today.

I have one major problem with the motion before the House, although I will not oppose it. The select committee will consist of only four Members of this House. There are six parties in the House and a group of Independents, which group includes a number of Fianna Fáil exiles. The views and political stance of all Members of the House and all the people of this island will not be reflected fully on the committee. There is a tradition in the House to the effect that, when new committees are being formed, they should be established on an all-party basis in so far as this is possible.

I understand the Seanad will have three Members on the committee, although I cannot pre-empt the decision. Therefore, the committee will have seven members overall. This number would normally be sufficient to deal with most issues, but most joint committees have more than seven members and a jury has 12 members. There is no reason we could not have seven Members of the Dáil on the committee, reflecting the views of all the groupings in the House, and perhaps five Members of the Seanad. This would result in the magical number of 12.

An odd number of committee members is not required because the committee will not make decisions. We already have committees with 11 members and juries throughout the island have

12 members, and such a number would not be cumbersome in this case. Furthermore, the committee will not be subject to the Whips. We will not send people in with a party line. The members of the committee from this House will have to consider the material put in front of them, take legal advice, listen to what Judge Curtin has to say, if he turns up, and then report to the House, just as the members from the Seanad will have to present the exact same report to that House, in order that the Houses can make decisions. Decisions will not be made by the committee and therefore there is no reason it should have a Government majority or the smaller parties in the House have not been afforded the opportunity to have some representative on it who could, after the report is presented, help with the deliberations and explain issues that emerge in the report.

Three parties or groups here will be left with one representative between them and another party within this House will be dependent on a Senator to represent it after the report has been presented. Once the committee starts its proceedings I hope and presume there will be no reporting of its discussions until the proceedings are complete.

I wish the committee well and I hope that even at this late stage the Minister of State will accept what I have said and change the number to seven to allow for all strands of political opinion to be represented on the committee and allow it to do its work in the fullest possible way.

**Minister of State at the Department of the Taoiseach (Ms Hanafin):** I thank all Deputies who have spoken for their co-operation in this matter. It is true that we have a constitutional responsibility and up to now we have not outlined the procedures to enable us to fulfil that constitutional duty. However, with the co-operation of all Members of the House both last week and this week, we have now put in place a very comprehensive set of procedures that will enable us to address this very serious matter in a measured and responsible way.

These procedures involved changing our Standing Orders yesterday to enable us to establish the procedures we are now adopting, the Minister for Justice, Equality and Law Reform yesterday placing on the Order Paper and moving a motion calling for the removal of Judge Brian Curtin from office for stated misbehaviour, and today the establishment of a select committee to take evidence on that motion. By that committee receiving, recording and reporting back to the House on that evidence, we will ensure that every Member of this House will be able to make a judgment and determine whether to proceed with a vote on the motion as moved yesterday by the Minister for Justice, Equality and Law Reform.

The committee as outlined in Standing Orders has been given very comprehensive terms of responsibility and orders. It must, of course, ensure that it follows due process and fair pro-

[Ms Hanafin.]

cedure. It is specifically outlined that: “the committee shall in particular afford the judge in question (and, where appropriate, his legal representatives) an opportunity to state his case; to cross-examine any witnesses called by the committee and to lead such evidence as he may think appropriate”. The committee will also have its own legal advisers, which will ensure it is able to act on its own best legal advice on the issues that have been raised by the Deputies, particularly concerning admissibility and compellability.

I believe it is very fair to have four members of the committee. In deciding to have four members, the Government chose to depart from the usual method for allocating members to committees. Contrary to language that has just been used here, the committee will not be a jury and its function is not to undertake a trial. The committee will exist to receive information and evidence, to record it and to report back to this House. To ensure this is done in a non-partisan, non-political way we have proposed that the Government parties, despite having more than 50% of the representation of this House, would have just one member, that the Labour Party, Fine Gael and the Technical Group — which comprises practically all other Members of this House — would each also have one member, which is very fair.

It is obviously important that the committee be small to enable it to carry out its work efficiently. The terms as they apply to the membership of the committee and their attendance at the committee are very tight to ensure absolutely fair procedures and that everybody in question is afforded full justice in accordance with the Standing Orders and the terms of reference of the committee.

It is the intention as is known from the expediency motion, to join with the select committee from the Seanad. Even within the joint committee of seven the Government will not have a majority, which is very unusual for committees of these Houses. However, this is no longer a matter for the Government but for the Houses of the Oireachtas taking our role under Article 35.4.1° very seriously. In light of the motion moved yesterday by the Minister for Justice, Equality and Law Reform we will now undertake to inform ourselves of all the necessary information before we, as individual Members of the Dáil, make a decision on whether to proceed to call for the removal of Judge Brian Curtin from office.

I again thank the Opposition for its co-operation in this matter.

Question put and agreed to.

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

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

**Mr. Crawford:** I welcome the opportunity to speak on this small but important Bill. I contrast the lack of enthusiasm of the House in dealing with this Bill with the matter we just discussed. While I support the emergency legislation introduced in the past week, it can be introduced in a matter of hours. However, Second Stage of the International Development Association (Amendment) Bill commenced on 11 December 2003 and is still on Second Stage. It begs the question as to how committed we are to those in more difficult circumstances than us.

We welcome the headlines in today’s newspapers stating that tax revenues have increased again. This must be balanced by the Government’s refusal to spend on the needy in this country despite the improvement in our finances. The Minister’s opening speech on the Bill was made shortly after the budget, which gave a clear indication of a slowdown in support for development needs. I support this worthwhile Bill. However, it represents only part of the overall programme of development aid in which we are involved.

The Government set itself a target for development aid of 0.7% of gross national product by 2007. While progress was made between 2000 and 2003, it has been arrested this year. It is a sad reflection that as soon as there seemed to be some tightness in the country’s finances, the first people on whom we put the screws were those in most need. This happened not only at international level but also in social welfare where 16 cuts were made including cuts affecting widows.

If the Government’s target for 2007 is to be taken seriously we are now well past the half-time mark. However, only a quarter of the improvement needed to achieve the target has been realised and three quarters of the improvement remains to be achieved. I am concerned that because of tightness and cutbacks, no improvement will be made this year. If the Government is serious about its commitment, it must make a firm statement on how it plans to achieve its target by 2007.

Some agencies in the field are concerned that the move in 2004 to stop the slow progress in its tracks will have implications for the different bodies concerned. It would be encouraging to hear that the Government was committed and would give a firm indication as to how it will meet its targets. There is a clear case for making this contribution and achieving the targets set out by the Taoiseach. It is important that Ireland not only reiterates its commitment but puts in place a strategic plan to fulfil it. Ireland must seek to use its considerable international influence in this regard. The year in which the Taoiseach is President of the European Union is the year in which we should lead the way in this area. It is striking how, internationally, vast sums could be found suddenly for the Iraqi war and all that it entailed. On the whim of a couple of people which we now know was not based on fact, lives and billions have been lost. Nevertheless, we curtail the money for development.

The Minister of State, Deputy Parlon, and I have both been involved in farm organisations and we know how tight circumstances are. We should look back at the great farming leader, the late Mr. T. J. Maher, who was president of the NFA and, subsequently, the IFA. He recognised that we should contribute to the least well-off and he put in place structures to bring Friesian heifers out to countries in need. The aim was to give them long-term wherewithal rather than a few bob for the day. Other people organised systems of bored wells. These actions were in keeping with the old saying that if one gives a man a fish, he will live for a day, but if one gives him a fishing line he will live forever. Deputy Parlon and I are now Members of this House and we should be in a position to ensure that a real commitment is made. It is not enough to initiate small projects, though these may be very worthwhile. We should lead from the front.

Whenever a call is made for voluntary contributions for disabled persons or to alleviate hunger, the Irish people have always shown through street collections or direct contributions that they are prepared to give. Therefore, we should not be afraid to fulfil the Taoiseach's commitment every year rather than introduce cut-backs. The Bill is short and its purpose is to enable Government to contribute to the International Development Association which is a World Bank structure. It is important that the Government ensures that we not contribute only through banking structures which entail demands on poorer countries. While the bank will provide interest free loans over long periods, as a well-off State we should ensure that countries in which less than 5% of GDP is being spent on social provision do not neglect such provision by being forced to repay bank loans.

It is very important that we contribute money on a reasonable and understanding basis. The explanatory memorandum indicates that the International Development Association fund will help the world's poorest countries to reduce poverty by providing credits which are loaned at zero interest. There will be a ten-year grace period and a loan's maturity will be 35 to 40 years. That looks fine on paper and it is something I support. However, it is important to ensure that where a country experiences a hiccup ten years down the road, the needs of the poor are addressed before loan repayments.

The mission of the fund is to support efficient and effective programmes to reduce poverty and improve the quality of life in the development association's poorest member countries. This is extremely welcome. We must lead the way. One cannot help but think back to all of those who had to leave this country. I was in Canada recently where I was reminded of the boatload of 350 people who left my immediate area in Cahans near Ballybay. They left 80 years before the famine due to the difficulties Ireland experienced at the time. No one needs to remind Irish people what the black year of 1847 meant. The soup kit-

chens remain to remind us of the dire poverty. We experienced the exodus of hundreds of thousands in the last century prior to our entry into the EEC to Canada, Australia, America and our nearest neighbour England. The proof is in the vast numbers who set up their homes abroad because we could not afford to keep them here. As late as the 1980s, 40,000 had to leave one year. I remember the late Brian Lenihan relating the statistic as more or less a good thing given that these people were able to find jobs elsewhere.

Thank God, that has changed. Now that we claim to be leaders in modern prosperity, we must lead the way in our overall strategy on world development rather than simply through the small token of this Bill. I urge a re-examination of our development strategy. We must give firm commitments to provide funds to allow planned initiatives to go ahead. There is no point in planning an initiative for 2007 on the basis of funds which may not be available to be spent. Organisations can only plan for the future if they know what funds they will receive in 2005 and beyond. Any programme of world aid in which we are involved will only be worthwhile if we commit to funding it.

We are not short of funds. As I outlined earlier, we have approximately €1 billion more in Exchequer receipts than we anticipated due to increased taxes and under spending. We do not only have problems in the Third World, we continue to have them here. The mother of a 29 year old with special needs spoke to me yesterday. He lives with her without access to any support when he needs to be given a training place or something of that nature. It is extremely difficult to speak to such a person or to hear a daughter crying on the phone because she cannot get her aged mother with mental health difficulties into full-time care. While we must lead the way and deal with those issues at home, we must also deal with problems abroad.

Some €15 million was spent on Punchestown. The sum of €52 million was spent without any discussion in the House on an e-voting system. One need only consider this morning's air traffic control problems in the UK to realise that no electronic system is fool proof. We need back-up structures. While I do not wish to reopen the argument on this issue, I note the waste of money. A further €250 million went on "the Bertie bowl". The country is not experiencing a scarcity of funds. There is plenty of money available. Not only should we enact the legislation necessary to allow the investment of €50 million in the International Development Association, we should reconsider the manner in which we support Third World activities in the long term.

There are tremendous organisations desperately trying to help. I am involved with Christian Aid and I recognise the contributions of GOAL and many other bodies. They have a role to play and they need to be assured that the finance will be available to help them fulfil it. Some of the larger countries have pulled back. This year

[Mr. Crawford.]

above all, when we have an opportunity during our last few days holding the EU Presidency, I ask the Minister of State to implore the Taoiseach to ensure that proper long-term commitments from Ireland and, through him, from Europe are made for this needy area.

Many people are concerned at the focus of the initiative for highly-indebted countries. There is a fear that while welcome, this initiative has focused too much on bankers' interests and their approach to debt problems and has not concentrated sufficiently on the needs of the countries involved. It is important that the initiative is not taken in the name of bankers but in the name of Christian charity. It is wrong that a country trying to repay a debt should be able to spend only 5% of its GDP on social programmes. We need to ensure that a coherent programme is in place.

We welcome this Bill. It is important that Ireland should continue to support the International Development Agency, a significant player in many of the most worthwhile programmes in the world. It is a useful influence in the development of policy. I hope that Ireland will use its voice in the agency to promote a more positive development approach in the area of need.

I support the Bill. The Minister of State and his party have a role to play to ensure that the Taoiseach and especially the Minister for Finance, who has never had so much money available to him, make a real commitment. This Bill had its first reading in this House on 11 December. If the Government is serious about supporting those worse off than ourselves it will ensure that the Bill is passed before the summer recess. Otherwise it will seem like a joke.

**Mr. P. Breen:** I welcome the opportunity to speak on this Bill. As my colleague Deputy Crawford noted, the Bill initially was brought to the House last December by the Taoiseach and the Minister of State, Deputy Kitt, and we are now only on Second Stage. I appeal to the Minister of State, Deputy Parlon, to speed the Bill's progress through the House.

The Bill is designed to enable the Government to make a total payment of €50 million to the World Bank, the lending agency. The money is payable over six years. It is intended for the International Development Association which provides grants and zero interest, long-term loans to the world's poorest developing nations. The Bill amends the National Development Association Acts 1960 to 1999 to allow the payment be made to the IDA.

In principle, Fine Gael welcomes the Bill. Helping out the poorest nations is only right. To many people, a sum of €50 million is big money but it is very small in terms of helping the poorest nations, particularly those in Africa, many of whose people suffer from starvation. We are still dealing with the Bill six months after its introduction. As we speak, people are dying in poorer

countries of disease and starvation. There has been considerable debate on the issues involved, particularly on how money is spent in the area. The United States Government has been very vocal on this subject, which is regrettable when one considers that the United States contributes a smaller percentage of its GDP to underdeveloped countries than any other developed country.

The International Development Association helps the world's poorest countries reduce their poverty levels by providing credits which are loans at zero interest, with a ten-year grace period and maturities of 35 to 40 years. Ireland joined the IDA on its foundation in 1960. The IDA gets its resources mainly from grant contributions by wealthy countries. We all know the many challenges faced by the poorest countries as they strive towards the millennium goal agreed in the Monterey conference on financing for development held in March 2002. For example, the countries must respond to the competitive pressures as well as the opportunities of globalisation. They must also try to stop the spread of the AIDS and HIV epidemic which faces many African countries. They must provide clean water and basic education. They also have to deal with many conflicts in areas where dictators starve the people and where there is no food available.

Africa's AIDS crisis continues to dominate the agenda. During Ireland's EU Presidency, Deputy Kitt held a very important and successful AIDS conference in Dublin highlighting the problem of AIDS in Africa. A member of the Holy Ghost order addressed the foreign affairs committee about a month ago and I attended one of the sessions. It was frightening to hear of the devastating effect which HIV and AIDS have in Africa, particularly in Ethiopia, where this priest was based. He is now based in Dublin but almost every time he returns to Africa another parish and many of its people have disappeared because of AIDS and HIV.

About 23 million people in Africa have died of AIDS. It is important to keep this issue on the agenda and to educate people. Education is what it is all about. Some 113 million people worldwide have no access to any education. That is responsible for much of this problem. Almost half of African children and a quarter of all children in Asia are totally deprived of fundamental education.

I spent some time in Indonesia about two years ago and at one stage a local guide drove me to the rain forests and villages so that I could see for myself how people live there. They live in small villages and do not know what is happening in the outside world. Children as young as eight or nine years work for 12 to 15 hours daily, with no rights. They are exploited. This is the lifestyle of these people and it is very sad.

The developing countries have signed up to the United Nations millennium development goals so that every child might have a chance to go to school, a target to be achieved by 2015. Education

12 o'clock

is the best way to tackle poverty and helps people to help themselves.

Members know of the good work done by Irish missionaries and Ireland has a tradition of helping Third World countries. When I was going to school, we gave a penny to help the black babies but things have moved on since then. Irish agencies, including GOAL and Trócaire, have undertaken significant work and I also commend the Minister of State at the Department of Foreign Affairs, Deputy Kitt, who travels far and wide evaluating the work of Irish agencies overseas. The former Minister of State, Deputy O'Donnell, was also very concerned with the issue of development and at one time protested that the Government was not giving enough money to help developing countries.

From my own area of Killaloe, the local diocese set up a mission in Africa some years ago which continues to do great work. A good friend of mine was stationed there for several years and worked on a number of projects to bring fresh water to villages, something many areas did not have. Many such villages where Irish lay people work now have fresh water and schools. This is one aspect which has changed over the years. While, in the past, many of those who did such good work were missionaries, the focus is now on lay people, particularly nurses, who travel overseas to help people in the Third World.

Deputy Crawford referred to the predecessor of the Minister of State, Deputy Parlon, as president the IFA, the late T. J. Maher, who was another man of the earth. Mr. Maher saw the benefit of people helping themselves and established a successful project in Limerick called Bóthar. Farmers were asked to make a contribution of a cow, sheep or other animal which was then taken to help feed a family in Africa. This was an important project which helped many people in the Third World.

Ireland has a good record in regard to development and this should continue. In the 1980s, Bob Geldof was very successful in his campaign on behalf of famine victims in Ethiopia and Africa. I urge the Minister to ensure the Bill is passed as quickly as possible as all the parties agree on its importance. While €50 million is not a hugely significant amount, it is a sizeable contribution. I welcome the Bill and hope it passes through the House quickly.

**Mr. O'Dowd:** I welcome the Bill. Ireland has for many generations been at the forefront in assisting other countries, particularly poorer countries. This goes back to the early Christian period when we allegedly civilised most of Europe in religious terms. While I am not sure how successful that was in the long term, there has always been an Irish tradition of service outside the country, particularly in poorer countries.

More recently, many of our religious orders have shown tremendous commitment. I particularly refer to the Medical Missionaries of Mary, an order founded in Drogheda, County Louth,

where I live. It is an order of sisters which does fantastic work, particularly in Africa. It has built up a strong network of members and supporters of the order and has done Trojan work, particularly in the fight against AIDS in the poorer African countries. The founder of the order, Mother Mary Martin, left a legacy of which we can all be justly proud. The Medical Missionaries of Mary operated at Our Lady of Lourdes Hospital in Drogheda until it was taken over by the health board. They became specialists in many tropical diseases and the hospital became a centre of excellence for treating such diseases. The record of the order is second to none. I also wish to highlight the great work of other orders such as the Christian Brothers, who have taught and carried out other work overseas, and also newer organisations such as GOAL.

There has been a real commitment from Ireland to assist in overseas development, based primarily on Christian principles. Individuals have also been prominent. Bono has shown leadership to the whole world in the fight against the AIDS epidemic. He repeatedly and succinctly makes the point that we are not doing enough to fight AIDS. Obviously, the money the Government will spend on overseas development will help wherever it is targeted. AIDS is killing many millions, particularly in Africa and particularly the young, and leaves millions of families without parents as well as causing huge social problems. I agree that greater emphasis and international support are needed to fight the AIDS epidemic.

The West is very rich and while governments and individuals make a not insignificant contribution, we are not focused enough on combating serious diseases. It is sad to watch television advertisements concerning types of blindness which can be easily cured. Many other illnesses not present in Ireland are present in the Third World and any help we can give must be focused and supported.

There is a contrast between the great lay and missionary work of Irish people in Africa, the commitment of the Irish people to Africa, and the problem of racism here. This is a real problem which we need to do more to tackle. While it is not the subject of this debate, it is a contrast that can be made. Only a minority of Irish people express racist views but this is particularly towards coloured people, and should be of concern to all. It takes from some of the good work done that some people express such dreadful views.

I welcome the Bill, the aims and objectives of which all Members support. In fighting poverty, disadvantage and sickness in other countries, it is important that we are seen to be in the vanguard of this excellent work.

**Minister of State at the Department of Finance (Mr. Parlon):** I thank Deputies for their wide ranging and interesting comments on the Bill. The range of views was impressive, both in content and the degree to which the Members of this



[Mr. Parlon.]

House have shown a consistent and genuine concern for the affairs of the less well off countries.

Deputies emphasised the need to focus development efforts on the poorest countries of the world and the Bill, as presented, seeks to do this. It makes provision for payment of Ireland's contribution of €50 million payable over six years to the IDA 13 Replenishment.

While sharing the concerns of Deputies about the need for all publicly funded organisations to reform and become more efficient, it would be foolish to pretend there is substance in the call for a more fundamental reform of the economic order. Ireland has benefited greatly from its participation in the process of globalisation and our position is to ensure that all underdeveloped countries are afforded the opportunity to participate in the system on an equal footing in order to bring about better economic and social conditions in their own countries.

Concern was expressed about the Government's progress in achieving the UN target for development assistance. The Government continues to have as an objective the achievement of the ODA target of 0.7% of GNP by 2007. In 2003 Ireland spent €456 million — 0.41 % of GNP — in overseas development aid. Total spending on ODA this year is expected to approach €480 million, the highest ever in the history of the programme.

Finance, however important to the success achievement of overseas development programmes, is not the only criterion on which effectiveness is achieved. Consequently, Ireland's overseas development co-operation policies have as their absolute priority the reduction of poverty, inequality and exclusion in developing countries. Deputies will be aware that the Minister for Finance and the Minister for Foreign Affairs published the debt strategy in July 2002, setting out the Government position on developing country debt. We have concluded that, in principle, the total cancellation of the debts of the heavily indebted poor countries, known as HIPC's, is a politically acceptable objective and one that we would support.

I assure the House that the Government will use the leverage of the Irish Presidency of the EU to focus attention on the needs of the developing world. My colleague, the Minister of State at the Department of Foreign Affairs, Deputy Tom Kitt, is using the opportunity provided by the Irish Presidency of the EU to move EU development policy closer to the heart of the Union's external policy. It should not be forgotten that the EU is the largest donor of aid, providing more than 50% of development assistance world-wide.

I thank all the Deputies for the quality of their contributions. Time does not allow for a detailed response in regard to all points made but I am glad all sides of the House are so committed to the attainment of the objectives of poverty

reduction and that they support the Government's continued involvement in IDA.

Question put and agreed to.

**International Development Association  
(Amendment) Bill 2003: Referral to Select  
Committee.**

**Minister of State at the Department of Finance  
(Mr. Parlon):** I move:

That the Bill be referred to the Select Committee on Finance and the Public Service, in accordance with Standing Order 120(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

**Sea Pollution (Miscellaneous Provisions) Bill  
2003 [Seanad]: Second Stage.**

**Minister of State at the Department of  
Communications, Marine and Natural Resources  
(Mr. Browne):** I move: "That the Bill be now read  
a Second Time."

I am pleased to bring this Bill to the House and I look forward to hearing Deputies' contributions.

This is a wide-ranging Bill relating to aspects of the marine environment. It updates our legislation that protects the marine environment through giving effect in our law to several internationally agreed instruments. These include the Protocol to the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC); the International Convention on Civil Liability for Bunker Oil Pollution Damage (Bunkers Convention); the International Convention on the Control of Harmful Anti-fouling Systems for Ships, 2001 (AFS Convention); Annex VI to the MARPOL Convention (the international convention for the prevention of pollution from ships done at London on 2 November 1973, as amended by the protocol done at London on 17 February, 1978 (MARPOL 73/78)). The Bill also amends the Merchant Shipping Act 1992.

The Sea Pollution (Amendment) Act 1999 gives effect to OPRC. The convention was designed to ensure that proper arrangements are in place in each member state of the International Maritime Organisation (IMO) to deal with emergency situations arising from spillage of oil into the sea.

Resolution 10 of the 1990 conference that adopted OPRC invited the IMO to initiate work to develop an appropriate instrument to expand the scope of the OPRC convention to apply, in whole or in part, to pollution incidents by hazardous substances other than oil and prepare a proposal to this end. The IMO in March 2000 adopted a protocol to that effect.

The 1999 Act provides for the preparation of oil pollution emergency plans by harbour authorities and operators of offshore installations and

oil handling facilities, and their submission to the Minister for approval. It also provides that the Minister may direct a local authority to prepare and submit such a plan for approval.

The Irish Coast Guard, formerly known as the Irish Marine Emergency Service, which was set up in 1991 as part of the Department of Communications, Marine and Natural Resources, has been designated as the Irish national response agency and has made the necessary arrangements to give effect to the convention. The Irish Coast Guard is also to be similarly designated for the purposes of the protocol. The Bill now before us amends the 1999 Act to give effect to the terms of the protocol.

Ships travel faster through the water and consume less fuel when their hulls are clean, smooth and free from fouling organisms, such as barnacles, algae and molluscs and, therefore, they are coated with anti-fouling systems. During the 1960s the chemical industry developed efficacious and cost-effective anti-fouling paints using metallic compounds, in particular the organotin compound tributyltin (TBT). By the 1970s most sea-going vessels had TBT paints on their hulls.

Awareness of the harmful environmental effects of organotin compounds gradually grew in the late 1980s. Scientific studies have shown that organotin compounds, in particular TBT, used as anti-fouling systems on ships, pose a substantial risk of adverse impacts on ecologically and economically important marine organisms.

The IMO held a Diplomatic Conference on the Control of Harmful Anti-fouling Systems for Ships from 1 to 5 October 2001, which adopted the International Convention on the Control of Harmful Anti-fouling Systems for Ships, 2001 (AFS Convention). This convention provides rules to ban the use of organotin-based anti-fouling systems, TBT, which are harmful to the marine environment and provides a mechanism through which other harmful anti-fouling systems may be banned or regulated in the future on a global basis.

The use of organotin anti-fouling compounds has been restricted in the State under by-law 657 of 1987. This by-law, however, did not apply to any boat used or intended for use solely on the sea, and whose hull is made of aluminium alloy, or the overall length of which is more than 25 meters, while the convention applies to all vessels.

The convention will enter into force 12 months after its ratification by at least 25 States representing at least 25% of the world's tonnage; that target has yet to be reached. The convention, however, includes fixed application dates — 1 January 2003 for the prohibition of the application of TBT coatings on ships and 1 January 2008 for the elimination of active TBT coatings on ships.

EU member states were prominent in promoting this measure and were anxious that the terms of the convention be applied as far as possible at the earliest possible date. The application of TBT

has accordingly been prohibited on EU ships and on ships entering EU ports as from 1 July 2003 in advance of entry into force of the convention. EU member states have been urged to introduce the legislation necessary to ratify the convention as soon as possible. Ireland has consistently advocated a ban on anti-fouling systems to apply internationally as set out in the convention and should accordingly introduce the necessary legislation to enable the State to ratify it as soon as possible. This Bill fulfils this requirement.

The Sea Pollution Act 1991 makes provision for the prevention of pollution of the sea by oil and other substances and gives effect to the International Convention for the Prevention of Pollution from Ships, done at London on 2 November 1973, as amended by the protocol done at London on 17 February 1978 (MARPOL 73/78), also known as the MARPOL convention.

Regulations covering the various sources of ship generated pollution were originally contained in the five annexes of the convention. MARPOL is continually under review at the Marine Environment Protection Committee of the IMO and amendments are adopted as considered necessary. The convention has been modified by the protocol of 1997, whereby a sixth annexe was added relating to the prevention of air pollution from ships. This Bill amends the 1991 Act to enable regulations relating to annexe VI on the prevention of air pollution from ships to be made.

The bunkers convention builds on arrangements which are in place at international level regarding civil liability and compensation arising out of oil spills from tankers and which have been adopted in connection with the carriage of hazardous and noxious substances by sea. Deputies will recall the Oil Pollution of the Sea (Civil Liability and Compensation) (Amendment) Act 2003, which was enacted in October 2003 and which updates our legislation on spills from tankers. The bunkers convention introduces a civil liability regime for ships other than oil tankers.

The Sea Pollution (Hazardous and Noxious Substances) (Civil Liability and Compensation) Bill 2000, which is currently before the Dáil, gives effect in Irish law to the International Convention on Liability and Compensation for Damage in connection with the carriage of Hazardous and Noxious Substances by Sea, 1996.

The bunkers convention complements the conventions relating to liability and compensation in respect of oil spills from tankers and hazardous and noxious substances. This Bill similarly complements the Oil Pollution of the Sea (Civil Liability and Compensation) Acts and the HNS Bill through introducing arrangements in respect of spills of bunker oil. Section 8(5) of the Merchant Shipping Act 1992 empowers the Minister to refuse to grant a certificate to the owner of a passenger ship and section 15(6)(b) empowers the Minister to refuse to grant a licence to the owner of a passenger boat, where the owner of a passenger ship or passenger boat has been convicted of an

[Mr. Browne.]

offence. Section 9(2) of the 1992 Act gives the Minister powers to suspend or revoke a passenger ship certificate where an owner fails or refuses to comply with a condition of a certificate.

Section 16(2) of the Act gives the Minister powers to suspend or revoke a passenger boat licence where the owner fails or refuses to comply with a condition of a licence. Either provision only applied to the vessel to which the certificate or licence applies. The Minister has no powers regarding any other vessel the owner may have, that is, the Minister can act only regarding the passenger ship or passenger boat in respect of which the convictions were made, but he cannot do anything about any additional passenger ship or passenger boat that the owner may have. The proposed amendment will enable the Minister to revoke any or all passenger ship certificates and/or passenger boat licences held by an individual who has been guilty of an offence even when the offence has occurred on another vessel.

The provisions of the Bill in this respect have been strengthened by amendments to the text which were made by the Seanad. This followed a proposal by the Labour Party which I had examined; the amended text was found to be satisfactory by all parties. The penalty provisions in the Act in respect of passenger ships and passenger boats will also be amended to bring them into line with the current maximum permissible.

Those are the elements of the Bill. It will assist the House in its consideration of the Bill to refer to the context in which it is being introduced. Owing to the international nature of shipping, action to prevent pollution of the marine environment is most effective when taken by agreement at regional or international level. Our valuable but vulnerable coastline has convinced us of the importance of achieving the highest standards of safety on ships. Ireland has consistently supported measures in this regard at EU and international level. It is important, therefore, that our legislation complies with accepted EU and international standards while addressing specific Irish concerns. The condition of the marine environment does not remain unchanged; it is continually evolving. Similarly the state of international shipping and other factors which affect the marine environment are continually changing. International and other instruments are accordingly kept under review and updated as required.

The *Erika* incident off the coast of France in December 1999 led to a re-assessment at EU and international levels of many aspects of the regulatory arrangements which apply regarding maritime safety and the protection of the marine environment. This process was given added impetus in November 2002 when the Bahamas registered tanker *Prestige*, laden with 77,000 tonnes of heavy fuel oil, broke in two off the coast of Galicia, Spain, spilling an unknown but substantial quantity of its cargo.

Following the *Erika* incident measures have been introduced or agreed regarding the compen-

sation available to victims of pollution by oil tankers — as I mentioned earlier, legislation to give effect to these measures was enacted in October 2003; the regulation of ship classification societies; the accelerated phasing out of single-hull oil tankers; the strengthening of port state control measures; ship reporting arrangements; and the establishment of the European Maritime Safety Agency by regulation in August 2002 for the purpose of ensuring a high, uniform and effective level of maritime safety and prevention of ships within the EU. The agency will enable the Commission to offer the full range of professional services needed to discharge its duties in this connection. All member states are represented on the board of EMSA. Deputies will be interested to hear that the board of EMSA met in Gorey, County Wexford, in March 2004. This was the first occasion since its establishment that a meeting of the board was held at a venue outside of Brussels. EMSA agreed to this arrangement so that it could be held back-to-back with the Maritime Safety Forum which was hosted by the Irish Presidency the following day. I was particularly pleased both in my capacity as a Minister of State and as a public representative for County Wexford to meet the board members and to open proceedings at the forum.

Following the *Prestige* incident EU Ministers committed themselves to building on the progress which had been made during the previous few years. To that end a number of new measures were introduced. An EU regulation to further accelerate the phasing out of single-hull tankers and to ban the carriage of heavy grades of fuel oil in single-hull tankers came into force on 21 October 2003. Following a request from EU member states the IMO agreed in December 2003 to introduce arrangements which were almost similar to be applied internationally.

A proposal by the Commission concerning sanctions for offences involving pollution of the marine environment is at present under consideration at EU official working group level. Ireland has undertaken to progress the matter as far as possible during our EU Presidency term. Belgium, France, Ireland, Portugal, Spain and the United Kingdom decided in April 2003 to present the IMO with a joint request to designate certain maritime areas as a “particularly sensitive sea area” to strengthen its protection of particularly vulnerable areas. The limit of the PSSA proposed coincides with the 15th Meridian, the Porcupine Bank, and includes parts of the special waters of north-west Europe, as defined under the MARPOL convention, the English Channel and coastal waters, and certain parts of pollution response areas and exclusive economic zones along Spanish, French and Portuguese coasts. The aim of the exercise is to protect our marine environment and coastline from oil spills by discouraging vessels from entering into the PSSA. It was proposed to ban certain tankers and others ships, for example, double-hull and some single-hull tankers would

have to state their intention to cross the area 48 hours in advance.

The PSSA request was considered by MEPC in July 2003. Irish experts from several Departments and agencies together with colleagues from the other five states attended to support the request. MEPC agreed in principle to the request for designation and referred the matter to an expert navigation committee for examination. This committee is expected to report to MEPC later this year. MEPC did not accede to the request to ban tankers as proposed; it is open to the states concerned to introduce other protective measures. Possible proposals in this regard are being considered by the officials and experts concerned.

While attention has properly been given at EU and international levels to the fallout from the *Erika* and *Prestige* incidents, Deputies are also aware that in Ireland we succeeded early in 2003 in averting a serious oil spill. An incident occurred on 28 January 2003 off the coast of Donegal involving a 22 year old single-hull Panamanian registered tanker, the *Princess Eva*, which had the potential for pollution similar to that of the *Prestige* or *Erika*. The vessel was carrying 55,000 tonnes of heavy oil from Copenhagen to the USA. On the 28 January 2003 the vessel experienced very heavy weather off the north-west coast of Ireland. Following an accident on board in which two crew members were killed and another severely injured, the vessel entered Donegal Bay where the two bodies were transferred to shore. An oil spill was averted due to the actions taken by the Irish Coast Guard and the maritime safety directorate of my Department.

Events such as these serve as a reminder of the vulnerability of our coastline and of the importance of adequate protection for the marine environment. These events have also focused the Minister's attention on the provision of safety services. He is satisfied that the establishment of a single agency responsible for all safety matters is the best course of action. He intends to submit proposals to Government for decision in this regard as soon as possible. This matter is at present being discussed with trade unions and staff representatives with a view to resolving industrial relations issues which arise and charting the way forward for the development of marine safety services. The Minister and I look forward to debating the legislation required with Members of the Oireachtas in due course.

It is evident from the foregoing that EU member states, including Ireland, have been to the fore in recent years in advocating improvements at all levels and particularly at international level in safety standards for ships and the protection of the marine environment. Ireland is committed to fostering a continuation of this approach during our EU Presidency term. This Bill is part of the process of providing adequate protection for our marine environment. I look forward to hearing Deputies' contributions and have no hesitation in commending this Bill to the House.

**Mr. Kehoe:** This is an important Bill. It is a measure to implement international conventions and protocols. Over the years since my election to this House we have regularly discussed pollution at sea, particularly oil pollution. The Bill is a good and cohesive measure to deal with this problem. It is important that we deal with it.

The Bill refers mainly to five agreements: the Protocol to the International Convention on Oil Pollution Preparedness, Response and Co-operation; the International Convention on Civil Liability for Bunker Oil Pollution Damage — bunkers convention, the International Convention on the Control of Harmful Anti-fouling Systems for Ships, Annex VI to the MARPOL Convention and the protocol to amend that convention. When one hears about pollution at sea one's first response is to wonder what damage has been done. The Minister mentioned the incident that occurred in Donegal. Avoiding sea pollution is important and the Bill will assist in that regard.

One dreads to hear the word "pollution" in the context of our coastline and marine life. Protection of the marine environment and the urgent restoration and maintenance of fish stocks are important not just for Ireland but throughout the world. We are trying to protect our oceans and particularly our fish stocks. The fisheries sector is extremely important for this country and especially for the people in coastal counties. It has contributed a great deal to the economy over many years. The Minister of State, Deputy Browne, launched a project last Monday morning aimed at preserving fish stocks. The programme will be brought into primary and secondary schools to educate young people on the importance of our fish stocks.

Recent incidents have focused attention on the vulnerability of our coastline. An island country must always be conscious of and support measures which will assist in eliminating any form of pollution at sea. Our coastline is important for our tourism industry. In the months from April to September, huge numbers of tourists visit our coastline and we are proud of that. As a result, minds will be focused on recent incidents at sea. One of those was the problem that occurred off the Galician coast, when 77,000 tonnes of heavy fuel oil were spilt into the sea. Each night we saw on television the effect this had on the coastline of Galicia and the impact it had on the local tourism industry. I dread such a major incident occurring on our coastline. It brought home to television viewers the result of such an incident.

I welcome the proposal to put marine safety under the remit of a single body. I commend the people of Donegal. The Minister referred to them and how a major incident with the *Princess Eva* was averted off the coast of Donegal. Fortunately, as a result of their efforts, the 55,000 tonnes of heavy fuel oil did not end up on the coastline. I also commend the Minister of State and his Department on helping in that. If there had been a disaster, what would the situation now

[Mr. Kehoe.]

be on the Donegal coastline? Deputy McGinley spoke about the importance of fisheries for County Donegal. If there had been an oil spill, it would have been a major disaster for the area. Many people in Donegal are employed in the fishing sector. The *Prestige* incident demonstrates what can go wrong. Fortunately, the same did not happen with the *Princess Eva*.

When the House discussed the civil liability and compensation legislation, I suggested that we should have a specialised towing tug which could immediately be put into action if there were a major danger of oil pollution on our coastline. I cannot over-emphasise the importance of such a specialised ship which could deal with pollution in our seas and other incidents. It would be an effective marine safety mechanism.

The Minister referred to the power of the Minister to refuse a licence to the owner of a passenger ship. This is welcome. An owner of a passenger ship who breaks the law should not get the same treatment as somebody who abides by the law. Everybody is aware of the importance of passenger ships. County Wexford has experienced some sad incidents with these ships so the Minister having this power is most welcome. Owners should be heavily penalised for any offence they commit. Similarly, the same will apply to the owners of passenger boats, which is also welcome.

The Minister spoke about the phasing out of single hull tankers and banning the carriage of heavy grades of fuel in single hull tankers. How long will this take? Will it be months or years? The Bill refers to the use of anti-fouling paints and the use of metallic compounds in those paints, particularly the organotin compound TBT. These paints have been used since the 1960s on the hulls of ships to stop fouling organisms such as barnacles and algae from clinging onto the hulls and slowing down the ships. This is also welcome and is indicative of the level of detail in the Bill. All these measures contribute to the preservation of our fish stocks.

Any Bill that deals with pollution at sea must be welcomed. Ireland has a long coastline and we all obtain enjoyment from it. Any avoidable destruction of the marine environment would be tragic. We must have all possible ammunition ready to deal with this possibility. This Bill is ammunition to stop the destruction of our coastline by use of harmful substances. I commend the Bill to the House and welcome the prevention of any pollution of our coastline.

**Mr. Broughan:** I wish to share my time with Deputy Seán Ryan.

I warmly welcome the Sea Pollution (Miscellaneous Provisions) Bill 2003. It complements the work done by the Minister recently in the Oil Pollution of the Sea (Civil Liability and Compensation) (Amendment Bill 2003, the Dumping at Sea (Amendment) Bill 2000, which we dealt with recently, and the Maritime Security

Bill 2004, which is due to return to the House shortly for Report Stage. I welcome the Minister of State's speech but I regret that he did not address the issue of particularly sensitive sea areas, PSSAs, in a more forthright way. He updated us on the current state of play in this regard and the progress made by him and the Minister, Deputy Dermot Ahern. He did not indicate whether we will take a significant initiative to protect our coastline and seas during the lifetime of this Government. I urge him to redouble his efforts in this regard.

I commend our officials in the Department of Communications, Marine and Natural Resources, especially those in the maritime safety directorate, the marine environmental division and the maritime safety division, who have introduced a string of Bills over the past year and a half dealing with Ireland's adherence to international conventions in order to curb pollution of the maritime environment. The key international legal instruments which the Bill transposes into Irish law are the International Convention on Civil Liability for Bunker Oil Pollution, which brings the provisions for bunker oil in line with those for oil-carrying vessels; the Protocol on Preparedness, Response and Co-operation to Pollution Incidents 2000; the 1990 OPRC Convention and Annex 6 of the 1997 MARPOL Convention, which deals with the prevention of pollution from ships; and the International Convention on the Control of Harmful Anti-fouling Systems 2001, the AFS Convention. As the Minister said, it is also welcome that Council Regulation 14/2001 on jurisdiction and the recognition of and enforcement of judgments in civil and commercial matters will be applied through an amendment of the Merchant Shipping Act 1992.

The Bill is complex legislation and I commend our officials on its introduction. It is the fourth or fifth Bill we have seen which strengthens our hand in these areas. I also commend the Minister's helpfulness to Opposition Deputies when they make suggestions.

The issue of oil production has been highlighted in recent days because of the incredible surge in the price of oil. As we all know, about 0.25% of world oil production — at least 6 million tonnes of oil — ends up in the ocean. Marine pollution also occurs when oil tankers flush their tanks with sea water and passenger ships and freighters drain water ballast from their fuel tanks. We have had a long history of treating our seas as a dump for waste products. I warmly welcome the Minister's comments about the European Maritime Safety Agency, which recently met in Gorey. This co-ordination is a commendable step forward.

We know of the responsibilities of local authorities in the matter of discharging sewage and other waste products into the sea. During my time on Dublin City Council, a key step was taken to bring this to an end through the Dublin Bay project, which was implemented by the city manager and the Fingal county manager. This

project is now finally operating after one or two hiccups in which there were discharges of sewage in my constituency. I hope this will never happen again. The project is now operating well and we are beginning to see its impact, although I was disappointed yesterday to hear that a number of our beaches were still deemed to be significantly polluted due to sewage discharges.

I regret the Minister has not yet designated the most vulnerable maritime areas as particularly sensitive. Why are we still waiting for this? I understand from the comments of the Minister of State that Belgium, France, Spain, Portugal, the UK and Ireland approached the International Maritime Organisation with a joint request to designate certain maritime areas as particularly sensitive. The Minister of State also mentioned a proposal to forbid single-hulled tankers from passing through that territory. However, the IMO seems to have put this request on the long finger. It was considered last July and approved in principle before being referred to a so-called expert navigation committee for examination. We will not receive a report from this committee until next year.

This proposal specifically bans certain oil tankers from particularly sensitive sea areas and double-hulled and some single-hulled tankers would have to state their intentions to cross into these areas at least 48 hours into advance. This represents an important development in combating any possibility of pollution. Strikingly, however, the IMO did not agree even to this basic restriction on oil tankers. This makes one wonder where the ultimate power lies in the matter of the carriage of oil and the oil industry. However, the Minister of State should note that it is open to maritime states to introduce other protective measures.

As the Minister said, we had a relatively lucky escape in January 2002 when the Panamanian-registered *Princess Eva*, which was carrying 55,000 tonnes of heavy oil, got into difficulties off the Donegal coast and two crew members were killed. We commended Donegal County Council and the coastal authorities on their handling of this matter, which was exemplary. These incidents are always waiting to happen off our coast. It is important for the Minister, before the end of our six-month period — which may be our last — as holders of the European Presidency, to try to make progress in this area and set up a regime of particularly sensitive sea areas. There is always the possibility that a major disaster could devastate our tourism industry and our fragile marine environment for up to a decade.

When the Minister, Deputy Dermot Ahern, outlined his priorities for the EU Presidency in January he included the designation of PSSAs as a key priority, along with the advancement of the proposed EU directive introducing criminal sanctions for pollution offences. What the Minister has achieved represents very slow progress. Perhaps states who feel the same way should take the unilateral action required.

It is disappointing that the House is waiting seven years for the coastal zone management Bill. I raised this issue with the Taoiseach, the Minister for Defence and others on the Order of Business a number of times in recent weeks. I thought we would have a wide-ranging protective measure and regime for our coastal zone areas. However, we appear to be abandoning this broad vision of protecting our seas by introducing a very limited foreshore Bill. I may be wrong so perhaps the Minister of State will brief us on it. It is deplorable that the Government has not supported initiatives around the coast such as the Bantry Bay charter, work on Lough Swilly and so on, where projects got up and running, valuable research work and co-ordination of activities was carried out and the projects were then allowed to effectively fail.

I welcome in particular the coastal communities network, CoCoNet, the project which aims to develop a network of coastal stakeholders with an interest in the sustainable management of local coastal resources. The first workshop under the CoCoNet project was held recently in Howth in my constituency. I understand the next workshop will be held in the Minister of State's constituency in Wexford. Perhaps we can all meet down there after the elections and give some political support to these activists and researchers who are based in the Coastal and Marine Resources Centre of UCC at Haulbowline naval base. They have been using very innovative ways of tracking the marine environment and levels of pollution. There is a need for this House to support that initiative.

I welcome the provisions in the Bill relating to the bunkers convention which extends arrangements in regard to civil liability and compensation arising out of oil spills and the carriage of hazardous and noxious substances by sea to ships other than oil tankers. The pollution of international waters by oil and other hazardous and noxious substances has been addressed by the MARPOL convention and stricter guidelines appear to be having some impact on cutting these discharges of oil into the marine environment. There are still strikingly high volumes of oil input being reported from some areas such as the Caribbean basin, the Mediterranean Sea and the Indian Ocean. Some predictions in the mid-1990s saw global oil input into the world's oceans reaching perhaps 20 million tonnes a year, and pollution caused by tankers accounting for approximately half of this. It is important to ratify the bunkers convention so as not to increase the vulnerability of the marine environment. It is equally important to note that land-based oil contamination discharges and atmospheric deposition of products of incomplete combustion can supply up to 50% and 13%, respectively, of oil pollution input into the world's oceans. In this context, I welcome the clear definition of bunker oil in Part 2 of the Bill.

The Labour Party has some difficulty with line 4 on page 9 which relates to any such provision which allows the Minister to amend the Act by

[Mr. Broughan.]

regulation. Perhaps we can return to this issue on Committee Stage. The fact that Dáil or Seanad approval will not be required, only negative disapproval, is something I would like to examine. On Committee Stage I will table an amendment between sections 7 and 8 to establish the basis for particularly sensitive sea areas.

I welcome section 9 relating to compulsory insurance and section 10 relating to the recognition and enforcement of final judgment in the State. I welcome in particular the powers given to inspectors under section 14 and the procedures laid down for detention of ships and recovery of fines in sections 15 and 16. The reference in section 17(3) to an offence by directors, managers or other officers of such body corporate is welcome. All these sections highlight the role of inspectors and harbour authorities. I would remind the Minister of State that we are still awaiting the appointment of a harbour master for the port of Howth in my constituency. I am not sure what the up-to-date position is in Dunmore East. I believe there are some developments in both these areas. It is crucial that two of our major national fishing ports should have a clearly defined authority. There are concerns in regard to the privatisation of Balbriggan and Skerries ports. There is a possibility that the invigilation of visiting boats and ships will not be treated with the care necessary and required under the Bill.

Sections 25 and 26 are welcome because they are similar to the recent changes in financial regulation. They require masters and crews of ships to report any discharges or pollution, including discharges from other ships. This highlights the huge number of ships that travel under flags of convenience. I asked the Minister about this issue several times in the past year or so. I understand from his recent reply that our register has more than doubled recently. The Minister was present at the recent opening of an office by one of the companies which has placed a large number of vessels on our register. Valuable sections such as sections 25 and 26 will continue to manage flags of convenience.

Flags of convenience represent approximately 65% of world shipping according to the latest survey of beneficial ownership of the world fleet by the International Transport Workers Federation. Many of the 29 national registers who have very small economic bases are described as flags of convenience. It highlights the importance of the Minister taking initiatives in this regard. We can pass the Bill and as much legislation as we like in this regard but it will have very little impact on a large portion of the world's fleet unless the flags of convenience issue is addressed. I would like the issue to be addressed because of the poor working conditions and wages of maritime workers. There are also other considerations, including the fact that such a large portion of world trade should be run in a way which makes control of issues such as pollution of the marine environment difficult.

Perhaps the Minister will look again at the Bill to see whether it would be possible to address the flag of convenience issue. Given the track record of many ships, perhaps special restrictions could be imposed on ships passing through particularly sensitive areas in Irish waters. Major pollution incidents such as those caused by the *Erika*, *Prestige* and *Princess Eva* appear to come back to national shipping registers over which there is very little control.

As my Fine Gael colleague said, Part 3 of the Sea Pollution (Miscellaneous Provisions) Bill is urgently needed. I am aware of the effects on the marine environment of the anti-fouling systems, particularly tributyltin, TBT. The initiatives taken since the 1980s in this regard have been very valuable. It is important that the control of harmful anti-fouling systems for ships, the AFS convention, which bans the use of organotin based anti-fouling systems such as TBT and provides for invigilation of future harmful anti-fouling systems throughout the world, is ratified here today.

I note that the 1987 legal restriction on TBT did not apply to all vessels. This convention has not yet reached its target of 25 states and 25% of world tonnage.

I also welcome the Protocol of 2000 to the International Convention on Oil Pollution Preparedness, Response and Co-operation, OPRC, which is now extended in our legislation to include pollution by hazardous substances other than oil. Part 3 of the Bill extends the system of preparation of emergency plans by harbour authorities, handling operators and offshore installations in accordance with the 1990 OPRC Convention. It also amends the Sea Pollution (Amendment) Act 1999 to give effect to the OPRC Convention. I also welcome that Annex VI to the MARPOL Convention, which covers air pollution on ships, has been included as part of the Bill and that the pollution emergency plans are being extended to include hazardous and noxious substances. I note that section 21 refers to ships registered in a country which is not a party to the convention and this highlights the type of issue to which I referred earlier.

Sections 22, 23 and 24 highlight the powers of authorised officers and the power of the Minister to act on offshore units. Section 25 refers to the harbour master or person performing that for the time being. Two fishing ports still do not have that, as I have reminded the Minister. Section 25 and the 1999 Act show the urgent necessity to ensure that all our ports are run with a clear line of command to the highest level.

**Acting Chairman (Mr. Carey):** Could the Deputy give way to the Minister of State who needs to move two motions on other business? With the agreement of the House, we will resume with the debate thereafter.

Debate adjourned.

### Business of Dáil.

**Minister of State at the Department of the Taoiseach (Ms Hanafin):** I move: "That, notwithstanding anything in the Standing Orders, No. 14*d* be taken now."

**Mr. J. O'Keeffe:** It is imperative that procedures are correct and I agree with the question.

Question put and agreed to .

### Message from Seanad.

**Acting Chairman:** Seanad Éireann has passed the following resolution:

That Seanad Éireann, pursuant to Standing Order 60A:

1. Noting the information provided to the House by the Leader of the House:

(a) that the Garda Síochána in August 2001, on receipt of information from Interpol obtained by the United States Postal Inspection Service during a search of premises in Fort Worth, Texas, concerning details of alleged customers of a company offering access to child pornography websites, commenced an operation in relation to persons allegedly so identified from this jurisdiction,

(b) that these details included the names, passwords and credit card and charge card details of certain persons,

(c) that one of the persons from this jurisdiction so named was a Brian Curtin, 35 Ashe Street, Tralee, County Kerry, and that subsequent enquiries indicated that this person was Brian Curtin, Judge of the Circuit Court, with a home address of 24 Ard na Lí, Tralee, County Kerry,

(d) that a warrant to search Judge Curtin's home under section 7 of the Child Trafficking and Pornography Act 1998 issued from the District Court on foot of an application by a member of the Garda Síochána on 20 May 2002,

(e) that Judge Curtin's home was subsequently searched on foot of the said warrant and that gardaí took possession of a personal computer and other material during the search,

(f) that an investigation file was submitted to the Director of Public Prosecutions by the Garda authorities in October 2002 and that the Director of Public Prosecutions instructed that Judge Curtin be prosecuted for knowingly having in his possession child pornography contrary to section 6 of the Child Trafficking and Pornography Act 1998,

(g) that the trial of the said charge commenced on 20 April 2004 at Tralee Circuit

Court and that on 23 April 2004 Judge Curtin was found not guilty of that charge without evidence being given in relation to the subject matter of the charge, the Circuit Criminal Court having determined that the aforesaid warrant was spent when executed at the home of Judge Curtin,

2. Noting the contents of all of the correspondence between the Secretary General to the Government, Judge Curtin and his solicitors, commencing with the letter from the former dated 27 April 2004, and in particular the statement by Judge Curtin's solicitors in their letter of 13 May 2004 that, should the Oireachtas see good to make requirements of Judge Curtin, in due course, Judge Curtin will respond to that body appropriately,

3. Noting in particular the letter of 21 May 2004 from Judge Curtin's solicitors to An Taoiseach, the response to that letter of 25 May 2004, the letter of 31 May 2004 from Judge Curtin's solicitors to the Secretary General to the Government, and a letter of the same date containing submissions on behalf of Judge Curtin,

4. Considering the exceptional circumstances thus arising, having regard to the need for the public to have complete confidence in the Judiciary and in the integrity of the administration of justice, conscious of the fact that the said matters do not relate to any exercise of a judicial function by Judge Curtin, and mindful of the status and importance of the principle of judicial independence,

5. Noting the proposal by the Minister for Justice, Equality and Law Reform that this House, calls for the removal, pursuant to Article 35.4 of the Constitution and section 39 of the Courts of Justice Act 1924, of His Honour Judge Brian Curtin, Judge of the Circuit Court, from office for stated misbehaviour, being his conduct in and in relation to subscribing to, accessing and use of websites containing child pornographic images and thereby rendering himself unsuitable to exercise the office of a Judge of the Circuit Court, but that this motion has been adjourned pending the conclusion of the investigative process herein described,

6. Conscious of the responsibility and duty of the Houses, prior to the Members of the Oireachtas forming a judgment as to whether they wish to vote in favour of or against such a motion, to cause an investigation to take place into the said matters so as to gather and ascertain the facts of and evidence relating to same, and to provide the opportunity to Judge Curtin to state and present his case to the said Houses,

7. Mindful of Judge Curtin's entitlement to due process and fair procedures and noting that this House shall accord fair procedures



[Acting Chairman.]

and due process to Judge Curtin and in particular an opportunity to advance evidence to the select committee herein established and make such submissions as he considers appropriate to that select committee and thereafter to this House and moreover shall provide for the exercise of all rights conferred on him by law to defend and protect his right to his position, his good name and any other right or entitlement enjoyed by him at law,

8. Resolves that:

(I) Seanad Éireann concurs with Dáil Éireann in its resolution communicated to Seanad Éireann on 3 June 2004 that it is expedient that a select committee of Seanad Éireann be appointed, pursuant to Standing Order 60A(2) of the Standing Orders Relative to Public Business, to be joined with a select committee to be appointed by Dáil Éireann, on a matter pursuant to Article 35.4 of the Constitution and section 39 of the Courts of Justice Act 1924 (to be referred to as the 'Committee on Article 35.4.1° of the Constitution and section 39 of the Courts of Justice Act 1924');

(II) The committee shall take evidence on:

(a) the circumstances and matters referred to in paragraph 1(a) to (f) above;

(b) any other matters which may arise in the course of the work of the committee which are related to the matters referred to in sub-paragraph (a) above, and which may relate to Judge Curtin's suitability to hold judicial office;

(c) any other matters related to the matters referred to in sub-paragraph (a) above which may be referred to it by resolution of Seanad Éireann and which may relate to Judge Curtin's suitability to hold judicial office;

(III) The select committee shall consist of three members provided that, if one member shall become unable to participate because of death or illness, the committee may continue its proceedings with a membership of no less than two members. Provided further that any such member who becomes unable to participate due to illness shall forthwith cease to be a member of the committee;

(IV) Without prejudice to the generality of paragraph (5) of Standing Order 60A:

(i) the committee shall in particular afford the judge in question (and, where appropriate, his legal representatives) an opportunity to state his case; to cross-

examine any witnesses called by the committee and to lead such evidence as he may think appropriate; and

(ii) the report of the committee to be circulated by the Clerk of the Seanad pursuant to paragraph (8) of that Standing Order shall include a report of the committee's proceedings together with appropriate transcripts in written or electronic form and associated audio-visual material also furnished by the committee pursuant to that Standing Order.

(V) The committee shall have the following powers:

(i) power to accept written submissions to the extent that such written submissions are necessary for the conveyance of evidence or information essential to the core purpose of the committee;

(ii) power to engage the services of persons with specialist or technical knowledge to assist it in discharging its function;

(iii) power to retain the services, should it think fit, of one or more legal advisors whose task it shall be to advise and assist the committee;

(iv) power to undertake travel necessary to the discharge of its functions;

(v) power to send for persons, papers and records.

#### **Appointment of Select Committee: Motion.**

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

(1) That a select committee of Dáil Éireann be appointed, pursuant to Standing Order 63A(2) of the Standing Orders Relative to Public Business, to be joined with a select committee to be appointed by Seanad Éireann, on a matter pursuant to Article 35.4 of the Constitution and section 39 of the Courts of Justice Act 1924 (to be referred to as the 'Committee on Article 35.4.1° of the Constitution and section 39 of the Courts of Justice Act 1924');

(2) The committee shall take evidence on:

(i) the circumstances and matters referred to in paragraph 1(a) to (f) of the expediency motion as agreed by Dáil Éireann on 3 June 2004, namely:

(a) that the Garda Síochána in August 2001, on receipt of information from Interpol obtained by the United States Postal Inspection Service during a search of premises in Fort Worth, Texas, concerning details of alleged customers of a company offering access to child pornography

websites, commenced an operation in relation to persons allegedly so identified from this jurisdiction,

(b) that these details included the names, passwords and credit card and charge card details of certain persons,

(c) that one of the persons from this jurisdiction so named was a Brian Curtin, 35 Ashe Street, Tralee, County Kerry, and that subsequent enquiries indicated that this person was Brian Curtin, Judge of the Circuit Court, with a home address of 24 Ard na Lí, Tralee, County Kerry,

(d) that a warrant to search Judge Curtin's home under section 7 of the Child Trafficking and Pornography Act 1998 issued from the District Court on foot of an application by a member of the Garda Síochána on 20 May 2002,

(e) that Judge Curtin's home was subsequently searched on foot of the said warrant and that gardaí took possession of a personal computer and other material during the search,

(f) that an investigation file was submitted to the Director of Public Prosecutions by the Garda authorities in October 2002 and that the Director of Public Prosecutions instructed that Judge Curtin be prosecuted for knowingly having in his possession child pornography contrary to section 6 of the Child Trafficking and Pornography Act 1998,

(ii) any other matters which may arise in the course of the work of the committee which are related to the matters referred to in sub-paragraph (i) above, and which may relate to Judge Curtin's suitability to hold judicial office;

(iii) any other matters related to the matters referred to in sub-paragraph (i) above which may be referred to it by resolution of Dáil Éireann and which may relate to Judge Curtin's suitability to hold judicial office;

(3) The select committee shall consist of four members provided that, if one member shall become unable to participate because of death or illness, the committee may continue its proceedings with a membership of no less than three members. Provided further that any such member who becomes unable to participate due to illness shall forthwith cease to be a member of the committee;

(4) Without prejudice to the generality of paragraph (5) of Standing Order 63A:

(i) the committee shall in particular afford the judge in question (and, where appropriate, his legal representatives)

an opportunity to state his case; to cross-examine any witnesses called by the committee and to lead such evidence as he may think appropriate; and

(ii) the report of the committee to be circulated by the Clerk of the Dáil pursuant to paragraph (8) of that Standing Order shall include a report of the committee's proceedings together with appropriate transcripts in written or electronic form and associated audiovisual material also furnished by the committee pursuant to that Standing Order;

(5) The committee shall have the following powers:

(i) power to accept written submissions to the extent that such written submissions are necessary for the conveyance of evidence or information essential to the core purpose of the committee;

(ii) power to engage the services of persons with specialist or technical knowledge to assist it in discharging its function;

(iii) power to retain the services, should it think fit, of one or more legal advisors whose task it shall be to advise and assist the committee;

(iv) power to undertake travel necessary to the discharge of its functions;

(v) power to send for persons, papers and records.

**Mr. J. O'Keefe:** I agree to that motion.

Question put and agreed to.

#### **Business of Dáil.**

**Minister of State at the Department of the Taoiseach (Ms Hanafin):** I move: "That, notwithstanding anything in Standing Orders, No. 14e be taken now."

**Mr. J. O'Keefe:** I agree to that.

Question put and agreed to.

#### **Membership of Select Committee: Motion.**

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

(1) That the following members be appointed to the Committee on Article 35.4.1° of the Constitution and section 39 of the Courts of Justice Act 1924:

Deputies Joe Costello, Jerry Cowley, Denis O'Donovan and Jim O'Keefe.

[Ms Hanafin.]

(2) That Deputy Denis O'Donovan be Chairman of the said committee.

**Mr. J. O'Keeffe:** I agree.

Question put and agreed to.

**Sea Pollution (Miscellaneous Provisions) Bill  
2003 [Seanad]: Second Stage (Resumed).**

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

**Mr. Broughan:** In Part 4 I welcome the amendment to Part III of the Merchant Shipping Act 1992 regarding passenger boats, especially the power to revoke or suspend the certificate or licence of any vessel where a holder has already offended in one boat or ship. That is an important reform and the Minister is to be commended on it. I also welcome the increase in fines in section 38. The Minister has made the Irish Coastguard the co-ordinating agency and the results in the *Princess Eva* case are encouraging.

I also note that a decision has been made to base the headquarters of the Irish Coastguard in Drogheda. There are still grave concerns about the ability of the coastguard to co-ordinate and manage pollution incidents and dangers to shipping after the decision to close the Dublin marine emergency co-ordination centre and refer the monitoring of all Irish seas to the facilities in Valentia and Malin alone. The Minister should look at the issue surrounding the marine emergency co-ordination centre in the radio-communications centre on the east coast. There may be an announcement in that regard at some stage due to the arrangements being made to locate the coastguard at Drogheda. Given the busy nature of the Irish Sea, it is critical that we have radio co-ordination centre on the east coast.

I note the provisions of the bunker oil convention in the Schedule and the simple language in which it is couched. It is another important initiative in dealing with marine pollution. The maritime safety directorate in the Department is to be commended, as is the Minister. Despite the caveats I mentioned, I hope the Bill is passed quickly.

**Mr. S. Ryan:** I welcome the Bill and compliment the Minister on the manner in which he presented it. The Labour Party has concerns about certain aspects of the Bill and, as Deputy Broughan said, it will put forward considered amendments on Committee Stage. I hope the Minister will consider them positively. I compliment him on accepting certain amendments proposed in the Seanad, particularly those put down by Labour Party Senators. He incorporated those amendments in the Bill and I believe they will strengthen it.

With regard to any legislation and the debate that takes place in the Oireachtas, one must ask

if the general principle and spirit of a Bill is implemented. That is my concern with this Bill. Will its provisions be implemented? I ask this because I have been at three public meetings in the last three days about the Harbours Act 1996, which is under the remit of the Minister and his Department. These were well attended meetings and one of them was held outside Leinster House yesterday. At the meetings the main concern of the public was why the general aim of a Bill, particularly the Harbours Act 1996, was not implemented. That particular Bill envisaged the transfer of Balbriggan and Skerries harbours to local authorities, followed by Bulloch Harbour. The current situation is that the Dublin Port company has now advertised and is in the process of finalising the transfer of Skerries and Balbriggan harbours into private ownership. As I already stated on the Adjournment Debate, this is a scandal and must be resisted and stopped.

The special amenity value of the two harbours must be protected. Those facilities and amenities are not only enjoyed by the ever-increasing number of people who reside in the growth areas of Balbriggan and Skerries but also by people from the Dublin catchment areas and holiday makers from abroad who utilise them, yet the port company proposes to sell it.

We must also acknowledge the potential of our harbours. We may have a declining fishing industry in north Dublin but Balbriggan, for example, is a working harbour. If the Department and the Government allow these harbours to go into private ownership, we do not know what will happen in the future. Access to the harbours by the public will be affected. In terms of their being working harbours, we do not know what will be the implications if they go into private ownership. I have no doubt that if Irish and multinational interests get their hands on these harbours, planning applications will be made and we will see high density apartments being provided and marinas suggested at inappropriate locations.

The members of the public who attended the public meeting in Balbriggan and Skerries, and a protest outside the Dáil yesterday organised by the Labour Party, have stated clearly that they will not accept this particular direction. They want the Minister for the Environment, Heritage and Local Government and the Minister for Communications, Marine and Natural Resources to deal with this issue and prevent it going ahead. That can be done. I am satisfied that Fingal County Council would be willing to take over the operation of these harbours, subject to certain conditions. Those conditions can be met and agreement reached, but it will entail the two Ministers involved taking a proactive line and getting together with the Dublin Port Company and Fingal County Council to put together a package to ensure these harbours are retained in public ownership.

While the public meeting to which I referred was initiated to a major degree by the Labour Party, it was attended by representatives of all the

political parties in Dublin North. The unanimous agreement at the meeting was that the proposed sales be cancelled, the harbours retained in public ownership, and adequate consultation take place with the relevant interested groups, including Fingal County Council, the Department, the harbours authority, the sailing clubs and the people who utilise those facilities. That must take place.

This process has a number of knock-on effects. I understand where the Minister is coming from in that it was envisaged under the Bill that other harbours would be taken over by the local authorities but we must get agreement and a commitment in regard to this issue. As far as I am concerned, I will leave no stone unturned to ensure that these harbours are not handed over to private interests whose only interest is profit at the expense of the ordinary people of Fingal and other parts of the country. I ask the Minister to intervene and ensure these harbours are retained in public ownership.

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

**Acting Chairman:** Is that agreed? Agreed.

**Mr. Morgan:** I welcome the general thrust of this legislation which will strengthen the powers to deal with maritime vessels that present a threat to our waters and coastlines. Other speakers have referred to particular instances in our own waters and European waters and we are all well aware of the damage that can be done when incidents such as that involving the *Prestige* take place. It must also be welcomed as a further step to ensuring that the types of vessel most often responsible for marine environmental disasters are made obsolete. I am thinking in particular of single hull oil tankers which are the most vulnerable to accidents, and I am conscious that the Minister commented on that in his opening remarks. Unfortunately, I did not hear the detail of that as I was in a meeting but I heard some of it and I look forward to reading those comments.

I am concerned, as are others, that this legislation will not be effective against shipping which operates under flags of convenience. A large proportion of the world's tonnage operates under flags of convenience as they appear to be immune from most standards of international governance in all areas. When debating the Bill in the Seanad, the Minister of State, Deputy Browne, pointed out that with the accession of the new states, approximately 40% of the world's tonnage will be within the European Union and that this will extend the remit of the relevant marine legislation. That, too, will be progress if it brings more of the world's shipping under proper control and supervision. Not all ships that operate under flags of convenience are rogues but a substantial minority of them are and it is obviously one of the attractions of that form of registration. That applies not only to pollution and safety issues but

also to issues concerning the rights of people employed on board such ships.

Two weeks ago, while discussing the Maritime Security Bill which is under this Department's remit, I raised the possibility of the legislation impinging on industrial relations issues. My colleague, Deputy Ferris, is pursuing this issue by means of a number of amendments that will be debated on Committee Stage. In that context, I was thinking of the manner in which unscrupulous ship owners and captains can either avoid the strictures of law designed to prevent abuses at sea or, in this case, use existing legislation to justify their treatment of crew.

In the context of this Bill, the danger is that ships under a flag of convenience will remain free of the obligations placed on others because it will be impossible in some instances to take action against them if they are found to be in breach of anti-pollution measures, for example.

There are other powers following on this legislation that it is hoped will reduce, and ultimately eradicate, the use of particular pollutants. For example, I welcome the ban on organically based anti-fouling agents. These have been found to be harmful to the marine environment and any action that helps to prevent their use will be to good effect.

I also welcome the new powers to take action against previous offenders who may have acquired a new vessel and to revoke passenger boat licences held by such individuals. That will help to tackle situations where rogue operators can simply move on after being caught committing an offence on one vessel and acquire a licence for a second or even a third vessel.

In the overall context of the protection of our waters, I regret the decision by the marine enforcement protection committee to refuse the request made by this State, along with Belgium, France, Portugal, Spain and Britain, to designate part of the north-western waters as a particularly sensitive sea area. That would require single hull tankers, for example, and others to give 48 hours advance warning before crossing through these seas. Following on that refusal, the Irish Government must act on its own initiative to protect those parts of that sea which are in our territorial waters. Perhaps that is something that could be examined in the context of this legislation and addressed by way of amendments at a later stage.

This Bill, as with all other marine legislation covering such a massive area, raises the question of surveillance and enforcement. Is the Minister satisfied that there are sufficient resources available and, if not, how does he envisage that any such deficit might be addressed? I am aware of the excellent work carried out by the Irish Coastguard and its role in tackling several incidents of late. It would be fair to say, however, that it does not have the capacity to cover all of the sea area under its responsibility.

Questions have been raised regarding the future funding and organisation of the service. I am aware the service liaises with the Irish Coast-

[Mr. Morgan.]

guard and other services in the EU member states and that it has lent assistance to other states, for example, during the *Prestige* incident. However, it is of vital importance that the service is maintained and expanded, if necessary, to meet the increased responsibilities placed upon it by legislation such as this.

I reiterate my support for the objectives of the Bill. There does not appear to be anything contentious in it. Nevertheless, I will examine it more closely with my colleague, Deputy Ferris, before it comes to Committee Stage to see if there are issues to be addressed by way of amendment. One of the key elements which cannot be addressed at this stage is the implementation of the legislation. That will be a matter for the Minister and his Department when the legislation is passed, as I expect it will be, given the comments of all Members this afternoon. It is all very well to prepare and pass legislation but it will be worthless if it is not implemented.

I commend the Minister and his Department for bringing forward this and other recent legislation aimed at tightening up the law in this area. The coastal zone management Bill has been promised and is long overdue. I hope it will be brought before the House soon.

**Mr. Eamon Ryan:** I too welcome the chance to speak on this Bill.

I welcome the attention given by the Minister of State to the issue of TBTs. If we can add a small percentage of the world's population to the movement to address a serious issue and push the numbers up to a stage where we will see a global ban on the use of certain anti-fouling agents which have serious long-term environmental effects, we will have done a good day's work. I am proud to add my voice to the debate on this issue.

The Bill goes to the core of what my party is about. It promotes an ecosystem approach to managing our resources and balanced management of the natural resources we share and use, where a range of different species interact with each other and with the physical and meteorological climate in a way which is complex, self-regulating and self-balancing. As one of the species in that chain, human beings must be careful how we affect and disrupt that ecosystem and its balance because our actions may come back to affect us in ways we had not considered, and do us real harm.

Had I spoken here in the 1960s, 1970s or even in the early 1980s about the problem of TBTs, I might have been laughed at and told I was exaggerating. Members might have wondered what possible damage a lick of paint on a boat could do. They would not have known about my recent meeting with officials of the Minister of State's Department regarding dredging, which is also the responsibility of his Department. When the problem of dredging the harbour in Castletownbere was raised, the officials told me that because the harbour had a high concentration of TBT nothing

could be done in the area without spending incredible amounts of money extracting highly toxic pollutants from the water. This is a small example of how the misuse of a substance can come back to affect the development of our society, infrastructure and economy in practical and real ways.

The Bill is an example of the introduction of ecological thinking into world and national governance. That cannot come quickly enough.

The Minister mentioned recent meetings which occurred, fortuitously, in Wexford. The latest edition of *The Irish Skipper* contains several articles in which the scientific community draw attention to the need to take an environmental and ecological approach to our industry. The Minister of State referred to the recent conference in Wexford. The EurOCEAN 2004 conference was recently held in Galway although, unfortunately, I was not aware of it until it had finished. At the conference, 500 scientists looked at how we affect the marine ecosystem. I am informed by *The Irish Skipper* that a conference was held in Dublin Castle, as part of the European Presidency. I did not receive notice of this conference. One of the regrettable features of the Presidency has been that Irish people and legislators have not been invited to the many excellent conferences which have been held throughout the country and where we might have listened to some of the world's leading scientists. The Presidency has been run behind closed doors. It has not been an open process. I managed to attend one of two conferences but I found it remarkably difficult to find out where they were being held, how I could get to them and what their agenda would be. These conferences should have been open. I would love to have attended the 13th international dialogue meeting of ISES on the advancement of scientific advice for an ecosystem approach to management and many people in the Irish fishing industry and environmental movement should also have attended the conference to listen to the leading scientists in the world discussing this new ecosystem and ecological approach to managing our resources.

This need for an ecological management of our natural resources has been presented to us for 30 or 40 years. As a child I watched Jacques Cousteau on television give the same message we are receiving now. It is almost as if we have continued to sit in front of our television sets and hear people telling us we are destroying our environment. The message about the effect on the marine environment had a particularly strong effect on me. People were telling me we were destroying our marine environment and we must be careful about how we operate our fishing industries and allow pollution because they have a serious long-term effect. However, still we have not addressed this problem. It is as though we are still sitting in front of our television sets and watching it happen. If this legislation is one small part of our response to this problem and a small example of how we are getting up from our

lounge seats and doing something, I am very happy to approve it.

At the EurOCEAN 2004 conference in Galway, Professor Carlo Heip said that our knowledge of marine biodiversity is minute. We have little knowledge, for example, of the number of species existing. We are beginning to see the huge medical, economic and pharmacological potential of newly discovered species, particularly in deeper waters of which we have very little knowledge. Professor Heip says we need a greater knowledge and scientific analysis of that ecosystem. The first step in treating the ecosystem carefully is to gain knowledge of what is going on. Unfortunately, that knowledge is still very scant. While I commend the Irish Government's recent analysis we have a long way to go. The sea-bed survey is a good example of a start in the right direction.

Professor Heip went on to say that marine biodiversity is under continuing serious global threat. It is undermined by fishing, pollution, the introduction and transfer of exotic species to new environment and global climate change, something which will soon affect our own environment, and we are not properly addressing those threats. An example in that regard is our treatment of the environment in a manner which suggests we do not know what we are doing. One of the strongest examples recently is the move by a number of European fleets, including ours, into deep sea trawling to catch fish with a long life without knowledge of the effect of such actions on populations in terms of taking out an adult population which will not be replaced and its effects on deep sea waters which we do not understand. Our initial reaction may be that because the Atlantic is a large ocean, it does not matter that we take a certain number of fish from it. However, it does matter if it has implications for how the ecosystem works.

The current situation regarding ballast waters is also an issue of sea pollution. Perhaps the Minister of State will clarify if this legislation will apply to pollution that might occur from the discharge of ballast waters, an issue causing serious concerns? It is interesting to note from the magazine before me an example of where a mistreatment of the ecosystem or the introduction of a new species can have a serious affect. The Corrib system is under threat from the possible spread of the zebra sea mussel. That is an example of how a small change could have massive effects on our local marine environment.

Another example is our management of the aquaculture industry in terms of the effects of sea lice on fin-fish farming. Perhaps the idea to develop the salmon fishing industry was a brilliant one in terms of developing a valuable food resource. However, those involved did not, perhaps, take on board the ecological understanding of how we develop those resources. What we are now witnessing is ecology biting back. Fin-fish farming is an incredibly difficult area in which to make money. All the scientists involved now

agree that the effect of the high pest population living on the farmed one is affecting our indigenous wildlife resources.

Following the "Prime Time" revelations last year regarding activities in the Irish fish-farming industry, members of the Oireachtas Joint Committee on Communications, Marine and Natural Resources, were able to obtain agreement from all the industries and Government scientists that this was an area in which the management in a particular manner of one species or another was having an effect on the ecosystem and our wildlife species. We had to take that point on board. It is also another example of where we have not taken an ecological approach to the management of our resources.

I was pleased the Minister of State was able to encourage the European Maritime Safety Agency out of Brussels. The trip did it the world of good. What fortuitous coincidence that, of all the countries and counties in the world, it picked north County Wexford to visit. It could not have picked a better location than Gorey to hold its meeting. I commend the Minister on his achievement in that regard.

Another article in my recent edition of *The Irish Skipper* referred to the location of the new Irish Coastguard development agency in, as luck would have it, County Louth, the Minister's home county, a remarkable coincidence in which I have no doubt the officials were deeply involved. While I welcome and can understand the politics of holding the meeting in Gorey, there is a question to be answered regarding the manner in which civil servants are to be relocated throughout the country in terms of whether it will benefit joined-up thinking in the governance of the country. I do not yet know where officials from the Department Communications, Marine and Natural Resources will be located. I am not sure if they will be decentralised to Cavan, Clonakilty or elsewhere. I am not sure it is wise to do this to many different arms of State which must interact with each other. I presume the coastguard section will have to have regular meetings with officials in the Department. I am not sure if we will get required joined-up thinking by relocating Departments at opposite ends of the country. I am not sure either if the process is being handled in a manner which is fair to civil servants and which will provide us with the best use of resources in the remarkable people that are the civil servants of this State.

I regret the location of sections of Departments to Ministers' counties. Sustainable Energy Ireland is being relocated to the Minister's home county along with the Irish Coastguard development agency. That may well be the best location given it is close to Dublin. Thankfully, it is close to the sea and we are not in the embarrassing Cavan factor in this regard. If I were a civil servant, I would be carefully following ministerial reshuffles more keenly than those on the Fianna Fáil back benches. That is not appropriate.

[Mr. Eamon Ryan.]

Having addressed my concerns regarding the relocation of the coastguard service, it is good we are considering a centralised management and, hopefully, reaction system to oil spillages or other natural disasters that may occur particularly close to our sensitive shores. I regret what the Minister had to say about the proposal Ireland, along with many other countries, put to the IMO for a restriction in certain categories of shipping. I understood Ireland was originally seeking its own north and western shores. However, I understand the Portuguese and Spanish may also wish the restriction extended to their waters. I regret also to learn from the content of the Minister's speech that the IMO has ruled out that proposal. The Minister of State said the special committee established to investigate the navigational consequences in that regard will return. Perhaps he will clarify that matter in his response.

The Minister of State said the IMO did not accede to the request to ban tankers as proposed. However, he also said the expert navigation committee is expected to report to the MEPC later this year. I am interested to hear the Minister of State's view on whether the IMO is ruling out such a ban. We were fortunate last year in that the incident in Donegal involving the *Princess Eva* did not lead to serious pollution. That incident should strengthen the case for the protection of the sensitive ecosystems of which those on the west coast are fortunate to be the managers and carers. It would have been an international and national tragedy had some 55,000 tonnes of crude oil washed up on the beaches of Donegal which are unique in the whole of western Europe. I have never visited anywhere with such attractive and dramatic local ecosystems. Had those beaches been polluted for many years by a discharge of 55,000 tonnes of oil, not only our wildlife but our tourism industry would have been devastated. I would have thought the close call regarding the *Princess Eva* made our case of the IMO all the more compelling. I am interested to hear if the Minister of State believes the IMO will be willing to accede to our request in that regard.

Hindsight is a wonderful thing. However, I hope I will not be back here in future years saying we warned of the necessity to purchase a towing vessel to help cope with potential future accidents. I hope I am proved wrong. One of the first reports into which I had to delve on taking up my position as Opposition spokesperson on the marine dealt with the need for a maritime towing vessel. It was a remarkably well produced document which contained scientific analysis as to the likelihood of marine accidents involving discharges of pollution in Irish waters. That research was undertaken in a clear and accurate manner. What was disturbing was its ability to predict reasonably accurately the likely consequences of 1.5 serious incidents a year within our waters, possibly involving quite significant discharges. If one considers the years during which the study was carried out one will note there was a series

of incidents that would have corroborated that statistic. Given the volume of maritime traffic passing through our waters, it seems almost certain that we will have a serious incident at some stage. It is remarkable that we are not abiding by the recommendations of the report and spending €10 million to €15 million — I cannot remember the exact figure — on a towing vessel, which could possibly be operated in co-operation with the UK Government. It is a poor investment decision on the part of this State because if there is a problem, we may well look back and claim that the saving of this small amount of money was not wise in the long run.

I commend the officials I have mentioned, who are no doubt busy packing their bags or scanning the State for the Department to which they want to relocate to suit their children's educational needs or the other needs that unfortunately govern our lives. They are to be commended for the work they have put into this Bill which is remarkably detailed and serves as an excellent example of the important legislation we require. It is an example of our getting up off our TV seats — I will put it that way — and starting to legislate for an ecological approach to protecting our natural resources.

In my two years as an Opposition Member, I noted that we considered a series of Bills addressing similar issues in this area, and in most cases addressing international protocols which we were to implement. I am sure this legislative process, which is complex and drawn out, has been difficult for the Minister of State and his officials. I regret that some of the Bills were not consolidated into one so we could have addressed some of the more international implications in a more holistic, co-ordinated manner. I differ from the Minister in terms of how I would manage this issue. Bearing in mind the intent of this Bill, I very much commend it to the House and commend the Government for bringing it forward.

Let me return to the topic of TBT. I understand from the Minister of State's presentation and the content of the Bill that we must address the banning of such substances ourselves within the European Union. We are now involved in the long and difficult clean-up associated with their use in the past.

Perhaps the Bill may not have an immediate effect. It might have an effect in some very distant port where regulations are not as strong and where concern for the environment tussles with concern for people's survival in many cases. Such ports may not be able to apply the standards we are now demanding of them. However, one of the lessons one learns from taking an ecological approach to politics is that we live in one world that is in itself an integrated, complex and, in a sense, breathing ecosystem, and that we have responsibility as legislators to adopt a global approach to all our work. "Think globally and act locally" has been a slogan of the Green Party for a long time. I very much welcome the chance to take such an approach in praising this legislation.

**Mr. O'Dowd:** I welcome the Bill. I listened with great interest to Deputy Eamon Ryan's speech, from which I learned a lot. It was very thoughtful and constructive. I do not know very much about sea pollution other than that I live in a place called Drogheda about four or five miles from the sea.

I will be delighted to welcome the new Irish Coast Guard agency when it locates to Drogheda. We will be very happy to have any other bodies the Minister locates there because the town has been ignored for so long by this Government. In the knowledge that the elections were coming up, it decided to pull those few jobs out of the hat. We are very happy to have them.

Having spoken in recent weeks to a number of civil servants who live in Drogheda, I note there is great concern about decentralisation generally, particularly if employees have to relocate to a place far from where they now live. If they had to move to Munster or Connacht, for example, it would create serious and significant problems for them, particularly those who have special knowledge and those who are professionals in their field. It does not make sense to move somebody from the Ordnance Survey office in the Phoenix Park to Dungarvan if his kids are in college and his wife is teaching in the local school. There are already regional offices throughout the country.

The sea and marine environment are important to us and any legislation that will co-ordinate and improve how we reflect international agreements and conventions can only be welcome. The fishing industry in particular is obviously a very significant player in employment around our coast. Clogherhead in County Louth has a community of fishermen who will benefit greatly, including financially, from any improvement in the marine environment.

Will the Minister of State inquire into pollution in the Irish Sea on the part of the British nuclear industry, particularly the nuclear submarines the British navy has positioned off the west coast of Scotland. Pollution is caused by the discharge from their quench tanks. The vessels have many pollutants and the quench tanks are supposed to be emptied in a proper and transparent procedure at port. I have been informed this does not happen in every case and that there have been instances of the discharging of quench tanks off the coast of Ireland. Will the Minister of State investigate this immediately? If my information is correct, as I believe it is, it is serious and we should insist that the practice cease forthwith. This Bill deals specifically with pollution from ships but the issue of pollutants from submarines needs immediate attention.

Other issues that need to be addressed in this area concern the quality of marine life and people's enjoyment of the coast, our shipping fleet and all our ports. I am happy the Bill is before the House and that it will make things better rather than worse.

I have a question for the Minister of State that could be regarded as rhetorical. Has the bunkers

convention anything to do with the Fianna Fáil meeting of directors of elections which will be held on 13 June 2004 to find out why the party did so badly in the local elections? I will interpret the Minister of State's lack of an answer as affirmative in this case.

I welcome the Bill and wish it every success.

**Dr. Cowley:** I am happy to speak on this very important Bill. We are an island nation and those of us who live beside the sea have always been very aware of its value. In my area, one can see the Famine ridges all along the coast, but some people who lived beside the sea survived the famine because of the fish the sea provided. It is obvious that the sea is of great benefit to us. It provides so much but it can also be a source of bad things.

I mentioned before that, because of GPS technology, one can deposit anything anywhere in the sea and have it picked up by somebody else who knows the co-ordinates. This is particularly useful for drug smuggling and an example of a negative aspect of the sea. Of course GPS technology is ideal for fishermen and for improving safety at sea. The sea makes us very vulnerable but it has also been a great asset.

EU membership opened up a whole new vista in terms of exploitation of the sea. When we entered the EU we did not have the means or ability to maximise exploitation of the sea and I suppose we lost out as a result.

The sea is also important to us from the point of view of tourism. Having tourists who would be able to build on the wonderful asset that is the sea would represent a solution to many of our problems. The sea is not a limitless resource and there are things we should have done differently. I am talking about the fact that many of our assets were given away due to our EU membership.

We can see how waste affects us. The accident in Chernobyl affected people and livestock in the west of Ireland, and continues to affect us. We live in a small pond that is the sea. The Irish Sea contains the most contaminated fish available because of radiation. This brings home the point that we live in a small world and have a big obligation to do the right thing. In many ways the EU has been good for us but it has been a double-edged sword. EU equality legislation has driven up our minimum wage, the cost of employment, the cost of competition and the cost of trying to create the type of country in which people will stay.

However, there have been two sides to the EU equation. Many of our resources have been exploited by other countries whose super-trawlers come in and sweep up what is there. We had a wonderful opportunity, particularly in the west, to have a proper fishing policy, which has been neglected. This could have translated into income and infrastructure thus allowing the area to be more competitive. However, the lack of balanced regional development is to be regretted, as it



[Dr. Cowley.]

would have meant so much. There was little development of western harbours, which would have made so much difference to us.

I greatly welcome the Bill, which should improve problems with pollution. We are all aware of the many tragedies and accidents that have occurred at sea, many of which could have been prevented. The Bill will go a long way to introducing proper procedures and standards to control commercial interests that know no bounds when it comes to taking chances. We all remember the *Kowloon Bridge* disaster and there have been many such incidents in Ireland and elsewhere. Single-hull vessels are permitted and because of commercialism they will not be phased out in the short term. The EU has already adopted measures on this matter. While single-hull oil tankers are to be banned, that will be in the future. It is a pity that action is not being taken, as those accidents are preventable.

Another problem is raw sewage seeping into the rivers and bays. In my constituency we can see examples of pollution continuing due to inadequate investment. This is not pollution from the much-maligned septic tanks, but from large centres of population. I would be in favour of people staying west of such centres of population if the potential existed. Pollution is regrettable as it interferes with fish life. Sewage has a very negative effect on fish life particularly with the siting of mussel and oyster farms along the west coast. As these are very important matters, I welcome the Bill.

Those living on the islands are very dependent on the sea and deserve every consideration. The sea is a massive resource that we have not fully exploited. I welcome steps to reduce dumping at sea. The 1996 Act rightly extended our jurisdiction for dumping at sea from 12 miles to 250 miles, consistent with the continental shelf. However, that Act gave us additional responsibility. In my area a landslide in Pollatomish resulted in a mountain ending up in the sea, which had a major effect on the area. Even the few remaining driftnet fishermen are suffering from overregulation and the disaster in Pollatomish worsened their plight.

Many who work in sea angling were put out of business because of new regulations, which I accept were introduced on safety grounds. While we are all in favour of safety at sea, those regulations should have been introduced on a phased basis. The result was a plethora of angling festivals were put out of action in my village, Belmullet and all along the coast, which made no sense. We appeared to be chasing a few small people catching salmon, while at the same time super-trawlers are hoovering up the fish. I do not believe the Bill will do anything for those living in north-west Mayo who are affected by these problems even though there is an urgent need for action to be taken for them.

We thought the EU was great but when the landslide occurred at Pollatomish, we got nothing

from the EU because the damage was less than €3 billion. It is people's heritage and right to be able to farm the land and stay in their own area. Since I became a Deputy I have sought a tax incentive scheme for the area which is the poorest in the State based on the last census. If the trend continues, nobody will be left there in 100 years, which is a major problem. While it is important to preserve fish life, etc., *homo sapiens* also matter and when *homo sapiens* are threatened it is time to take notice. A tax incentive scheme would help the west and north of Mayo.

The sea is very vulnerable and is constantly under threat. It is said that of the 25 bays regularly monitored by the EPA and local authorities, 12 were eutrophic or enriched. Algal blooms caused by pollution occur in our area during good weather, as the algae multiply in their millions. While it can look very nice from an aeroplane or from the shore, it is not very nice when entire areas are destroyed by algal bloom. Our waters contain 446 different species of fish, a large proportion of which are seriously threatened by pollution, particularly lampreys and shellfish. This serious problem must be addressed.

There is much we can do about pollution from areas of large population without having to seek funding from Europe. It is claimed that development at Killybegs could have been the cause of the fish deaths in two bays in south Donegal. While I do not know whether this is so, we must recognise the interaction between action taken on the land and what happens in the sea. We have many riches and have an obligation to mind them. Our seas contain natural gas, which is a very valuable resource worth billions of euro to us. We would all be anxious to see this gas being piped ashore in Mayo. Tragically the resource, which is worth billions of euro, has already been given away before reaching the shore. We should have made use of this natural resource, as did Norway.

Super-trawlers suck up large quantities of fish while poor driftnet and draftnet fishermen are being hounded. To police the foreign trawlers ruining our waters and those who are dumping also requires resources. I hope the resources will be provided to facilitate the implementation of whatever legislative provisions are enacted. There is no point in having GPS technology and policing methods if the resources are not provided.

Disasters at sea are very tragic and always capture the public imagination as does the destruction of marine life. "The Poseidon Adventure" was the most successful disaster adventure ever made. With single-hulled vessels we see how people put commerce before the environment which is very regrettable. If small-scale operators were acting in the same way, they would certainly be incarcerated for life. Greed leads the large companies to take short-cuts and to fail to supply cargo ships with double hulls. Ships to be disposed of are brought across busy shipping lanes which entails taking great chances in the interests of commerce.

2 o'clock

Any Bill to control these activities is very welcome.

It is impossible to tell when an accident will occur or what sort of damage will be caused along our coast or the coast of France. It is a positive step to designate sensitive areas in the context of large ships and oil tankers voyaging near our coast. There must be a means of planning to deal with emergencies or oil spills like those which affected Galway and Connemara. The proper steps must be taken to ensure that hazards are dealt with quickly and effectively. We all remember the tragic sight of swans at the Claddagh covered in oil. It is important to have the means to prevent incidents of this nature. Legislation like this can help to achieve that. Prevention is better than trying to deal with the tragic consequences of accidents. We did not think the events of 11 September 2001 would happen, but they did. We must be aware that tragedies occur to be ready to deal with them.

The EU has had a positive legislative impact in areas such as equality. Legislation is part of living in the modern world. It is certain that we have responsibilities beyond our borders as a member state of the EU. The major problem with EU money has been that while it came into the country, it did not come to the west. In the mid-term review of the national development plan it is obvious that money which should have been invested in the west was not. It is tragic that we do not have the roads and infrastructure we need to ensure that balanced regional development takes place to allow our youth to stay at home. On balance, the EU has been positive for us. Living in an area which is socio-economically deprived and in which it is predicted that no one will live west of a line from Killala to Newport by the end of the century, one begins to worry. Every district electoral division west of the line has shown a decline except for a blip where St. Brendan's village in Mulrany has shown a population increase.

The key is to put local infrastructure and services in place to prevent decline but we are seeing a loss of services. The orthopaedic unit which was supposed to open at Mayo General Hospital will not go ahead due to the Government embargo on staff recruitment. This is a major problem for us. More than 1,000 people are waiting locally for urology services. They must travel to Galway to see a consultant with whom it takes five years to get an appointment. The same is true for rheumatology patients. It is as far from the farthest part of Mayo to Galway as it is from Galway to Dublin. As Dublin people would not travel to Galway for an operation on a broken leg, why should we put up with it. The Hanly report and the report on radiotherapy services recommend more of the same. Health boards will no longer make decisions on staff. It will all be done centrally. It is not at all acceptable that the Minister for Finance should be the Minister for Health and Children which is how it appears at the moment.

Knock Airport was a wonderful catalyst for change but the special tax designation we sought for it was refused on the grounds that EU rules prevented it. Knock Airport is a powerful catalyst through which the Government could provide balanced regional development. Preservation orders like those in the Bill before us should apply not only to fish and the environment but to Homo Sapiens. It is the Government not the EU which is blocking a tax incentive scheme for Knock Airport.

The people in the mid-Atlantic sea board area most affected by regulations are the drift-net fishermen working on larger vessels at sea and the drag-net fishermen who are small operators in the channels and estuaries. They usually have large families and are doing their best to survive. This is not a case of super-trawlers which end up fishing the seabed, it involves people who have to count what they have to survive from week to week. The majority would prefer to work than to sit at home doing nothing. In recent years, their quota has been reduced gradually. This year, it has been reduced even further. While this is based on scientific evidence to ensure the survival of fish stocks, we should also consider the survival of Homo Sapiens.

A set aside scheme to conserve fish stocks was proposed under which fishermen would be compensated for fishing less. The Government said it would only introduce the scheme if some means to measure it was available. The criteria for measuring the scheme and for counting fish stocks in rivers were met and there is no reason the scheme should not go ahead. It was promised to fishermen in 2002 and received the backing of private owners of fisheries who promised money to support it. I hope the Minister will reconsider the scheme. I am happy to speak to this important Bill. I hope we also consider the survival of Homo Sapiens in the west.

**Mr. Durkan:** I am pleased to have the opportunity to contribute to the debate on this important and long overdue Bill. The gestation of the legislation goes back to actions taken in 1973 and subsequently in 1999. Eventually, we are pulling ourselves into line with international requirements. There have been countless greater and lesser disasters at sea over the past ten to 15 years which should have brought to our attention the necessity of introducing the Sea Pollution (Miscellaneous Provisions) Bill. I cannot understand why it took so long to get where we are now. While there must be some reason, we have not yet been told it.

The Bill takes the first necessary step of identifying the various sources of marine pollution. Pollution at sea can emanate from disasters at sea, dumping of hazardous or noxious waste or nuclear waste or dumping of waste from the shore on to the sea front. There is a classic example provided by a multi-million-euro sewage treatment system very close to Dublin city, which only a year after being commissioned and less than six

[Mr. Durkan.]

months from its official opening is pouring sewage into the sea. Considering all the assistance of modern technology, all the available research and the availability of consultants who are willing to give their opinion at a price, I cannot understand how that could have happened. The Minister of State must have views on the matter, but since he was a member of a local authority, a very good member, he must feel as I do that it is unbelievable and unacceptable that a short time after the commissioning of a treatment plant it should fail to function, for whatever reason. When something like that happens at such a stage there is no acceptable excuse.

In recent years we have all made representations to this House about various incidents of pollution from Galway to the south and south-east, and right around our coasts, pollution coming from the land into the sea. It could be industrial, domestic or some other sort of pollution. Some changes have been made and some action has been taken but there are still quite a number of instances where sewage causes sea pollution. Such pollution is not covered by the legislation before us because in this instance we are talking about pollution originating in the sea, but it needs to be covered. It is a serious matter and such pollution continues. Despite our best efforts, all the action we have so far taken does not seem to work. I cannot understand how a newly commissioned treatment plant could fail to function in the shortest possible time. If there ever were a criticism of modern technology, that is surely it. It is necessary and advisable to comment on what has happened regarding a newly commissioned plant which cost so much. I hope that all other electronic methods work better than the treatment plant adjacent to this city which is currently polluting our seas.

Let us move on to what is specifically catered for in the Bill, the pollution in the sea by traffic in the sea. We cannot go far without considering the issue of oil tankers. There have been several major sea disasters in the past ten years and apparently nothing was done to address the issue until the next disaster. The *Erica* and the *Prestige* were mentioned by the Minister of State. Many people put the blame on single hull tankers, but many of the problems involved the failure to observe proper safety standards at sea and to have adequately qualified crew members on the tankers. In the case of a number of disasters, the crew were afterwards found to be badly trained or not trained at all, vessels were vastly undercrewed, normal maritime chart requirements had not been followed and when a storm or gale occurred which ordinarily would have been well within a tanker's capacity to withstand, the vessel was off course to such an extent that before it could correct itself it was on the rocks, with dire consequences from the country's point of view.

I do not understand why it took so long for someone to take action. It is not so long since the last disaster involving the *Prestige*. That was

catastrophic and damaged an entire shoreline, along with seabirds and fish. It damaged the tourism industry. The capacities of the defensive operations and rescue services were seriously undermined. They could not cope with the situation. Have we adequate resources here to deal with such a spillage? I think not. If not, it is important to ensure that all such vessels traversing the seas close to our shores are sufficiently far away so as not to present a serious threat of pollution in the event of a disaster. If we did that, it would be one preventive measure of benefit to us.

Not long ago a vessel overturned on the seas and within a couple of days another vessel got hung up on its hull. Given modern technology and GPS, why was it not possible to quickly isolate the disaster area and ensure that matters did not get worse, that the threat was not increased as a result of something like that happening? There should be no excuse because all the modern technology is there. It is quite simple to mark on the sea chart where the danger area is and it is well known what one should do in a dangerous situation. Why was action not taken quickly enough?

Regarding the prevention of disasters, the identification of routes is essential, along with ensuring that these tankers do not come so close to our shores as to present a threat. That is the safest bet. The next thing to be done is to ensure through international statutes that the crews of the vessels concerned are adequately trained and the vessels are fully staffed, not operating with half staff or reserve staff. Proper navigational equipment must be on board and international rules must be observed. Other speakers referred to the single hull issue and it is now recognised that single hull tankers are being phased out. We should also consider another type of pollution, namely, that caused by vessels deliberately dumping at sea. While this has not occurred so much in recent times, there were several incidences of such dumping, including of nuclear waste which was allegedly in indestructible containers. Whether this was so is not the issue. Once dumped, the waste is irrecoverable and, at some stage in the distant future, will end up as somebody else's problem.

The dumping of other noxious waste is also a problem. A number of countries, including Ireland, do not have facilities to cater for some types of hazardous waste. This must be transported over the high seas to locations where it can be dealt with. This is of great concern because of the potential for a disaster at sea and also because of the possibility that some of the material could be dumped at sea, inadvertently or otherwise, which could cause long-term problems.

The Bill refers to the type of paint used on the hulls of ships. This is an interesting issue but it is not the most serious threat of pollution at sea. I accept that the use of the same type of paint on all shipping for a particular purpose — to discourage barnacles and algae on the hulls — represents

some threat. However, other pollution threats are more serious for the environment.

The Minister of State referred to the threat posed in January last by the Panamanian registered tanker, the *Princess Eva*. According to the Minister of State, the vessel was carrying 55,000 tonnes of heavy oil from Copenhagen to the USA when heavy weather was experienced and two crew members were killed. This experience presented in a graphic way the possibility of a major disaster, not on the high seas, but very close to our shores. Such a disaster has the potential to do irreparable damage to a country which depends heavily on the tourism industry. The only way to deal with this threat is to use modern technology to keep such vessels as far as possible from our shores. Given prevailing Irish winds, what might be thought a safe distance from our west coast might not be.

There are two ways pollution can occur in the context of sea transportation: by way of deliberate dumping and by way of accident. The Minister should assure the House he is working to eliminate these possibilities. I accept it is impossible to legislate for those who deliberately dump and intend to break the regulations and laws — the Minister of State can do nothing about this. However, it is important to eliminate accidental dumping. Accidents happen all the time, with tragic consequences. One need only consider the accidents on ferries in recent years to realise how serious the problem is. While it was known that accidents could occur, little was done until tragedies occurred. It would have been just as easy to anticipate accidents and take the necessary preventive measures. The Minister of State might refer to this in his reply.

This is good legislation. Its need was obvious for at least 20 years and its origins date back that far. For some unknown reason, it took a very long time to bring this legislation ashore. I hope the lessons of the past ensure that we take the necessary steps in future. While I did not have time to consider disasters off the south coast of Ireland, I hope to have the opportunity to discuss them at another time and hope we have learned something from them. To sum up, a number of vessels travelling the high seas, particularly oil tankers but also those carrying other substances, present a real threat of pollution. Notwithstanding the availability of modern satellite technology, they are not adequately policed with a view to ensuring against pollution.

I hope the Minister of State will also comment on my reference to a newly-constructed sewage treatment plant, which is worthy of a debate in itself. I am amazed that so little attention has been given to this issue, which should have required a full-scale inquiry for reasons I have stated.

**Mr. Boyle:** I am happy to have the opportunity to speak on the Bill. The Government's legislative programme in the 29th Dáil made a very slow start. While it picked up in the second year, many

of the Bills have been short or even emergency legislation. However, to be fair, this is the third Bill on the marine environment the Department of Communications, Marine and Natural Resources has introduced in the lifetime of this Dáil. Any strengthening of legislation in this area is welcomed by my party.

When implementing of much of this legislation, it must be acknowledged that we are doing so because of our obligations to international treaties and protocols.

This legislation is important for Ireland as an island nation that conducts trade through marine traffic. We have been negligent in this area in the past. Threats that have caused damage previously and that still exist have not been properly addressed. As a Member for Cork South Central, where there is one of the finest natural harbours in the world, a busy port company and a busy fishing port in Crosshaven, I take legislation of this type seriously, as do my constituents.

There are two threats to the marine environment in the Cork harbour area, one impending and one persistent, that this Bill should go some way to addressing. I hope I am not stretching the definition of sea pollution by including Cork harbour because a river estuary is tidal, contains salt water and is the connection point for much of the passing marine traffic. The proposal, therefore, for a national toxic waste incinerator in Ringaskiddy raises genuine fears. The planning process accompanying consideration of this did not refer at all to the marine environment. There is a worry that toxic waste created in Ireland will not justify this facility economically and that toxic waste will be moved in and out of Cork harbour, magnifying the risks of incidents of the type that are meant to be avoided through this legislation. That demonstrates the lack of joined up thinking by the Government and State agencies. While we are promoting legislation that is forward thinking and necessary, the implementation policies are counteracting the effect of the legislation.

Even if the promoters of this project state that they will not import waste, the incineration of toxic materials will create a highly concentrated toxic ash which they intend to export. That creates a dual risk for Cork harbour because, to make a national toxic waste incinerator viable, large amounts of toxic waste may be imported into the State, with a risk of accident that will harm the marine environment, or the ash that is created by the incineration process — concentrated toxic material — will be exported from the same installation.

The incineration process only reduces the waste that is incinerated to 30% of its original mass, resulting in a huge amount of toxic material. No State agency has addressed potential damage to the marine environment in this proposal and I have no confidence that it will be addressed in the remainder of the process. That the Department of Communications, the Marine and Natural Resources has chosen not to participate in the process is something I view with grave

[Mr. Boyle.]  
disappointment. Ironically, located 100 metres from the proposed site of the incinerator is a state of the art national maritime college where those who will take care of the marine environment in future will learn best practice and become aware of international and national law to avoid marine pollution. The contradiction is unacceptable.

The second threat posed to the Cork harbour area is posed by the metal contamination left by what was originally a State company, Irish Steel, and, subsequently, a private company, Irish ISPAT, on Haulbowline. The contamination remains on Haulbowline Island causing marine pollution in Cork harbour every day. There is an impending court action to decide if the State or the last owners are responsible for cleaning it up but the cost of the operation is estimated at €30 million. Any capital expenditure out of the public purse to deal with an environmental problem of that scale should set alarm bells ringing for the Government but as a TD for the area I sense only indifference. As someone elected on an environmental platform, I am disappointed that this issue is not being addressed.

Most marine traffic is held in containers, helping to restrict the risk of pollution, but a considerable amount of traffic is still unloaded at small docks outside the main ports. This happens at Passage West, where cargo unloaded for Haulbowline Industries is loose and, as a result, the loading and unloading of material into ships carries a greater risk of pollution. Machinery aiming at a general area is used and the product can fall into the harbour area resulting in contamination.

Better standards on the part of the port companies have reduced the magnitude of the risk but it has been allowed to develop as a sideline where marine commercial traffic is bringing in such goods with little or no regulation. That is not directly addressed in the Bill but this traffic travels on the high seas and as a result of the way in which the cargo is carried, the potential for pollution is increased. We must encourage the transit of cargo in containers within ships as far as possible.

The legislation addresses the problem of single and double hull vessels. As a local authority member, I drew attention to a number of incidents on the south coast, including the *Kowloon Bridge* and the *Betelgeuse*, that involved single hull ships. I received correspondence from the harbour master of the Cork Harbour Commissioners chastising me for expressing my fears about single hull vessels and stating that talking about their safety risks discouraged trade and commerce. Unfortunately it has been our attitude for too long in economic matters in general and the marine environment in particular, that if we do not cause ruffles and do not raise questions, we carry on business regardless and the country will ultimately benefit. We must stop thinking like that and I am pleased to see this legislation moving in that direction.

The final issue I wish to address regarding this legislation is the question of the role Ireland plays as a country that registers vessels. We now have no real Irish shipping industry. However, in the past number of years ship owners have increasingly registered their vessels as Irish vessels. I greatly fear that the standard of vessels does not seem to be measured appropriately in terms of safety and the risk to the marine environment. It would be unfortunate if Ireland were to acquire the type of reputation countries such as Liberia and Panama have, and the attitude was that if we take the money for the registration and tax benefits, whatever happened in the wider world was somehow irrelevant and was a matter for insurance companies or the owners of the ships to handle. Ultimately, however, it is our reputation that will be affected. The Bill highlights the need to be aware of the damage to the marine environment from the ships themselves which are made of metal and contain toxic materials. These are the points I wanted to place on record. Let me enumerate them briefly: the threat from the national toxic waste incinerator; the continuing threat from the Irish Steel-Irish ISPAT platforms in terms of marine pollution; loose cargoes at smaller dock operations; the welcome I gave to the move towards double-hull vessels; and the concern we need to address, that is not addressed in this legislation, regarding registering substandard vessels that will damage this country's reputation internationally.

**Mr. Crawford:** The amount of involvement I have with the sea is well-known, given that I live in the constituency of Cavan-Monaghan. I will not, therefore, speak for very long on this Bill, but I welcome the opportunity to say a few words on it.

Given that the Department of Communications, Marine and Natural Resources will be located in Cavan town, I will have a very definite interest in the Department, its staff and everything to do with it.

**Mr. Browne:** I was in Cavan recently.

**Mr. Crawford:** The Fine Gael Party and I welcome the decentralisation of the Department to Cavan. We are entitled to raise questions about the technicalities of the programme at national and at local level. In principle we welcome decentralisation and we want to make sure the people in the Department and others who come to the constituency are well looked after and will make a commitment and a home for themselves in an area which desperately needs the extra impetus towards employment and viability.

This Bill is part of an EU structure. The problem of sea pollution is widespread. There are many countries involved in the movement of oil, which seems to be the main issue. Only two years ago, in 2002, the *Prestige* broke up with 77,000 tonnes of oil on board, causing enormous damage and distress and giving rise to very significant

expense. For this reason the Bill is extremely important to ensure that people who use vessels that prove to be unseaworthy bear the cost and pick up the pieces if they cause damage.

I welcome the amendment to Part 3 of the Merchant Shipping Act 1992 which provides that the Minister may revoke all passenger boat licences held by an owner who has been convicted of an offence or who has refused to comply with the conditions of a licence. No matter how far removed one is from the sea, one could not but be touched by the fact that three generations of one family lost their lives in a boat that seems now to have been clearly unfit to go to sea. Legal proceedings are under way regarding the incident, so I will not say any more on the issue. However, it brings home to anyone who cares about human life the need for strict laws to ensure that private or hired boats meet the highest possible standards. We demand it on our roads. Cars must be tested every two years. It is vital that the law be enhanced to ensure that any boat that goes out on the open sea is fully compliant and that the skipper or whoever is in charge of it is aware of the safety needs of the passengers.

I heard the county manager in Waterford speak on the issue of raw sewage being pumped into the sea. While it is not relevant to this Bill, it is relevant to the issue of controlling environmental pollution. The Minister for the Environment, Heritage and Local Government and the Minister for Agriculture and Food are currently dealing very harshly with the agricultural community, which is being blamed for everything. Although an agreement was made at European level in 1991 introducing restrictions on nitrates, it is only now that the gun is to its head that the Government is dealing with the issue in a very clumsy and ineffective way. That is part of the overall pollution problem that needs to be addressed. I came across a case the other day where an ordinary farmer who, although he paid the cost of addressing any problems that resulted from some type of pollution, also loses income because the regulations are such that payments owing to him are taken from him by the Department. I hope similar provisions in this Bill will ensure that whoever pollutes will lose benefits, because this is a much more serious issue and much more damaging.

The Minister mentioned the *Erika* incident off the coast of France that led to the reassessment at EU and international level of many aspects of maritime law and regulatory arrangements. It is unfortunate that it is only in the wake of incidents such as this that we in this House or in most other parliaments take action.

The question of compensation for victims was mentioned. That is very important because victims of such incidents feel very vulnerable and it is important that they are looked after. The accelerated phasing out of single-hull oil tankers is welcome. While I do not know much about that, I have heard previous speakers outline about how

dangerous they are. A contributory factor in the *Prestige* incident was that it did not have a second hull. The European Maritime Safety Agency was established in August 2002 for the purpose of ensuring a high, uniform and effective level of maritime safety. That also is very important. The agency will enable the Commission to offer the full range of professional services needed to discharge its duties in this connection.

This Bill is welcome. I do not intend to spend more time discussing it because I have not studied it in detail. However, not only must pollution at sea be controlled but, at a time when the State appears to have more millions of euros available to it than ever before, the situation at Tramore, Galway Bay and other coastal sites that are tourist attractions must be tackled.

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):** I appreciate the positive approach adopted by the Deputies. It reaffirms the commitment of all parties to the protection of the marine environment.

The emergency towing vessel was raised by Deputy Kehoe and Deputy Eamon Ryan. In May 1998, an emergency towing vessel study was commissioned and it was published in May 1999. In May 2000, the Government agreed in principle to the recommendation of the study to provide an emergency towing vessel. A memorandum is currently being prepared for Government with a view to recommending the procurement of emergency towing vessels for the south west approaches and for the Irish Sea.

A number of Deputies raised the double hull regulations. Since the regulations came into force on 21 October 2003, single hull tankers are no longer able to transport heavy petroleum products when entering or leaving Community ports. However, small single hull tankers of 600 to 5,000 tonnes will be able to transport heavy oil products until 2008 and all single hull oil tankers carrying heavy oil products are not allowed to continue doing so when navigating exclusively in internal waters.

Deputies also mentioned the PSSAs. The proposals are aimed at preventing pollution of seas and coasts in a zone which is particularly exposed to risks generated by international shipping. It was originally envisaged that there would be a ban on the carriage of heavy fuel through the PSSAs except in double hull tankers or single hull tankers aged less than 15 years, which would be obliged to comply with a reporting obligation within a 48 hour notice period. Having obtained approval in principle, the matter is to be examined at the NAV sub-committee at the IMO in July 2004. Officials from the six member states are working together on documents for submission to this committee. The matter will then be referred back to the MEPC.

*Notice taken that 20 Members were not present; House counted and 20 Members being present,*

**Dr. Woods:** On a point of order, I would like to make a suggestion. It is bad for the public to see no Opposition Members in the House. Could we perhaps establish a rule that when somebody calls a quorum, he or she must stay in the House? If no one else from the Opposition is to be present, at least that person should be there.

**An Ceann Comhairle:** That is not a point of order.

**Dr. Woods:** It is a suggestion for the future. The person who calls the quorum should remain in the House.

**An Ceann Comhairle:** That is not a point of order. The Minister of State will continue.

**Mr. Browne:** Deputy Broughan mentioned the possibility of sanctions for ships which cause pollution. This is a difficult and sensitive proposal involving issues of constitutional and international law. Among members of the Commission, although all agree with the objective, Ireland has given priority to advancing this matter during its EU Presidency. However, several points of disagreement remain.

Deputy Seán Ryan mentioned the harbours at Skerries and Balbriggan. Dublin Port Company is entitled to put them up for sale under the Harbours Act 1996, as advised by the Office of the Attorney General. The intention had been to transfer the harbours to Fingal County Council, but I understand the council was not interested and was dragging its heels. It remains to be seen whether they will be transferred. I listened with interest to the suggestions put forward by the Deputy and I will consult with my officials on these matters.

Deputy Eamon Ryan mentioned the ecosystem and biodiversity. Ireland is a party to the OSPAR Convention which aims to prevent pollution in the north-east Atlantic. We will host a meeting of the OSPAR commission in June 2005. Deputy Ryan also mentioned ballast water. An international convention dealing with ballast water management was adopted in February 2004. This issue will need to be examined and the necessary legislation prepared. Deputies Broughan and Morgan mentioned flags of convenience. Our sea pollution legislation applies to all ships in our waters. Pollution from nuclear ships was raised by Deputy O'Dowd. I will investigate this issue and pass the information to him.

Deputy Durkan mentioned pollution generally. Overall responsibility for marine pollution prevention, preparedness, response and management is assigned to the Irish Coast Guard. This includes responsibility for supervising the planning and implementation by local and harbour authorities of arrangements for the protection of the coastal, amenity, fishery and wildlife areas; the removal of oil from the coastline; and, in the event of a major pollution incident, the direction and co-

ordination of the offshore response. The Deputy also said this legislation was delayed. He mentioned a 20-year delay. In fact, all instruments being given effect have been adopted in recent years, from 1997 to 2001, and legislation has been prepared as quickly as possible.

Deputy Durkan also mentioned problems with sewage from new plants. This is the responsibility of the Department of the Environment, Heritage and Local Government and we will pass on his concerns to that Department. He also mentioned transport of dangerous substances. All shipments are required to be notified by the ship in advance and contingency plans are always in place. The international TBT convention was raised by a number of Deputies. The IMO held a diplomatic conference on the control of harmful anti-fouling systems on ships from 1 to 5 October 2001, at which the international convention was adopted. This convention provides rules to ban the use of organotin-based anti-fouling systems, which are harmful to the marine environment. It also provides a mechanism through which other harmful anti-fouling systems may be banned or regulated in the future on a global basis.

The Haulbowline pollution threat was raised by Deputy Boyle. I will communicate with him on this issue at a later stage. He also mentioned the proposed toxic waste incinerator at Ringaskiddy which, as all Deputies know, has been subject to planning regulations through An Bord Pleanála and court decisions. We are committed to ensuring that all ships flying Irish flags comply with the highest standards. Deputy Crawford mentioned penalties. The Bill provides for fines of up to €1.5 million and up to five years' imprisonment for offences.

I thank Deputies for raising these issues and will take into account the suggestions they have made. I look forward to having a detailed debate on the Bill on Committee Stage. I also thank my officials from the Department for preparing the Bill.

Question put and agreed to.

#### **Sea Pollution (Miscellaneous Provisions) Bill 2003 [Seanad]: Referral to Select Committee.**

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):** I move:

That the Bill be referred to the Select Committee on Communications, Marine and Natural Resources, in accordance with Standing Order 120(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

#### **International Criminal Court Bill 2003: Second Stage (Resumed).**

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

**Mr. Costello:** The title of this legislation is somewhat misleading because the International Criminal Court is already in existence; we are discussing its jurisdiction. The preamble to the explanatory memorandum states: "The purpose of the Bill is to give effect to the provisions of the Statute of the International Criminal Court concluded at Rome on 17 July 1998." Ireland signed the statute on 7 October 1998 and ratified it on 11 April 2002. However, as with most international conventions, we seem to be quite slow in transposing it into domestic legislation. It is six years since the statute was concluded. It is often the case that much of the material that was relevant when the framework was put together is not quite as fresh when the convention is finally transposed into domestic law. I would prefer a more expeditious approach to dealing with international legislation.

The statute contains 128 articles in 11 parts. It covers the establishment, jurisdiction and general principles of investigation, prosecution, enforcement and penalties. Its remit is quite wide. It also refers to the offences that are appropriate to the ICC. They are offences of the most serious nature, such as genocide, crimes against humanity and war crimes. It is hard to believe we in Ireland are only now establishing a statute in this matter, which was first suggested in 1948 in the context of the aftermath of the Second World War and the terrible crimes that were committed at that time. In this regard many of us think about the Holocaust, which gave rise to the designation of the crimes of genocide, crimes against humanity and war crimes.

However, such atrocities did not start in the 20th century and are not peculiar to the Second World War. Similar atrocities were committed during the First World War and in the 19th century during the process of colonisation. Many of the atrocities committed during the scramble for Africa and the Far East would be covered by this legislation. These atrocities were perpetrated by countries that were above reproach in the international sphere in terms of diplomacy and so on. Very often they presented the problem as the white man's burden in trying to deal with people who needed civilisation. However, side by side with so-called civilisation was a process of atrocity, genocide and people being slaughtered by modern technology available in western countries at the time. All of this was romanticised and was not seen in the context of an international criminal court which would deal with the perpetrators of these crimes.

Going back further in our own history to the times of the plantations, whole swathes of people were removed from areas to make way for the new planters. This process was often accompanied by mass slaughter. While the concept is not new, it does not mean it is not still happening. While a legislative framework and structures with an international dimension were put in place to deal with these type of atrocities on a cross-border basis, nevertheless, the same

atrocities are taking place up to the present time. We are aware of the terrible slaughter which took place in Rwanda where millions of people were killed. We know the atrocities and slaughter that took place in the former Yugoslavia and where war criminals are still being sought. The position is the same in regard to the war which is currently taking place in Iraq. Wholesale bombing of the civilian population, where the casualties are not immediately visible to those who perpetrate the crimes, are crimes against humanity. We must be more definitive in the way we look at these issues. Can a country with massive superior technology use its huge powerhouse of so-called "daisy cutter" bombs or "cluster" bombs to destroy everything in sight, including men, women and children? While we hear about "smart" bombs, these other bombs are also being used. We are not dealing with something that happened in the past, we are talking about a current issue. For that reason, it is extremely important to sign up to our international commitments.

Almost 60 years ago, the United Nations drew up proposals to establish an international criminal court, including the ad hoc tribunals that have been established in the process. While there is a distinction between a court of justice dealing with crimes perpetrated by States and a court dealing with crimes perpetrated by individuals, both areas must be addressed. It is important that individuals should not be able to plead that they were carrying out orders, that they were subject to a superior command structure and, therefore, they are not amenable to the rule of international law.

It is important that any international legislation of this nature should be complementary to the State's domestic legislation. Where a State is in a position to deal with this type of mass offence, it should do so. Structures should be enhanced and supported to enable countries to deal with problems of large-scale slaughter, genocide or crimes committed within their own borders if they have the administration and capability to do so. Where countries are not in that position, the international community has a responsibility to ensure the perpetrators do not get away scot-free. It is important to have a framework and permanent structure in place, including an administration and secretariat, to deal with these matters. It should be able to deal with issues under the auspices of the United Nations where there is referral from the Security Council.

The United Nations is the body which should deal with the international dimension when there are problems of international conflicts, war, international crime and so on. However, there is a problem when one of the major participants of the UN Security Council, namely, the United States does not wish to sign up to an international criminal court. That is a serious matter. The world community of nations should do everything in its power to convince the United States that it is a law-abiding international citizen just like every other country and that given that it is such a powerful country, it should not become the



[Mr. Costello.]

modern day colonial power, which it often appears to be just as we had the powers in the scramble for Africa in the 19th century when colonial powers were vying with each other to gather the most territory under their wings. In the process, serious damage is done to the structures in these countries, lawlessness is created, as we have seen in Afghanistan and in many countries that have become destabilised in Central America, the Middle East and now Iraq.

There is a need for the United States to recognise its great power and responsibilities. Given that since the end of the Cold War there is no longer a balance of power in the world, the last thing we want is the European Union to establish itself as a power which is vying for some form of comparable strength with the United States. We do not want to see it going down that road. However, a vacuum exists while the United States maintains its powerful position without exercising the same level of responsibility that a powerful nation with such strength should exercise. We saw the tension this caused in the conflict in Iraq when there was pressure on the European Union to get involved in some way. It is not desirable to push the European Union into such a position. The European Union should play a harmonious and holistic role without these extraneous matters impinging and interfering with it.

That the United States does not sign up to the international criminal court is a fatal flaw for any international convention or structure that we are trying to have as an all-encompassing body. The Minister should tell the House the number of states that have subscribed to the International Criminal Court. What states have signed up to the 1998 Treaty of Rome containing the statute of the International Criminal Court? How many states have at some stage either accepted, ratified or given effect in legislation to this statute? How many countries refuse to have anything to do with the International Criminal Court? What are the procedures in place internationally, if any, to persuade countries including member states of the EU to sign up? Could the Minister give us a picture of where we are at right now? It is extremely important that we get the maximum number of states signed up to it.

Amnesty International has circulated documentation on the legislation. It constantly claims that it was not consulted or that the Minister did not want to give it consultative status on the matter, and that the Bill was prepared by the Department without consultation with any human rights body including the Human Rights Commission. If we have given effect to a statutory body that has as its function the proofing of human rights in domestic legislation, with a comparable body in Northern Ireland set up under the auspices of the Good Friday Agreement, then the Minister will have to pay some attention to that body. It does not help things when the Minister uses colourful language, claiming that the submissions are tendentious and I do not know what else.

**Mr. McDowell:** I described the submission as weak, tendentious and fanciful.

**Mr. Costello:** That is certainly very colourful, whether it is applicable or not is another matter.

**Mr. McDowell:** If the group had the courtesy of telephoning me before it committed itself to writing it, it might have had a more balanced view.

**Mr. Costello:** We will see if it consults the Minister in the future. This group has a statutory role. It would be courteous of the Minister and his Department to consult with it. It is a two-way process. The Minister may find that it would be in the mutual interest to get on speaking terms and have an exchange of views on controversial issues such as the basic principles of human rights. Amnesty International has indicated to me that there has been no consultation. It specifically mentioned that the Human Rights Commission was not consulted.

It also mentioned one or two areas from which the legislation could benefit. The prohibitive age of conscription of children into the armed forces is 15. The UN Convention on the Rights of the Child puts the age at 18. That seems a reasonable amendment to make in this legislation. No child should serve as a soldier and 15 is an unacceptable age for youngsters to be carrying guns. We have seen these teenage children on television screens over the past few years, malnourished and carrying guns as large as themselves, particularly in African countries. We should protest that the lives of children should not be destroyed by being conscripted into armed forces in their early teens.

Amnesty International also felt that crimes such as torture, extra-judicial executions and enforced disappearance should also be transposed into domestic law. It may be that they are covered somewhere else, but this would seem to be an appropriate piece of legislation to incorporate them. Amnesty International also felt that Irish courts should have the authority to exercise jurisdiction over past crimes. There should be a retrospective element and it should not just apply to the future criminal activity of a heinous character.

**Mr. McDowell:** The Human Rights Commission might have something to say about that.

**Mr. Costello:** It might if it is allowed to say it and is not too tendentious and fanciful when it does so. It also felt that there should be equal application to military officers and civilians where the principle of command and superior responsibility is in accordance with international law. There should not be a command structure whereby people could escape the full rigours of the law because of their particular place in a command structure. The whole area of supervision of subordinates should be addressed. The area of

punishment and penalties in this respect should be spelled out.

An interesting aspect is the question of reparation for victims. It is one thing to see justice done and to punish the offender, but there is also the question of what happens to the victims. Very many of these victims have suffered from terrible atrocities, both mentally and physically. The idea of having a compensation fund or a victims of crime national trust fund has merit. A proposal for a national trust fund for the victims of war crimes would capture the public imagination. Atrocities still occur in this country such as the Omagh bombing and the Dublin and Monaghan bombings. These atrocities could be described as war crimes because those who perpetrated them certainly believe they were operating on a war basis with little regard for civilian casualties.

We have introduced much counter-terrorist legislation in recent times. Every time the justice committee deals with new legislation, there is almost always some anti-terrorist dimension to it. We need to look at it in the current context where the new dimension of international terrorism becomes a war crime. How does one describe what happened in Madrid? How does one describe atrocities such as those in Bali and the Middle East? These are important matters that must be addressed.

The Bill should be called the international criminal jurisdiction Bill rather than the International Criminal Court Bill because the International Criminal Court is currently in existence. I welcome the legislation and look forward to discussing some of the issues I raised on Committee Stage. It is important that when we sign up to international conventions we would ensure that the ratification of our domestic law takes place as expeditiously as possible.

Debate adjourned.

## Ceisteanna — Questions.

### Priority Questions.

#### Stádas na Gaeilge.

1. D'fhiafraigh **Mr. O'Dowd** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an ndéanfaidh sé ráiteas faoin dul chun cinn atá déanta aige chun stádas oifigiúil oibre a bhaint amach don Ghaeilge san Aontas Eorpach. [16975/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Dírim aird an Teachta ar an bhfreagra a thug mé ar Cheisteanna Dála Uimh. 105 agus 143 ar 27 Aibreán 2004 maidir le stádas na Gaeilge san Aontas Eorpach.

Mar a cuireadh in iúl sa fhreagra sin, agus mar a dúirt mé arís le linn na díospóireachta le déanaí sa Teach seo faoin gceist, bunaíodh grúpa oibre chun anailís a dhéanamh ar an méid gur féidir a bhaint amach agus na féidearthachtaí atá ann

chun dul chun cinn a dhéanamh. Tá obair an ghrúpa críochnaithe anois agus tá a dtuarascáil á breithniú ag na hAiri cuí. Táim ag tnúth leis go gcuirfean an cheist faoi bhráid an Rialtais go han-luath.

Tá súil agam go dtuigfidh an Teachta cén fáth nach bhfuil sé i gceist agam a thuilleadh a rá faoin gceist go dtí go mbeidh deis fhoirmiúil ag an Rialtas scrúdú iomlán a dhéanamh ar an gcás.

**Mr. O'Dowd:** Go raibh maith ag an Aire, ach cuirim an cheist arís. Cén dul chun cinn atá déanta? Ós rud é go bhfuil obair an choiste thart, mar atá ráite ag an Aire, cén fáth nach bhfuil sé sásta tuarascáil an choiste a fhoilsiú láithreach agus a thabhairt faoi bhráid na Dála agus an tSeanaid mar is í toil an tSeanaid agus na Dála go mbeidh stádas oifigiúil ag an Ghaeilge san Aontas Eorpach?

**Éamon Ó Cuív:** Mar is eol don Teachta, is é an gnás a bhíonn ann nuair a bhíonn coiste eadránach mar seo ar bun gur chuig an Rialtas a thagann an tuarascáil, in éineacht le moltaí a chur faoi bhráid an Rialtais. Mar sin, ní bheadh ceist ar bith go dtabharfaí an tuarascáil faoi bhráid na Dála nó faoi bhráid an tSeanaid go dtí go mbeadh sé sin déanta.

**Mr. O'Dowd:** Níl mé sásta leis sin. Tá a fhios ag gach duine a bhfuil suim aige nó aici sa Ghaeilge go bhfuil an tuarascáil seo an-mhall ar fad. Dúirt an Taoiseach nach dtógfadh sé níos mó ná ocht seachtain agus tá an t-am sin thart anois. Tá gach Gaeilgeoir sa tír ag féachaint ar an dáta, 11 Meitheamh, chun vótáil ar son na Gaeilge nó ina coinne. Is í tuairim a lán Ghaeilgeoirí nach bhfuil an obair déanta ag an Aire nó ag an Rialtas maidir le stádas na Gaeilge agus níl siad sásta ar chor ar bith. Níl mé féin sásta leis an bhfreagra a thug an t-Aire mar níl aon eolas nua ann.

**Éamon Ó Cuív:** Tá eolas nua ann, dá mbeadh an Teachta ag éisteacht go cúramach. Dúirt mé go bhfuil obair an choiste críochnaithe agus go bhfuil an tuarascáil réidh. Mar sin, ní haon mhaith a rá gur thóg sé an méid sin achair agus nach bhfuil sé críochnaithe. Tá sé críochnaithe.

**Mr. O'Dowd:** Níl sé le feiceáil.

**Éamon Ó Cuív:** Sin ceist eile ar fad. Is iomaí rud luachmhar faoin talamh nach bhfuil le feiceáil ach ní hionann sin is a rá nach bhfuil sé ann. Tá ór agus airgead agus rudaí faoi thalamh nach bhfuil le feiceáil. Ní hionann rud a bheith le feiceáil agus a bheith ann i do bhos.

**Mr. O'Dowd:** Tá an Ghaeilge ann ach níl sé aithnithe mar theanga oifigiúil go fóill.

**Éamon Ó Cuív:** Tá rud amháin aisteach. Bíonn an Fhreasúra ag casaoid má fhógraíonn an Rialtas rud a fhógraítear gach uile bhliain gur fógra toghcháin atá i gceist. Anois, tá ball den Fhreasúra ag tabhairt amach nach bhfuil mé sásta an córas a

[Éamon Ó Cuív.]

bhriseadh de bharr go bhfuil toghchán ar siúl. Leanfaidh mé agus cuirfear an tuarascáil faoi bhráid an Rialtais. Ansin tógfar cinneadh cén chaoi le dul ar aghaidh. Ní dheifreofar mise san obair seo. Déanfaidh mé í le stuaim agus ar mhairthe leis an nGaeilge.

Is ceist do na Gaeilgeoirí cén breithiúnas a dhéanfaidh siad. Ceapaim féin go mba cheart do Ghaeilgeoirí an-bhreithiúnas a thabhairt don Rialtas seo mar tá go leor rud déanta. Tá Acht teanga achtaithe, rud nach ndearna aon Rialtas cheana, agus tá go leor scéimeanna nua curtha ar bun. Táimid ag breithniú an cháis seo ach sin ceist do Ghaeilgeoirí. Is ceist domsa, mar Ghaeilgeoir agus mar dhuine a bhfuil spéis aige sa Ghaeilge, agus don Rialtas, a bhfuil spéis aige sa Ghaeilge, an rud is fearr a dhéanamh ó thaobh na tíre agus ó thaobh na Gaeilge de. Bíodh an Teachta cinnte go ndéanfar sin.

### Decentralisation Programme.

2. **Mr. O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs the position in regard to plans to decentralise Forás na Gaeilge to County Donegal; the latest discussions he has had with his counterpart in the Northern Ireland Office (details supplied) on gaining the approval of the North-South Ministerial Council for the move; if he envisages objections coming forth from the council; and if he will make a statement on the matter. [16977/04]

**Éamon Ó Cuív:** As the Deputy is aware, progress on the proposed decentralisation of staff of Forás na Gaeilge to Gaith Dobhair, County Donegal, is subject to and awaits the agreement of the North-South Ministerial Council.

I met the Minister, Angela Smith MP, who has co-responsibility for the North-South Language Body, on 12 May 2004. One of the matters discussed was the proposed decentralisation and it was agreed that the ongoing process of assessment in this regard should be brought forward by our respective Departments in consultation with Forás na Gaeilge.

**Mr. O'Shea:** Will the Minister not agree that the Government's decentralisation programme in general has all the signs of something that was made up on the back of a cigarette packet in that there was no prior agreement with the unions and no consultation with anybody? Is it not all the more difficult because it was decided that a cross-Border body in which the Minister is involved would decentralise without any thought to the serious damage it could do to the Good Friday Agreement having regard to the fact that the long-held view is that the Agreement will not be changed? What is the position on the Minister's discussions with his counterpart in Northern Ireland? Is she satisfied with what the Minister is proposing or are we into a situation where there will be no going forward from here?

**Éamon Ó Cuív:** I assure the Deputy that there will be full progress on all these matters. On decentralisation, we appear to be getting a funny message from the Opposition. It reminds me somewhat of Sir Humphrey Appleby in the "Yes, Prime Minister" series — one never opposes anything but instead puts all sorts of barriers in the way and hopes it never happens. The Opposition will be disappointed. Decentralisation will go ahead in full.

The issue of Forás na Gaeilge must have the assent of the authorities in the North. We are agreed on the way forward on that issue but I would point out to the Deputy that one of the other bodies under my remit is Waterways Ireland, whose headquarters is located in a decentralised location in the North, Enniskillen. There is nothing in the Good Friday Agreement that states North-South Bodies must be in London, Belfast or Dublin.

Furthermore, there is already a precedent for one of the bodies having its head office in a decentralised location in Northern Ireland. I would point out further that there are two parts to the language body, that is, the Forás Ultach and the Forás na Gaeilge. The Forás Ultach already has its offices in Belfast and Donegal and I cannot understand why anybody would think it strange that if the Ulster Scots body has its two offices, the one in Donegal and the one in Belfast, its sister body, the Forás na Gaeilge, would also have its two offices in Donegal and Belfast.

**Mr. O'Shea:** The Minister is avoiding the question. An announcement was made in the budget that a cross-Border body would be decentralised to Gweedore. There had been no prior consultation with the British authorities on that. Is that the way we operate in co-operation? I do not believe that is the case. Will the Minister also outline how the staff in Forás na Gaeilge are dealing with this issue? Are they happy to go, and what happens to those who decide they do not want to be decentralised? Will they be without a job?

**Éamon Ó Cuív:** The Deputy has raised two issues and I will try to deal with them separately. If the Deputy refers to the budget document he got on budget day in December he will see that it explicitly states that since Forás na Gaeilge is a North-South Body, the intention signalled by the Government that day was subject to agreement with the British authorities. Therefore, we did not make a unilateral decision. We said the decision was subject to agreement. One party must always initiate a decision. It is wrong to say we unilaterally decided. The budget document made it quite clear that we were aware that we required agreement for that.

The process of getting agreement is proceeding. I had a meeting recently with the Parliamentary Under-Secretary, Ms Angela Smith, and it was agreed that we would meet again in the near future. We will progress that matter.

Subject to the consent of the Northern authorities, the same procedures will apply to the staff of Foras na Gaeilge as to the wider public service. The Deputy is aware of those procedures. The central applications process is described in the Mullarkey report. The staff of Foras na Gaeilge will be in the same position as the staff of the other public bodies which are subject to decentralisation. They are not a case apart, once the agreement of the Northern authorities is received.

### Departmental Programmes.

3. **Dr. Cowley** asked the Minister for Community, Rural and Gaeltacht Affairs if he will consider the institution of a special Government scheme to ensure the better development of the north and western half of County Mayo; and if he will make a statement on the matter. [17110/04]

**Éamon Ó Cuív:** I introduced the CLÁR programme in October 2001 to address depopulation as well as the decline and lack of services in rural areas. An Agreed Programme for Government contained a commitment to annual funding for the CLÁR programme and to consider additional areas for inclusion in light of the 2002 population census data. The Government decided on the additional areas for inclusion in the CLÁR programme and I announced these on 17 January 2003. Areas in 18 counties are now included in the programme and there are no plans for any further review of the boundary of CLÁR areas.

Of the 152 district electoral divisions in County Mayo, 104 are now included in the CLÁR programme with the majority of these in the northern, western and southern parts of the county. Five Leader groups operate in County Mayo as follows: Comhar Iorrais; South-West Mayo; Western Rural Development; Meitheal Forbartha na Gaeltachta; and Comhdháil Oileán na hÉireann. Each of these groups received an allocation of funding under the programme in July 2001 for the period of the programme to the end of 2006 totalling €9,960,700 to support bottom-up initiatives on economic and social development in the Mayo area. The new rural social scheme, which I recently launched, will provide much-needed support for low-income farmers in counties such as Mayo with relatively high numbers of farmers in the farm assist scheme. Special assistance is available under the Gaeltacht and islands schemes in parts of the north and west of the country.

In the circumstances, I believe the above schemes are appropriate and effective in terms of their objectives in helping rural communities.

**Dr. Cowley:** I thank the Minister for his reply. It is obvious that Mayo has been divided into two areas, with the north and west of the county in crisis due to a declining population. The last census shows that 40% of the county's land area, the north and the west, has only 20% of its population. It is the only region in the State which is

in demographic crisis. If this continues the north and west of Mayo, from Killala to Newport, will be entirely deserted by the end of the century. Professor Séamus Caulfield has authenticated this, based on census figures. There has been a net loss of 1,109 people in the six years since the last census from a population of 2,765. In 16 years, north and west Mayo have lost 3,650 people from a population of 5,306 whereas the population of the south and east of the county has risen. There are two Mayos and urgent action is necessary.

CLÁR is a very good programme but it is underfunded. We need a special tax incentive scheme. CLÁR is not going to help the hotels which have closed. In Achill alone, the Sliabh Mór and Atlantic hotels, Boley House, the Abu Teanga and the Atoka restaurants and scores of bed and breakfasts have closed. CLÁR will not address this problem. There is a need for a proper tax incentive scheme because this area is in crisis.

A hotel in County Mayo incurs the same costs as a hotel in O'Connell Street in Dublin. Insurance costs have quadrupled in the past few years. Hotels in County Mayo have greater heating costs because Mayo has a damper climate, although it is a beautiful place. These hotels have a short four to six week holiday period.

A special case must be made for the north-west Mayo area. Otherwise the population will disappear. The census figures show it to be the most economically deprived area in Ireland. Will the Minister consider a tax incentive scheme for north-west Mayo? The area needs it. Otherwise the people will no longer be there.

**Éamon Ó Cuív:** It would have been more appropriate for the Deputy to submit a question about a tax incentive scheme to the Minister for Finance. I do not have the power to introduce tax incentive schemes.

The CLÁR programme is dealing incisively with the problem of depopulation in Mayo. East Mayo has also suffered continuous population decline. The CLÁR programme takes the growing areas of Ballina, Westport, Castlebar and south Mayo, which is growing because of Galway's influence, out of County Mayo and concentrates on those areas which are losing population. The population of the new, expanded CLÁR areas was 54,726 in 1996 and had declined to 54,264 in 2002. This is a lower rate of decline than previously.

Tax incentive schemes are a matter for the Minister for Finance and I will be discussing the issue with him. Tax incentives are not the panacea for all ills. The holiday resort tax incentive scheme was given to the Achill area. Considering the cost of the scheme to the Exchequer, because tax foregone is the equivalent of money spent, I have serious doubts about its long-term effect in Achill. It brought mobile finance and plenty of building owned by outsiders but did not leave much money in the area.

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There is a plan to build a very large hotel in Belmullet, which shows that it is not all doom and gloom.

4. **Mr. Crawford** asked the Minister for Community, Rural and Gaeltacht Affairs the reason the new rural social scheme has been introduced on a pilot basis to only eight out of 38 areas eligible for this scheme; if officials from the Department of Social and Family Affairs will be responsible for paying participants on the scheme; and the way in which he envisages this scheme will function as a supplementary source of income for farmers, in view of the fact that participants have no guarantee of employment after 12 months and with each scheme only being given a three-year commitment. [16976/04]

**Éamon Ó Cuív:** I launched the rural social scheme on 17 May 2004. The scheme will be delivered at a local level by the Leader groups, and in the Gaeltacht by the Leader groups in conjunction with Údarás na Gaeltachta. In order to ensure the smooth operation of the scheme, the implementation of the scheme is being phased in and the following eight groups were selected for the first phase: Arigna Catchment Area Community Development, covering north Roscommon and all of County Leitrim; Cavan/Monaghan Rural Development; IRD. Duhallow, covering north-west Cork and part of east Kerry; Galway Rural Development; Inishowen Rural Development; South-West Mayo Development; MFG/Údarás na Gaeltachta; and WORD in Wexford.

I expect the scheme will be made available in the remaining 27 Leader areas over the next two months and this phasing approach has been broadly welcomed by Leader groups.

It is intended that payments to participants on the scheme will generally be made by Area Development Management Limited on behalf of the Leader companies. It is anticipated that the involvement of the Department of Social and Family Affairs in direct payments, if required for technical reasons, may only arise in very limited cases.

The scheme will act as a supplementary source of income for farmers and fishermen who are allocated places on the scheme. Participants will initially go on the scheme for one year but this can be extended. In the event that there is greater demand than places available at the end of the first year, priority will be given to new entrants. However, those who have completed their one-year period of participation on the scheme can re-apply the following year when the same conditions will apply.

**Mr. Crawford:** I welcome the scheme. However, it was announced on 3 December last and was re-announced on 17 May. The scheme has been re-announced for election purposes. I have checked with some of the chosen groups and they tell me they will not be in a position to dis-

cuss matters with potential participants for a number of weeks. To suggest all the schemes will be up and running in two months is an exaggeration. Will the Minister indicate when people are likely to become involved in the schemes?

I previously raised the matter of the involvement of a number of groups in this scheme. As I understand it, the new system is to be administered at Leader level. However, ADM is responsible for making payment to the workers. Why did the Minister not secure the agreement of the Department of Social and Family Affairs to use current structures for the making of such payments? Is there a difficulty within the organisations involved? The Cabinet is supposed to deal with such matters. Will the Minister explain why the Department of Social and Family Affairs will not involve itself in this scheme? Why is there not one overseer, such as FÁS, to deal with these matters?

**Éamon Ó Cuív:** Roll-out of the scheme was delayed, in part, by our consideration of the involvement of the Department of Social and Family Affairs in the making of such payments. The difficulty which arises is that that Department is responsible for social welfare payments which, I am sure the Deputy is aware, are strict payments. What is involved in this scheme are payroll payments including normal deductions and so on. In that regard what was needed was a structure similar to that available to all Departments, including the Department of Social Welfare, in terms of its staff but not as regard payments to clients. We had to consider organisations which had experience in payroll payments.

We then considered the possibility of each Leader company undertaking its own payroll but some had more experience in that regard than others. To ensure there were no difficulties in that regard, we felt it was simpler to give one company with a good computer programme responsibility for all payments. However, matters such as time sheets and the feeding of information will be done through the Leader companies.

The Deputy also asked why we did not use FÁS, rather than the Leader companies, as the intermediary agency? FÁS is involved in training. I wish to make it clear that this is not a training scheme, it is a work scheme. It would, therefore, have been inappropriate to use FÁS as the organiser on the ground. The Deputy also asked about roll-out. I understand that five Leader companies will this week place advertisements seeking applications in that regard. There is enormous interest in the scheme. Leader should have completed its interview and selection process by the end June or first week in July.

The remainder of the Leader companies will get involved when they are ready, an issue which we discussed with Comdháil Oilean na hÉireann which felt not all companies were ready at this stage. As soon as they are organisationally ready

they will roll-out the scheme. I expect that first participants will commence working, allowing for recruitment and so on, in the last week of June or first week of July with other participants joining some two months later.

**An Leas-Cheann Comhairle:** The time allowed for this question has expired. In fairness to other Deputies I must apply the same system to all.

**Mr. Crawford:** I congratulate the Minister on ensuring the advertisements will be placed next week. However, I am not suggesting FÁS should run the scheme but that it should be involved in co-ordination of it to ensure there is no duplication.

**Éamon Ó Cuív:** I accept the Deputy's point.

### Irish Language.

5. **Mr. O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs the progress made to date in his Department on the implementation of the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [16978/04]

**Éamon Ó Cuív:** As indicated previously in reply to questions in this House on the Official Languages Act 2003, my Department is engaged in ongoing work regarding implementation of the Act on which considerable progress has been made. In particular I have commenced Part 5, which relates to placenames, with effect from 30 October 2003. Seven placename orders have been made and a further order on Gaeltacht placenames is in draft form and will be published as a draft to allow my Department to shortly undertake public consultations. I obtained Government approval for an action plan on the phased implementation of the Act, which was published before Christmas; made a commencement order on 19 January to give force to most of the Act's provisions as from that date and with effect from 1 May 2004 in the case of section 10, which specifies a limited number of key documents to be published simultaneously in both official languages; and made regulations to prescribe the largescale definitive maps of the State produced by Ordnance Survey Ireland for the purposes of Part 5 of the Act. The effect of these regulations will be to ensure that only the official, Irish language, placename of Gaeltacht areas will be used on such maps as they are next revised from 1 January 2005 onwards. I have also published a bilingual booklet, *Act na dTeangacha Oifigiúla 2003: Osradharc*, which gives an overview of the main provisions of the Act as well as answers to a number of the most common questions asked about it and made provision of €500,000 in the Estimates for my Department for 2004 to establish *Oifig Choimisinéir na dTeangacha Oifigiúla* a bhunú. As the Deputy is aware, Seán Ó Cuirreáin was appointed as *Coimisinéir Teanga* by the President with effect from 23 February 2004.

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

My Department is continuing to provide briefing sessions for public bodies on request to further inform them of the implications of the Act and to discuss its specific implications for them; has written to each of the approximately 650 public bodies covered by the Act on two occasions to provide them with information about it and developments in its implementation; and has established an interdepartmental working group to advise it on the drawing-up of statutory guidelines under paragraph 12 of the Act. Work on the guidelines is at an advanced stage and I expect to be in a position to publish and circulate them in draft form to all public bodies within a month for comment and observations, so that work can commence on schemes by the first round of public bodies in September.

My Department has also circulated draft heads of regulations under section 9(1) of the Act regarding the use of the Irish language or, the Irish and English languages, on oral announcements, stationery, signage and on advertisements to all Departments; has held bilateral meetings with a number of Departments-public bodies to discuss specific implications and issues that arise for them; and has established a working group to make recommendations on provision of Irish translation services to meet the State's obligations under section 7 of the Act regarding simultaneous publication of Acts of the Oireachtas in the Irish and English languages. The work of the group has been completed and my Department is exploring the feasibility of a number of possible ways forward and is also keeping the list of public bodies under review to ensure that any new bodies are included by regulation for the purposes of the Act.

**Mr. O'Shea:** As regards the scheme, which bodies, including Departments, will have to submit for approval before they are considered to be operating within the terms of the Act? It was my understanding that a sample would emanate from the Minister's Department. Has that happened? If so, when will it be available to other Departments? Other Departments will only proceed with their plans having had sight of his Department's plans.

Has research been conducted regarding the number of people required by various Departments to undertake work in the Irish language? If so, does it indicate a sufficiency of people in the various Departments and State agencies to implement the provisions of the Act? I recently raised the issue of a newspaper report arising from a meeting of the Association of Chief Executives of State agencies. Have chief executives made known to the Minister or his Department their concerns in the interim?

**Éamon Ó Cuív:** The answer to the Deputy's final question is, "No". I replied in detail to a reasonable letter which I received from a com-

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mercial semi-State body. The letter related to its concern regarding implementation of the Act, given it is a commercial body as opposed to a private company. The Deputy will be aware we made specific provision in that regard when discussing the legislation in this House. I replied in detail to questions on the matter. Nobody has voiced general concerns regarding implementation of the Act. Most chief executives accept I am merely carrying out the will of the Oireachtas.

Considerable progress has been made by Department in relation to the drawing up of a sample scheme. I hope to be in a position to publish it in the near future. The Deputy will note from my reply that my Department has made incredible progress in that regard. Work is also ongoing regarding recognition by the European Union of Irish as an official language. A relatively small number of staff at my Department are dealing with that issue.

My Department has established an interdepartmental working group to advise us on the drawing up of statutory guidelines under paragraph 12 of the Act. Work on the guidelines is at an advance stage and I expect to be in a position to publish and circulate them in draft form to all public bodies within a month for comment and observations so that work on the scheme by the first round of public bodies can commence in September. We are making progress on all fronts. There is an enormous amount of work involved but I am satisfied that considerable progress is being made. In that regard, the commissioner is already in place and operating in the context of those parts of the Act currently in operation.

**Mr. O'Shea:** The Minister's reply outlined some developments that are to be welcomed.

4 o'clock However, we are all concerned about whether there are sufficient fluent Irish speakers to provide the service within Departments and State agencies when schemes are agreed. What is the position on officials in Departments who have the requisite fluency in the Irish language but who do not want to become involved at that level?

**Éamon Ó Cuív:** The Deputy has touched upon a problem that we foresaw when we began drafting the Bill. It is an issue over which I received some criticism from Irish language bodies. The Deputy might remember our debating it in the House. I recognised from the beginning that one may work in a certain Department but may not want work through the Irish language or be connected with work in that regard. Such people might be specialists in all sorts of areas. The Act stipulates that each plan be based initially on the current resources in each Department or body. If these resources are very limited, the first thing one must do is recognise that. As the Deputy knows, there is continuous recruitment in the public service. Therefore, I expect bodies to

accept the current level of resources — if it is nil, it is nil — and then state how they intend to address this in their plans through the use of outside translation services, for example, and by way of a recruitment policy that would build incrementally on existing resources, taking into account the total possible pool of relevant people. In this context, young people who attend gaelscoileanna and who do courses through Irish at third level will suddenly find that new vistas are opening up because people will require their services, both in general terms and specifically because they can work bilingually within the State.

### Other Questions.

#### EU Presidency.

6. **Ms McManus** asked the Minister for Community, Rural and Gaeltacht Affairs the reason representatives of his Department were not involved in the recent EU Presidency conference, Migration and Mobility, in Bundoran; his views on whether it is acceptable that his Department was absent from a conference that discussed issues relating to social inclusion that are the direct responsibility of his Department; and if he will make a statement on the matter. [16790/04]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** The conference in question was organised by the Department of Social and Family Affairs as an important element of that Department's contribution to the programme of the Irish Presidency of the European Union.

The Department of Social and Family Affairs is the lead Department on social inclusion issues, both at national and EU levels. However, because of the cross-cutting nature of the issues arising the conference was organised in consultation with the Department of Justice, Equality and Law Reform and the Department of Enterprise, Trade and Employment, which are the lead Departments in the areas of equality, migration and employment.

The overall policy context for the conference included the European employment guidelines which emphasise adaptability and occupational and geographic mobility, the Commission communication on immigration, integration and employment of June 2003, and the 2003 national action plan against poverty and social exclusion, in particular the focus on the high risk of poverty and social exclusion faced by some men and women as a result of immigration. The target audience for the conference included: members of a number of important EU committees, including the employment committee and the social protection committee; the Administrative Commission on Social Security for Migrant Workers; heads of public employment services; social partners and academics.

The conference programme focused on the twin themes of European labour mobility and skills, and the social inclusion of migrant workers. The primary aim of the conference was to provide a forum for discussion of these issues in a European context among European policy makers. It was not intended as a means of discussing issues which arise in a specifically Irish context. In that regard my officials are in regular contact with their counterparts in other Departments and with the community and voluntary sector in the normal course of their work.

Finally, I refer the Deputy to the detailed reply of the Minister for Social and Family Affairs to this House on 28 April in respect of this conference.

**Mr. O'Shea:** There are elements to the Minister of State's reply that I find reasonable. However, when I read the report, it struck me as odd that there was no representation from his Department at the conference. The rationale behind the setting up the Department, at which he is a Minister of State, was to streamline the delivery of services. The agendas associated with social inclusion, racism and discrimination concern other Departments, as the Minister of State pointed out, yet they will be addressed by programmes funded by his Department.

Although I take the point that there will be cross-departmental communication and co-operation, it may not be adequate if the Minister of State's Department is not present on every occasion when the issue of migrant workers entering the country by way of permit to take up employment is dealt with. We must concern ourselves with social inclusion, racism and discrimination. There is a need for tightening up.

**Mr. N. Ahern:** I understand the Deputy's point but, as I said, the conference was organised by the Departments of Social and Family Affairs, Justice, Equality and Law Reform and Enterprise, Trade and Employment. I believe there were also representatives from the Departments of Health and Children and Foreign Affairs in attendance. Therefore, five Departments were represented. They were very conscious of the desire to discuss the bigger picture in European terms and not to allow the conference to be consumed by local issues pertaining to Ireland or any other country. Migration and mobility are broad topics but the particular themes the conference addressed were labour mobility and skills, and the social inclusion of migrant workers.

We knew about the conference and we are dealing with the issues. Many of the 170 or so community development projects deal specifically with new communities and ethnic minorities, including Travellers. An equality and anti-racism sub-committee has operated within the programme for some years. Moreover, the programme funds a community development support unit within the National Consultative Committee

on Racism and Interculturalism. Therefore, our Department is involved, through the community development projects, with many minority communities.

As I said, there were five Departments represented at the conference. A comprehensive report on everything that was discussed will be produced and will be available to us. The conference very much concerned the European picture and those involved did not want it to be taken over by the minutiae of the social inclusion measures of any specific country.

**An Leas-Cheann Comhairle:** I remind the House that there is a limit of one minute on supplementary questions and their answers.

### Community Development.

7. **Mr. Gormley** asked the Minister for Community, Rural and Gaeltacht Affairs if his Department has had ongoing contact or interaction with groups seeking to develop the concept of sustainable villages. [16836/04]

**Éamon Ó Cuív:** Responsibility for rural and community development lies with my Department and, in that context, sustainability is of interest to me. The Government is committed to ensuring the economic and social well-being of rural communities and to providing the conditions for a meaningful and fulfilling life for all people living in rural areas. In pursuing this, the rural environment will be respected and development in rural areas will take place in a sustainable manner.

The policy as set out in the White Paper on Rural Development has been enhanced by the publication of the national spatial strategy in November 2002. As the Deputy will be aware, the strategy outlines the spatial development of Ireland over the next 20 years and it deals extensively with the management of our rural areas in the interests of sustainability.

I will continue to address the issue of sustainable rural development in light of experience nationally and in the context of emerging EU rural development policy. In that context, as part of Ireland's Presidency of the European Union I have hosted two conferences in the past week on territorial cohesion and quality of rural life.

Against this background, while I have not had contact with groups seeking to advance the concept of sustainable villages, I am happy to meet with relevant interests committed to sustaining rural communities.

The Leader programmes exist to assist the social and economic development of local communities. In July 2001 the Government appointed groups in all rural areas to deliver the programmes. Leader is a bottom up initiative with decision-making devolved to local boards, which take decisions on grant aiding projects within detailed operating rules drawn up by my Department and approved by the EU Commission. As part of their overall strategies for the develop-



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ment of their own areas, Leader groups interact regularly with groups seeking to develop the concept of sustainable villages.

**Mr. Boyle:** The Minister has chosen to answer the question generally, which is fair enough given the nature of the question. However, I was interested in knowing if he had interacted with specific groups and he has indicated he has not. It is more useful to spell out the concept of sustainable villages. While every village settlement can have sustainability in its day-to-day operations, I had in mind the sustainable village movement. A project in Cloughjordan, County Tipperary, called The Village, will soon come on stream and a group in Timoleague, an Baile Dulra, has proposals to add to existing village settlements or to create a new village settlement meeting all sustainability needs in terms of employment and services in the area itself and the materials used in the housing structures. This goes somewhat beyond what is proposed in the White Paper and needs more interaction than has been evident to date as it gives indications as to how such new-build and additional-build development can proceed with the appropriate Government support.

**Éamon Ó Cuív:** The groups mentioned have not approached me or sought a meeting. Other than those in rural Ireland who live in towns, everybody lives in a village. Unfortunately some villages are now totally deserted. I could name a number of villages in my area where families used to live and which are now empty. Of course I would love to reconstruct them as sustainable villages to help overcome the scourge of migration. Whenever I meet rural groups, community councils etc., I am always asked how to sustain the population in our villages. When I go to Aghabog, those in the villages around Aghabog ask how we can sustain them. Population sustainability is a huge objective of my ministry. I brought the issue to the fore in establishing the CLÁR programme.

#### **Proposed Legislation.**

8. **Mr. Cuffe** asked the Minister for Community, Rural and Gaeltacht Affairs the number of submissions received on the consultation being undertaken on reform of charities legislation. [16831/04]

**Mr. N. Ahern:** The public consultation, arising from the commitment in an Agreed Programme for Government to regulate charities, had a deadline of 28 May 2004. By that deadline, my Department received 79 submissions. The dedicated charities regulation page of my Department's website should contain a list of those who responded to the public consultation.

**Mr. Boyle:** I wish to express my disappointment that having properly tabled this question

last Friday at 11 o'clock, I saw this answer in a press release issued yesterday by the Department. While I can understand the need for the Government to release information, given the Standing Orders of this House, I would have thought the press release could have had an embargo until at least today as a parliamentary question had been tabled.

There is still a question as to whether charities legislation is needed. Surely the issues concerning charities now are the same as when the Costello report was issued 25 years ago. When will the heads of the Bill be completed?

**Mr. N. Ahern:** When I heard the Deputy ask his question this morning on the Order of Business, I wondered if it related to a matter under my remit. I understood there was an embargo on that press release until this morning so I am surprised to hear the Deputy saw it yesterday. I did not give any briefing — it was routine information. I am sorry if it got out yesterday, which was not the intention. While I might not have been sufficiently aware of the protocols, I am sorry if it got out quicker than it should have.

We have received a number of reports over the years, including the Costello report, the Burton report and the Law Commission report, which may have repeated the same information. Having received the 79 submissions, mostly from groups comprising about eight or ten from individuals, the general response is favourable. We have appointed an expert to review them and it should be complete by the end of the summer, at which point we will try to introduce legislation. Our target for enacting the legislation will be the end of 2005, about 15 months after the review, which is probably ambitious.

**Mr. Crawford:** Does the Minister of State realise the potential for abuse of charities? The longer we leave this without addressing the problem, the more damage we do to genuine charities.

**Mr. N. Ahern:** I agree with the Deputy. Some excellent charities exist and a number of them are very good in their accountancy and annual reports. They are not obliged to produce these, which is a weakness in the system. In many cases a donor can give €20 to a very worthy charity, without knowing if €1, €19 or 19 cent goes to the actual charity.

**Mr. Crawford:** It is being totally abused.

**Mr. N. Ahern:** There is scope for abuse and the general response of those reputable charities has been very supportive of the need for legislation and regulation requiring compulsory registration etc. Fears exist that something could emerge from the charity world that could damage the whole sector. I am sure all the charities about which we hear every day are reputable. There are suggestions that some that we hear less of might be linked to money laundering and international ter-

rorism. A trust could be established for anything. The charities area is a potential minefield.

In recent years responsibility for charities has transferred between different Departments. The three reports I mentioned were good, but were never acted upon. When complete this will be a comprehensive Bill incorporating legislation from the 1960s and earlier. It will not be easy. From my work in the Department of the Environment, Heritage and Local Government, I have seen how slow it can be to get legislation through the Office of the Attorney General and so on. Enacting legislation within 12 or 15 months of starting in September is about as ambitious as we can be. The legislation is necessary and charities' groups fully support us.

### Rail Network.

9. **Mr. Eamon Ryan** asked the Minister for Community, Rural and Gaeltacht Affairs if his Department is making a submission to the group considering the re-opening of the western rail corridor; and his views on such a proposal. [16838/04]

**Éamon Ó Cuív:** I have already conveyed my views on the reopening of the western rail corridor to my colleague, the Minister for Transport. As the Deputy will recall, the Minister for Transport announced the formation of an expert working group to examine in detail the potential for developing the western rail corridor. The group is composed of representatives of a wide range of organisations with an interest in this development, including county councils, regional authorities, county development boards, the Western Development Commission, Irish Rail, the Railway Procurement Agency, the Department of Transport, West on Track and the inter-county rail committee and is chaired by Mr. Pat McCann, chief executive of the Jury's Doyle Hotel Group. I understand that the first meeting of the group will be held in Galway in the coming weeks.

I have made no secret of my desire to see the corridor re-opened. In the short term, I believe that sections of the corridor should be re-opened to provide commuter services between cities and towns. I will continue to liaise with the Minister for Transport to progress this project.

**Mr. Boyle:** I am glad to hear the Minister supports the project. Beyond communicating with the Minister for Transport, I ask the Minister to consider a formal submission by his Department to the group in question. It would carry added weight and give the impression that an active debate is occurring within Government on the feasibility and necessity of undertaking the project.

Is the Minister aware of concerns about the delaying of decisions on the rural transport scheme into July? Many rural development groups fear the decisions will be negative. Does the Minister have an opinion on the matter and

is he in a position to ensure that positive decisions are made soon?

**Éamon Ó Cuív:** Long before I became Minister, I was in constant contact with the inter-county rail group on the western rail corridor. I compliment the people involved, particularly Fr. Michéal MacGréil who credits the famous singer Boxcar Willie with the preservation of the rail line. The singer was in Castlebar when the group was established and he said the most important thing was to preserve the line. Thanks be to God, that happened. We are now moving to a new phase. I am not one for making extensive submissions as I would rather work dynamically. I would prefer to work with my colleagues while leaving room for debate, manoeuvre and the forward movement we would all like to see. The Western Development Commission is already represented on the group. The best thing for me to do is remain in day-to-day contact with my ministerial colleague who has been very supportive of the project.

Deputy Boyle asked an unrelated question about rural transport. The importance of rural transport goes far beyond the confines of the rural transport initiative. I am directly responsible for some rural transport services, particularly those to the islands. In consultation with colleagues, I will continue to seek to get the best results in terms of expenditure on rural transport. Rural areas have not received their fair share of State expenditure on transport. I have said time and again that it is easier and cheaper to provide rural transport services than urban transport services. I do not agree with the popular theory that it is cheap to provide transport in a city. It is chaotically dear and in the end cities become completely car dependent which is something we do not want.

### Scéimeanna Ranna.

10. D'fhiafraigh **Mr. McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an gcuirfidh sé deontas breise ar fáil chun na bearnaí faoi ché úr Chladach na gCaorach i gCill Chártha a líonadh sula bpléascann an taoide an píosa úr. [16782/04]

**Éamon Ó Cuív:** Tá deontas feabhsúcháin ceadaithe ag mo Roinn i mbliana do Chomhairle Chontae Dhún na nGall faoi scéim na gcéibheanna beaga sa Ghaeltacht don chéibh atá luaite ag an Teachta. Costas iomlán de €120,000 atá i gceist, €90,000 ó mo Roinn féin agus €30,000 ón gComhairle Contae. Ciallaíonn an deontas seo go mbeidh an chomhairle in ann leanúint leis na hoibreacha ar an chéibh seo a tosaíodh i 2003. Is dóigh liom go bhfeileann sé sin leis an gceist a d'ardaigh an Teachta.

**Mr. O'Dowd:** Go raibh maith ag an Aire as ucht an fhreagra. An mbeidh go leor airgid ann chun an jab a chríochnú ansin?

**Éamon Ó Cuív:** Sin na meastacháin a fuaireamar don obair. Tá rialí an-daingean agam faoi na rudaí seo. Muna déantar cás soiléir cén fáth nach raibh an meastachán dóthaineach, fágfar an dualgas ar an gcomhairle contae an obair a chríochnú laistigh den mheastachán.

Caithfidh mé a rá go bhfuil togha oibre ag Comhairle Contae Dhún na nGall le deontais ón Roinn le blianta beaga anuas agus tá an-mhuinín agam as, i dtaobh na hoibre a dhéanann an comhairle.

### Voluntary Activity.

11. **Ms B. Moynihan-Cronin** asked the Minister for Community, Rural and Gaeltacht Affairs the position with regard to implementing the White Paper on voluntary activity; the progress being made in the formal review of the workings of the White Paper's implementation advisory group; and if he will make a statement on the matter. [16791/04]

37. **Ms Enright** asked the Minister for Community, Rural and Gaeltacht Affairs if, in line with the Government White Paper on supporting voluntary activity, he has appointed a voluntary activity unit responsible for his Department's cooperation with voluntary and community organisations; if so, the unit's personnel, activities and work to date; if not, the reason therefore; and if he will make a statement on the matter. [16673/04]

**Mr. N. Ahern:** I propose to take Questions Nos. 11 and 37 together.

The White Paper, *A Framework for Supporting Voluntary Activity and for Developing the Relationship between the State and the Community and Voluntary Sector*, states the Government's long-term strategy to develop and support the community and voluntary sector. It details a range of recommendations and funding initiatives which have been considered by the implementation and advisory group established to progress them. In September 2003, I announced the successful applicants for two major White Paper funding initiatives in the community and voluntary sector. These were the funding scheme to support the role of federations, networks and umbrella bodies and the funding scheme for training and supports. The schemes will direct approximately €7.4 million in funding to 56 organisations in the community and voluntary sector over the coming three years.

A consultation paper on establishing a modern statutory framework for charities was posted on the Department's website on 17 December 2003. The White Paper indicated that a review of the implementation and advisory group should take place after three years. Work on the review is continuing in my Department and I expect it to be concluded in the coming months. The designation of voluntary activity support units in relevant Departments to support the relationship between the State and the community and voluntary sector was one of the recommendations in

the White Paper. The tasks envisaged by the White Paper for such units include monitoring the relationship between the State and the community and voluntary sector and liaison with the sector regarding policy development and service and programme delivery.

My own Department has a number of voluntary activity units. Each unit liaises with the sector on policy development and service delivery in the programme areas for which it is responsible. The voluntary and community services section comprises 25 staff. It is responsible for departmental policy in the areas of volunteering and corporate social responsibility and administers a range of grant schemes to support the community and voluntary sector. The local development section has six staff and is responsible for departmental policy in the areas of local development and RAPID and the day-to-day management of these programmes. The drugs strategy unit comprises ten staff and is responsible for co-ordinating the implementation of the national drugs strategy in conjunction with 14 local drugs task forces and ten regional drugs task forces. The Leader section comprises ten staff and is responsible for the management of the Leader programme. The Gaeltacht and islands division has 63 staff and is responsible for policy on the Gaeltacht and the Irish language. The division is also responsible for the administration of a variety of grants for Gaeltacht and island communities.

**Mr. O'Shea:** How would the Minister of State respond to the implementation and advisory group member who has asked what is happening to the White Paper on voluntary activity? The answer is, "Very little." Not everybody is happy with the progress being made. The two funding schemes were several years late in coming into operation. The income level of one was 53% lower than originally projected. The three initiatives undertaken so far this year were the conference, the charities legislation, with which we have dealt, and the review of the implementation and advisory group. I find it alarming when a member of the group says very little is happening on foot of the White Paper on voluntary activity.

**Mr. N. Ahern:** While I acknowledge what the Deputy says about the funding schemes, they worked out quite successfully. There was a period in late 2002 and early 2003 when they went through a sticky patch with funding which they might not have survived. The outcome has been very successful given how unlikely it seemed the schemes would survive at one stage. The implementation and advisory group was established for a three-year period and it is now under review. The members have been asked for their comments. We must find the best way forward. Different people had different perceptions of what progress could be made. The Department was established in the meantime and we have been trying to co-ordinate the work of various

groups. There have been different priorities at different phases.

Overall, while it has not perhaps reached some people's expectations, much progress has been made and much work has been done by the IAG. Many of the recommendations in the White Paper have been implemented or are on the way to being implemented.

**Mr. Boyle:** Why have some of the modest recommendations in the White Paper not been implemented? A sum of £0.5 million or perhaps €0.5 million was to be put aside for a study to measure the extent of volunteerism. That is a quite obvious measure which would give us a base reference in terms of the scale and quality of volunteerism in Ireland in the year 2000, when the report came out, but it has not been brought into being. A budget cut of that nature casts doubt on the sincerity of whether we want to know the extent of volunteerism in our society, and if we do not want to know, what we are prepared to do to support it. The Minister of State might give some indication when or if that minor recommendation is likely to be implemented.

**Mr. N. Ahern:** The figure involved was some £400,000, equivalent to about €500,000. We did not go ahead with the recommendation and decision was deferred. We felt that the grants to the groups under the scheme and the training scheme were the priorities, so the recommendation in question fell.

In the overall context, the issue was relatively small, though big in the Department's context. If it were a question of funding academics and universities to do research, there was doubt about that being a real priority at the time and whether very scarce resources should be allotted in that way. Decision was deferred on that aspect of the research funding and it is not the intention to revive it in the short term.

**Mr. Boyle:** That being the case, would it not be in order for the Department to propose that in the next census people should be asked if they engaged in volunteerism, to what degree and what sort of volunteering work, whether environmental work, work with sporting bodies, work with younger or older people? Let us at least get the base figures for the degree of volunteering. The Department would then be better able to make decisions it needs to make with regard to its resources.

**Mr. O'Shea:** We have the White Paper on voluntary activity. The other report is *Tipping the Balance*. I note some frustration in the sector regarding the implementation of recommendations. *Tipping the Balance* is a sort of parallel paper to the White Paper. Does the Department intend to develop legislation based on the recommendations in *Tipping the Balance*?

**Mr. N. Ahern:** *Tipping the Balance* is still under consideration. We are not currently planning legislation. What we try to do, and what the Department was set up to do, is pull together many of the different task forces, the CDPs and partnerships and so on. We have been reluctant to fund another layer of volunteer bureaux.

The Deputy's idea has merit but we have been trying to encourage the existing system and encourage the various bodies in what they are doing. It would be contradictory if the Department tried to co-ordinate many of the existing local development structures with another section of the Department forming a new layer. We are trying to get them all to work together and then see how, within the new structure, we can have more volunteer bureaux. We want the existing structures involved rather than a new one. The matter is still under consideration but that is how our thinking goes. Could Deputy Boyle clarify his point?

**Mr. Boyle:** I suggest contacting the Central Statistics Office in order to have a census question asked.

**Mr. N. Ahern:** Some study has been carried out regarding the value of volunteering activity, which is enormous. Traditionally, many people involve themselves in volunteering without calling it that. If one were to quantify volunteering and pay for it, it would involve several hundred million euro annually. It represents an enormous effort and contribution by people to the State, though most people would not see it in those terms. Some studies have quantified the value. I understand the Deputy's suggestion.

**Mr. O'Shea:** It has been stated to me that through the organisation Business in Community people with a great deal to offer in terms of expertise and experience are available. The problem is that there is no mechanism for matching them up to projects. This is a real concern. If it can be eliminated by introducing the sort of structure that can match up people in the business community who are prepared to make their services available in the voluntary sector, we should do everything possible to ensure this happens.

**Mr. N. Ahern:** There are many such initiatives. There are pilot projects and schemes under way, though none fully developed. Businesses and business people can be very supportive and helpful to individual groups. This links back to the charities area. Many business people would like to see more charity relief from the tax and revenue side. They would like the system to offer them better encouragement to fund charitable organisations.

This area is developing. I accept there is much in the White Paper which would help to push it forward. The fundamental aim of the Department was to do what we were set up to do, to bring

[Mr. N. Ahern.]  
some co-ordination into what was there, and then work forward from that foundation.

12. **Ms Shortall** asked the Minister for Community, Rural and Gaeltacht Affairs if his Department has undertaken an estimation of the value of the contribution of volunteers to the economy; when the last estimate was taken; and if he will make a statement on the matter.

[16799/04]

20. **Mr. Stagg** asked the Minister for Community, Rural and Gaeltacht Affairs if he has plans to establish a national policy on volunteering to be housed within his Department and to co-operate with other relevant Government Departments, agencies and the social partners; and if he will make a statement on the matter.

[16800/04]

26. **Mr. Sherlock** asked the Minister for Community, Rural and Gaeltacht Affairs if he has plans to establish more volunteer bureaux here than the 11 bureaux that already exist; if his attention has been drawn to the fact that the optimal number of bureaux required here is between 25 and 37; if he has plans to commit to the development of an infrastructure for volunteering to include up to 25 bureaux; and if he will make a statement on the matter. [16798/04]

34. **Mr. Quinn** asked the Minister for Community, Rural and Gaeltacht Affairs if he intends to publish legislation based on the recommendations contained in Tipping the Balance; and if he will make a statement on the matter. [16803/04]

**Mr. N. Ahern:** I propose to take Questions Nos. 12, 20, 26 and 34 together.

The issues raised by the Deputies are ones which have been addressed in Tipping the Balance, the report of the national committee on volunteering. The report contained a number of recommendations on a range of complex and cross-cutting issues, including recommendations for the development of volunteering policy and for the establishment of a State-supported volunteering infrastructure involving the establishment of a national office and a nationwide network of volunteer bureaux.

The process of examination and consideration of the report's recommendations, having due regard to budgetary considerations, is continuing in my Department. In that regard a sub-group of the implementation and advisory group, established under the terms of the White Paper on supporting voluntary activity, is currently examining the report with a view to identifying how the recommendations might be progressed. Its work will contribute to my Department's consideration of the report.

With regard to the most recent estimate of the economic value of volunteering, I would refer the Deputy to the 1999 report of the John Hopkins University and the National College of Ireland, "Uncovering the non-profit sector in Ireland",

which puts the imputed value of volunteering at £470.7 million in 1995 terms.

The question of legislation, should it arise, and any other issues arising from the examination of the report, such as a current estimation of the economic value of volunteering, will be considered on conclusion of my Department's examination.

**Mr. O'Shea:** Business in the Community gave a figure to the Joint Oireachtas Committee showing that in 1995 volunteering was worth £580 million. The figure for 1999 given by John Hopkins University is less than that. I do not know what this indicates. It may indicate that different methods of measuring were implemented for the two surveys. However, in the context of last year's Special Olympics, the figure must have been extraordinarily high.

The Minister would agree that a fine resource exists comprising those who voluntarily want to contribute to their communities and various community groups. There should be a better focus in terms of maximising the return to the community from this group. To have people volunteering is different from having money coming in from various companies and is a more valuable input. While it is a considerable resource, it would appear from the answers given that the Department could be moving faster to help make the most of what is available.

**Mr. N. Ahern:** To some extent the Deputy has a point. However, while it may not be moving at the speed we would like, the fundamental aim of the Department was to get a grip on the issue. It is only recently that the sub-committee of the implementation and advisory group, IAG, was set up specifically to consider the Tipping the Balance programme. While progress might be slow, the IAG considered the charities issue. The group's establishment of the sub-committee led to a bubble of interest and an increased number of parliamentary questions on the issue. Much is happening and we will make more progress on this from now on.

### **Irish Language.**

13. **Mr. Boyle** asked the Minister for Community, Rural and Gaeltacht Affairs the actions he has undertaken during Ireland's Presidency of the European Union to gain full working language status for the Irish language within the EU. [16829/04]

**Éamon Ó Cuív:** I have already addressed this issue in my reply to Priority Question No. 1, which was put down to me in the Irish language on today's Order Paper. As indicated in that reply, the working group set up by Government to examine this issue has now reported. Its report is currently being examined by relevant Ministers and I expect that the issue will be brought formally to Government very shortly. Until my Government colleagues have formally had an

opportunity to consider the issue in detail, I do not propose to say anything further publicly on the matter.

**Mr. Boyle:** Tá Ceist Uimh. 62, in ainm an Teachta Trevor Sargent, ar an ábhar seo chomh maith. I heard the Minister's earlier reply and heard him say previously that the Irish EU Presidency cannot speak on behalf of this country's interest. However, I would have thought that part of the Presidency process was the logistical difficulties involved in incorporating the nine new languages coming on-stream with the joining of the EU by the accession countries. Such logistical problems will affect all the operations of the Union from now on. In this context, not to include Irish as one of the working languages of the EU is not only an oversight but a failure to make the argument that many in this country feel the Government should and could have made. Given the Minister's reluctance to comment further on this, we will wait to discover whether any further action will be taken in the remaining days of the month.

**Mr. O'Dowd:** Nothing will happen.

**Éamon Ó Cuív:** I want to explain about procedures. The decision was made in regard to the accession countries on the day the accession treaty was signed, not on 1 May this year. This pre-dated our Presidency quite considerably. It was implemented and came into effect on 1 May. I accept there was a difficulty in regard to Malta, for which a special derogation has been provided because enough translation staff could not be obtained by Brussels to translate all European legislation as it is published. Without this derogation, a major impediment would have been created.

There is a convention whereby countries do not put forward issues in their own interest during their Presidency. If there is a time for dealing with this issue, it was when our Presidency finishes. I assure the Deputy there will not, within the month, be an official application to the European Union to have Irish included as an official working language. The time to do this is when Ireland does not hold the EU Presidency.

Those who have peddled the line, month after month, that there was some opportunity to be missed were wrong on two counts: first, because the date 1 May had no relevance to the issue and, second, because the Presidency was the period when it would have been improper for Ireland to have promoted this issue.

**Mr. O'Dowd:** Of course there was an opportunity. The Minister is being ridiculous.

**Éamon Ó Cuív:** We will deal with this issue.

*Written Answers follow Adjournment Debate.*

### Adjournment Debate Matters.

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Cuffe — that the Minister for Justice, Equality and Law Reform grant refugee status to a person (details supplied); (2) Deputy Enright — that the Minister for Education clarify the position regarding a school (details supplied); (3) Deputy Crawford — to ask the Minister if he is aware of the difficulty a family has in having a loved one (details supplied) taken into full-time care; (4) Deputy Cowley — to ask the Minister if the go ahead was given to the CEO of the Western Health Board by his Department for the advertising, recruitment and interviewing of 68 staff for the Mayo orthopaedic unit, Castlebar; and (5) Deputy Gregory — the deplorable conditions at St Peter's National School, Phibsboro, Dublin 7 and the need for funding to carry out urgent work.

The matters suggested by Deputies Enright, Crawford, Cowley and Cuffe have been selected for discussion.

### Adjournment Debate.

#### Schools Building Projects.

**Ms Enright:** Charleville national school in Tullamore is one of the oldest primary schools in the country at approximately 200 years old. The idea for a new school was mooted about 15 years ago. I acknowledge that the purchase of a site has been completed, something which I, the board of management, the parents and the students of the school strongly welcome. However, I raise the matter as I have been contacted again by the school authorities. They are concerned at the slow pace at which the project is proceeding, particularly because they worked with one architect from the Department who was extremely helpful to the school but who was taken off the project for some time to work on a project which was considered more urgent — I am not sure what is more urgent than a 200 year old school. In his absence, nothing seems to have been done.

The school was told at the beginning of the year that the project would proceed for tender short-listing and then final tender. However, the project is still at the short-list stage. The school was told in January that the tender process would be complete in five or six weeks and was told this again in the past few days. It was also given the impression that work would begin during the summer. It is now almost mid-summer and the school is concerned that nothing has happened since the completion of the site purchase, which I accept was quite recent.

Conditions in the school are archaic and appalling. This is the only Church of Ireland primary school in Tullamore, the capital town of County

[Ms Enright.]

Offaly. The school has made the best of conditions but has put up with the situation for a long time. The staff, parents and pupils want the work done and want confirmation as to when it will begin.

**Minister of State at the Department of Education and Science (Mr. B. Lenihan):** I thank the Deputy for giving me the opportunity to outline the position of the Department of Education and Science in regard to the proposed new school at Charleville national school, Tullamore, County Offaly. The school has a staffing level of a principal and two mainstream assistants, and had an enrolment of 59 pupils at 30 September 2003.

Charleville national school building project is listed in section 1 of the 2004 school building programme which is published on the Department's website at [www.education.ie](http://www.education.ie), a website with which I am sure the Deputy is fully familiar. Projects listed in section 1, including Charleville national school, will be authorised to progress to construction during 2004. The indicative timescale in the programme for this project proceeding to tender is the second quarter of 2004. The project has already been pre-qualified and it is due to go to tender before the end of June 2004.

Tenders are sought in line with public procurement procedures and, subsequently, a tender report is prepared and examined. Assuming that the outcome of the tender process is acceptable in terms of procurement procedures and provides value for money, a construction contract will then be placed and the construction of the project will begin. The intention is that this project will be on site at the earliest possible date. I again thank the Deputy for giving me the opportunity of outlining the current position to the House.

#### **Mental Health Services.**

**Mr. Crawford:** I thank the Minister of State for coming to the House to provide guidance on this issue. I want to know how an elderly person with a psychiatric problem in County Cavan can be dealt with in a more pro-active way. The person gets two weeks respite and stays at home for two weeks.

I have raised this matter for a simple reason. There was a message on my answering machine yesterday from a lady, in which I could hear a shrill noise in the background. When I rang back the lady was quite clear but after a few minutes the same noise started again as her elderly mother approached. I could hear what the family have to listen to 24 hours a day, seven days a week. The lady's mother needs proper treatment and care. The family want her to be treated so that she regains a measure of balance, allowing them to look after her themselves — they are not looking for full-time care, merely a better understanding of the situation.

I feel for the family because I know them well. They are a hard working family whose 79 year old father is in a wheelchair as they also try to

look after their mother and daughter. I brought this issue before the House because I come across cases like this on a regular basis, where hospitals are reluctant to take people in for any length of time.

In the past the psychiatric system was abusive, with people who should never have been in the system locked up for years on end, but there must be a balance. My colleague, Deputy Neville, is chairman of the Irish Association of Suicidology, and he has pointed out many times in this House that 451 people died from suicide last year. There may be others who died in car crashes whose deaths have not been recorded as suicide. We must examine this system again because we have gone from one extreme to the other.

Having dealt with many cases in Counties Monaghan and Cavan, I know there is great anger among those who have lost loved ones and those who are dealing with people who have psychiatric problems. We can understand when a person loses a leg or has cancer but this is another illness and this family has been dealing with it for the two years since the birth of their last child.

I urge that there be more independent assessment. The family are having difficulties with the doctor in charge. There is also the difficulty that when the patient is home from respite care, there is no communication with the psychiatric services and no one calls to offer them any support or advice. At this time of plenty, with €1 billion more in the Exchequer than was expected earlier this year according to the Minister for Finance himself, mental disability is still not getting the funds it needs and anyone using or working in the service will confirm that.

Last night I spoke to another person in the same area whose 29 year old brother sits at home day after day because there is nowhere for him to go. There is a brand new centre for people with mental disability but there are no personnel to service it. The Minister of State, Deputy Callely, was in Cootehill and promised all the help in the world to open a home for the elderly with day care service but still nothing has happened. With the extra money available, there should be more consideration of this area.

**Mr. B. Lenihan:** I thank the Deputy for raising this matter and giving me the opportunity to outline the position concerning this issue.

The provision of health service for people living in County Cavan is a matter for the North Eastern Health Board. It would not be appropriate for me to discuss in detail the circumstances of an individual patient's case in this House. However, I can confirm that my Department has been informed by the North Eastern Health Board that the person referred to by the Deputy was admitted to the acute psychiatric unit in Cavan General Hospital last night. I also understand that arrangements are being made for the consultant in charge of her care to meet with her family tomorrow morning.

The broad thrust of admission policy in the psychiatric services is to admit to in-patient care those patients whose illnesses, on the basis of clinical judgment in each individual case, are deemed to be of such severity as to be inappropriate for community-based treatment. In any assessment of whether an individual should be admitted to hospital for in-patient care, it is normal practice to take into consideration the account given by relatives of the evolution of an individual's illness, his or her social circumstances or any other matters bearing on the advisability of in-patient as against community-based care.

An expert group on mental health policy to prepare a national policy framework for the further modernisation of the mental health services was established in 2003. It is envisaged that the expert group will examine, *inter alia*, models of care and treatment, and the development of psychiatric services for specialised groups. The group requested submissions from interested organisations, individuals and the general public in October 2003 and over 140 submissions were received. These submissions are now being considered by the members of the group.

The outcome of the review will assist in ensuring that services are being delivered in an appropriate, effective and cost efficient manner and will identify particular targeted areas to be addressed in future service delivery. I expect the group to report in 2005. I am glad that the case raised by the Deputy has been addressed

### Hospital Services.

**Dr. Cowley:** I am grateful for the opportunity to raise this issue. I started a campaign for an orthopaedic unit in Mayo ten years ago. As a general practitioner, I saw the terrible hardship inflicted on elderly people and children who had to make the long and hazardous journey to Galway for orthopaedic services. Breaking a hip can be a life threatening experience for an older person and many have died and will continue to die because the distance from a place like Blacksod in Mayo to the orthopaedic unit in Galway is the same as it from Dublin. How would Dubliners like to go from Dublin to Galway if they had an orthopaedic problem? They would not like it one bit.

Since 2001, a 33 bed ward with sheets on the beds and a brand new operating theatre has been lying idle in Mayo. It is a terrible situation given that the unit cost €10.5 million to build and €3.9 million has been made available since last year to run it. It was supposed to open on 1 July for elective orthopaedic work but cannot because of the Government limit on the recruitment of staff. I ask the Minister for Health and Children to confirm the go ahead the CEO of the Western Health Board was given by his Department for the recruitment of 68 staff for this unit. Does he intend to give the sanction for the issuing of

employment contracts for those staff, many of whom have given notice to their previous employers due to the offer of a job from the Western Health Board?

Throughout the State, €400 million of essential medical infrastructure lies unused. This infrastructure received capital funding under the NDC but was held up because the real Minister for Health and Children, Deputy McCreevy, will not give the money needed to run it or lift the embargo on hiring staff.

In the case of Mayo orthopaedic unit, the set up process is under way and Mayo people, young and old, are waiting for orthopaedic treatment. They have not had a service since January because the four Galway surgeons pulled out then, even though they knew well the service would not start until 1 July.

Mayo is different because people already have employment contracts. A permanent orthopaedic surgeon has been hired for this special unit since 2 February. He has not had any opportunity to carry out surgery, although 1,500 people have been waiting since 2000 and have been limbo since January because there are no elective or operative facilities for them. This is health apartheid of the highest order. If they had money they would be seen very quickly. If I send a letter to Galway it is returned and the patient joins the 1,500 people already waiting since 2000. However, if they have money they will be seen within days by the four permanent consultants. That is not right. The NDC is no good either because those people have never been seen by a consultant, even though they have been waiting since 2000.

The new orthopaedic surgeon was hired on 2 February. A locum orthopaedic surgeon was also hired to start on 1 July. That man is on his way back to India. Having signed a contract, he expected to start in Castlebar on 1 July, but there is no job. Six house officers, an orthopaedic surgeon and a registrar in orthopaedics have been hired and contracted to start work on 1 July. However, there are no jobs for them, and they cannot get another job at this stage; it is too late. A total of 86 people responded to advertisements in respect of the Mayo orthopaedic unit. They have been interviewed. They have received letters of offer from the Western Health Board subject to Garda clearance, but they have no contracts. They have already given notice to their employers and have burnt their bridges. What can they do now? They are taking legal advice.

If this unit does not open on 1 July 2004, it may never open. It will cost much more in legal claims for lost employment opportunity. It will be a black area, because nobody will touch it.

Last night the Minister said he was committed to ensuring that the new orthopaedic unit services were established at Mayo General Hospital at the earliest possible date. It makes my blood run cold

5 o'clock



[Dr. Cowley.]

when I hear the discussions between orthopaedic staff at Galway are continuing. They did not want that unit in the first place. They do not want it now. They want to absorb Mayo altogether.

The anger is palpable in Mayo. There is no hope that Fianna Fáil or the PDs will get a vote in Mayo. The people will be marching. There will be demonstrations. I have said I will lead them wherever I must because the people are fed up. They will not accept any more of this. The people who are responsible will have to pay, and they will pay dearly. The people in Mayo matter too. The 1,500 people, young and old, on the waiting list matter as well.

**Mr. B. Lenihan:** I make this reply on behalf of the Minister for Health and Children. It is important to address the employment control context in which the health services operate. The Government operates a policy of numbers control in the public service. The current employment ceiling for the health sector is 95,800. It is imperative for the operation of an effective employment control policy in the public sector as a whole that each sector should adhere to its ceiling.

Notwithstanding this, there has been an increase in the authorised level of employment of 27,985 in the health services between 1997 and the end of 2003, almost 41%. In the Western Health Board region the increase over the same period is 2,988 whole-time equivalents, or 43%.

Within the framework of the national ceiling applied to the health sector as a whole, each individual health board is allocated a regional employment level. The chief executive officer of each individual health board has the responsibility for the management of the workforce in his or her region, including the appropriate staffing mix and the precise grades of staff employed within that board, in line with service plan priorities, subject to overall employment levels remaining within the authorised ceiling.

I understand that employment levels in the functional area of the Western Health Board are currently in excess of its approved regional ceiling. In these circumstances the priority of the board must be to manage its overall human resources within its approved ceiling. As the Deputy is aware, funding of €3.9 million has already been provided to the Western Health Board to support the development of the new orthopaedic service at Mayo General Hospital.

**Dr. Cowley:** Did the Department give the go-ahead for this recruitment?

**Mr. B. Lenihan:** The Department cannot sanction this recruitment because there is a ceiling imposed by the Department of Finance on the total numbers that can be recruited.

**Dr. Cowley:** Did the Department tell them to go ahead and hire those people? The Minister of State knows well that the Department did give the go-ahead.

**Mr. B. Lenihan:** Currently one consultant orthopaedic surgeon has been recruited by the Western Health Board and took up duty on 1 February.

The Western Health Board has informed me that discussions between the orthopaedic staff in Galway and Mayo are continuing in an effort to configure the best use of the facilities at Galway and Mayo. These discussions are taking place within a framework to develop an overall integrated strategic and operational policy for orthopaedic services in the region.

**Dr. Cowley:** The Minister of State has not answered the question.

**Mr. B. Lenihan:** An important part of this work will be to prioritise posts in front-line service delivery to facilitate continued progress in this area.

**Dr. Cowley:** What is more important than those people who have been waiting since 2000? The Department gave the go-ahead. Why does it not finish what it started? Do the people on the list or the people who have been hired not matter?

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

**Mr. B. Lenihan:** Has the Deputy referred them to the treatment purchase fund?

**Dr. Cowley:** They have not even seen a consultant. They have been waiting since 2000.

**Mr. B. Lenihan:** The Western Health Board is currently in discussion with the Department regarding the commencement of orthopaedic services at Mayo General Hospital, particularly regarding the effect the additional staffing required to commence services will have on the board's current employment ceiling.

**Dr. Cowley:** The Minister has not answered the question. It is a shame and a scandal and the Government will pay very dearly. The PDs and Fianna Fáil will not get one vote, nor do they deserve to.

#### **Asylum Applications.**

**Mr. Cuffe:** I wish to raise the case of Milton Alexandre. He is 18 years of age and he is about to sit his leaving certificate in Ireland. He seeks leave to remain in Ireland under section 63 of the Immigration Act 1999.

Milton is well integrated into Ireland. He lives in Killiney. He is receiving accommodation under direct provision. He received €19 a week from the State. I want to read a short statement from Milton:

Why I want to remain in Ireland.

I was only seven years old when my father was killed. Our house was set on fire and my mother was burned. When was 15 I was kidnapped by UNITA rebels, my brother, Nelson, aged 13 was kidnapped too. They made us wear UNITA uniforms and work for them. Now my brother is dead. My life is too painful to remember, to talk about. I have lost my family. It is very painful for me to write about it.

I am very happy to be in Ireland. I have made new friends. I like my school..... The students and teachers like me and this makes me feel happy. I am happy that I can finish my secondary education here Ireland. When UNITA kidnapped me my education finished. My teachers are very good teachers and very kind. (They)..... love the students and help them. I study many subjects and computers.

It is difficult to start a new life. I am in Ireland three years, I have a new life here now. Please do not make me leave my life in Ireland and all my Irish friends..... Ireland is a very beautiful country..... I like sport and play Gaelic.... and basketball. . . . One day when I have money I would like to go to Croke Park.....

I can give many things to Ireland, my intelligence, my personality. I have studied.... literature in school.... I read "Lies of Silence" by Brian Moore..... I used my dictionary.... to read it. It is about war in Belfast and the IRA, like UNITA in Angola.

. . . . I know from my English class about Seán O Casey and how Irish people suffered in Easter 1916. . . .

For my English exam I studied "Of Mice and Men" by John Steinbeck..... George Milton, [in that book with the] same name as me..... was a good person. I studied [poetry] for my exam..... I spoke.... bad English but I said [in a debate about firearms] that firearms are bad, people get killed..... I hope you understand .....why Ireland is good for me. I want to get a good job and contribute to Ireland.

This is why it is very important for me to have refugee status and to get a work permit. I need to work, it is very important to me. Even for no money I need to work.

I have a statement here from the Centre for the Care of Survivors of Torture that Milton is receiving ongoing counselling and it is very unlikely

that he would receive counselling if he were forced to return to Angola.

What we have here is a young man who would succeed in Ireland if he were given that chance. His family has been devastated. He has seen the worst of war. I could go into more detail than there is in his statement, but I do not wish to. I simply hope the Minister will look kindly upon his application for refugee status when he is in a position to put that forward. It seems wrong that somebody could come here, remake their life in Ireland, sit their leaving certificate and then be deported. I hope the Minister will realise the extremities of depravity that he and his family have witnessed and will find some way within his power to allow him to remain in this country.

**Mr. B. Lenihan:** I am replying on behalf of the Minister for Justice, Equality and Law Reform, Deputy McDowell.

It is important to point out that it has been the policy of successive Ministers for Justice, Equality and Law Reform not to reveal the personal details of the cases of individual applicants for asylum, given that their applications are received and treated in confidence. That, of course, does not preclude the Deputy from doing so and I am not making any suggestions in that regard because he did it, I assume, with the consent and authority of his constituent. In fact, section 19(1) of the Refugee Act 1996 places the Minister under a positive legal obligation to ensure that the identity of every asylum applicant is kept confidential. Notwithstanding the legitimate and obvious concern in this matter, the response of the Minister is general in nature.

The definition of a refugee as set out in section 2 of the Refugee Act 1996, subject to certain exceptions, is:

a person who, owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his or her former habitual residence, is unable or, owing to such fear, unwilling to return to it

The task, therefore, in the case of each asylum seeker is to determine whether, following investigation, he or she is deemed to come within the terms of that definition on the basis of all the information which is gleaned.

Under the Refugee Act 1996, two independent statutory offices were established to consider applications and appeals in respect of refugee status and to make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted. These

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offices are the Refugee Applications Commissioner and the Refugee Appeals Tribunal.

Every asylum applicant is guaranteed an investigation and determination of his or her claim at first instance by the Refugee Applications Commissioner. Every asylum applicant is guaranteed a right of appeal to a statutorily independent and separate body, the Refugee Appeals Tribunal. Every asylum applicant is also guaranteed access to legal assistance provided by the refugee legal service. Under the provisions of section 17(1) of

the Refugee Act 1996, final decisions in respect of asylum applications are matters for the Minister for Justice, Equality and Law Reform based on the recommendation of the commissioner or the decision of the tribunal. Such a decision is made by the Minister as soon as possible following receipt of the relevant papers from the commissioner or the tribunal, as appropriate.

I regret I am unable to assist the Deputy further.

The Dáil adjourned at 5.12 p.m. until 2.30 p.m. on Tuesday, 15 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 13, inclusive, answered orally.*

### Drugs Task Forces.

14. **Aengus Ó Snodaigh** asked the Minister for Community, Rural and Gaeltacht Affairs if he will advise the various health boards throughout the country that part of the funding administered through them was specifically allocated to drive the drugs task force programme; and if he will recommend the health boards to identify and employ appropriately skilled staff to drive the programme. [16779/04]

19. **Mr. Crowe** asked the Minister for Community, Rural and Gaeltacht Affairs the make up of the drugs task forces throughout the country. [16777/04]

75. **Mr. Morgan** asked the Minister for Community, Rural and Gaeltacht Affairs the amount which has been allocated to the health boards to specifically fund the drugs task force programme; the way in which the money was spent; and when the money will be allocated in regional areas in which this funding has not yet come on board; and the way in which it will be used. [16781/04]

76. **Aengus Ó Snodaigh** asked the Minister for Community, Rural and Gaeltacht Affairs when funding will come on board to resource the various regional drugs task force projects at regional level. [16778/04]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** I propose to take Questions Nos. 14, 19, 75 and 76 together.

Under the national drugs strategy, ten regional drugs task forces, RDTFs, have been established throughout the country. The RDTFs represent a team-based response to illicit drug use with each task force being chaired by an independent chairperson and made up of representatives from state agencies working in the region, the community and voluntary sectors and elected public representatives. All of the RDTFs work in partnership in a manner similar to the local drugs task forces.

Currently, the RDTFs are mapping out the patterns of drug misuse in their areas — as well as the range and level of existing services — with a view to better co-ordination and addressing gaps in the overall provision. In this context, the Deputy should note that a sum of €500,000 has been provided by my Department, in the current year, for administrative and technical costs incurred by the RDTFs in the preparation of their plans. In addition, I understand that an amount of €50,000 has been allocated to each RDTF by

the appropriate health board, to assist with ongoing administrative and staffing costs in the current year.

The work currently underway by the RDTFs is likely to take up most of the current year and will then feed into the drafting of regional action plans, which will be assessed by the National Drugs Strategy team in due course. I am hopeful that all of this work can be completed by early 2005 and that I will then be in a position to bring recommendations in relation to the funding of the plans to the Cabinet committee on social inclusion. I would expect the RDTFs to be in a position to begin the implementation of their plans by mid 2005.

### Departmental Programmes.

15. **Ms O. Mitchell** asked the Minister for Community, Rural and Gaeltacht Affairs the work that has been undertaken on improving the integration and co-ordination of service delivery of the RAPID programme; the way in which this initiative is expected to progress into the future; and if he will make a statement on the matter. [16663/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Service Integration is a key component of the RAPID programme and is being used across a range of RAPID areas as a method to improve the quality and effectiveness of the services they provide. The RAPID programme has built on the experiences of the integrated services process, ISP, by promoting the need for more service integration work. Reports from SIM groups include examples of service integration projects in RAPID areas and can be found at [www.adm.ie](http://www.adm.ie). Work on service integration is ongoing and will continue into the future.

### Planning Issues.

16. **Mr. Broughan** asked the Minister for Community, Rural and Gaeltacht Affairs the action he has taken in response to the disclosure that Údarás na Gaeltachta built a €500,000 waste treatment plant in Connemara without planning permission and despite concerns expressed by senior engineers and officials; if he has launched an investigation into this case; if he has had talks with Údarás na Gaeltachta regarding this issue; and if he will make a statement on the matter. [16786/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I understand from Údarás na Gaeltachta that planning permission was granted in January 1989 to adapt a factory as a salmon packing unit in Cill Chiaráin, County Galway. This included permission for a new effluent treatment plant that would comply with the Water Pollution Act 1977. On complying with the conditions of the planning permission, Cill Chiaráin Éisc Teoranta, the company operating this factory, was granted an Effluent Discharge Licence.

Following a review of this licence in 1999, Galway County Council issued a new licence the fol-

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lowing year with more stringent quality standards. As the effluent treatment plant in use at the time was not designed to meet the revised standards, Údarás, as owner of the factory, approved funding of €495,198 to upgrade the treatment plant and undertook the upgrading in accordance with its understanding that the work was necessary to enable compliance with the terms of the reviewed licence and it came within the provisions of class 21, exempted development, of the planning and development regulations for 2001.

However, an objection to this development was made to Galway County Council and after extensive discussions between Údarás and Galway County Council concerning the definition of what constituted an exempted development, the matter was referred to An Bord Pleanála. An Bord Pleanála issued its decision in December 2003 that the development did not qualify as an exempted development.

Accordingly, an application for permission to retain the development was submitted to Galway County Council and I understand that Údarás is at present preparing further information that has been requested by the Council.

#### **Irish Language.**

17. **Ms Burton** asked the Minister for Community, Rural and Gaeltacht Affairs the discussions he has had with other Departments and State bodies on the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [16804/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** As I have indicated previously in reply to questions in this House on the Official Languages Act 2003, my Department is currently engaged in ongoing preparatory work in relation to implementation of the Act. As an integral part of that process my Department is continuing to provide briefing sessions for public bodies on request to further inform them of the implications of the Act and to discuss its specific implications for them. In addition, my Department has written to each of the approximately 650 public bodies covered by the Act on two occasions to provide them with information about the Act and developments in its implementation. It established an inter-departmental working group to advise it on the drawing up of statutory guidelines under paragraph 12 of the Act. Work on the guidelines is at an advanced stage and I expect to be in a position to publish and circulate them in draft form to all public bodies within a month for comment and observations, so that work can commence on schemes by the first round of public bodies by next September. The Department also circulated draft heads of regulations under section 9(1) of the Act regarding the use of the Irish language, or the Irish and English languages, on oral announcements, on stationery, on signage and on advertisements to all Departments. It has held bilateral meetings with a number of Departments and public bodies to discuss specific implications and issues that

arise for them. It also established a working group to make recommendations on provision of Irish translation services to meet the State's obligations under section 7 of the Act on the simultaneous publication of Acts of the Oireachtas in the Irish and English languages. The work of the group has been completed and my Department is exploring the feasibility of a number of possible ways forward.

Finally, I assure the Deputy that my Department will continue to consult with public bodies as appropriate on the phased implementation of the provisions of the Act and be available to provide advice and guidance if and when required. I am happy that significant progress is being made by my Department in the implementation of the Act's provisions on a phased basis in accordance with the action plan I announced on 17 December 2003. I am also satisfied that the public bodies covered by the Act will be able to meet the statutory obligations under the Act that will apply to them on a progressive basis and, moreover, that they will rise to the challenge with a positive attitude and spirit.

#### **National Drugs Strategy.**

18. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the percentage of funding available to his Department which he has allocated to communities or groups combating drug problems; and if he will make a statement on the matter. [16795/04]

51. **Mr. Coveney** asked the Minister for Community, Rural and Gaeltacht Affairs the reason the Bray local drug task force area is the only area not currently implementing their second round of action plans; when he expects that Bray will progress to second round funding; and if he will make a statement on the matter. [16657/04]

71. **Mr. Morgan** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to the fact that the last round of funding to resource the drugs task force programme was allocated in 2002; and if he will assign additional funding for the project as a matter of urgency. [16780/04]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** I propose to take Questions Nos. 18, 51 and 71 together.

As the Deputies are aware, my Department has overall responsibility for co-ordinating the implementation of the National Drugs Strategy 2001-2008 which contains 100 individual actions to be implemented by a range of Departments and agencies.

My Department also has responsibility for the work of the 14 local drugs task forces, or LDTFs, which operate in the areas experiencing the highest levels of drug misuse. Substantial funding has been allocated to these areas over the past number of years and in total, the Government has allocated or spent. Approximately €65 million has been allocated to implement in the region of 500 projects contained in the task force plans since 1997; over €12.7 million to support nearly 60 pro-

jects under the premises initiative, which is designed to meet the accommodation needs of community based drugs projects; and over €72 million under the young peoples facilities and services fund, or YPFSSF, to support in the region of 450 facility and services projects. An amount of €26.8 million — 9.6% of overall Vote of my Department — has been provided for drugs programmes in 2004. The bulk of this funding will be used to support the work of the LDTFs and the YPFSSF.

The Bray LDTF was not established until 2000 whereas all of the other LDTFs were set up in 1997. Proposals submitted by the task force as part of their first action plan were approved by the Cabinet committee for social inclusion in early 2002 and are being implemented at present. A number of the projects are still at an early stage of development and no proposals have been received to date from the task force in respect of a second plan.

All of the other task forces are currently implementing their second round of plans. A number of these are also at an early stage of development and the aim would be consolidate and evaluate the work being done through these projects before seeking any additional proposals in respect of a further round of plans.

*Question No. 19 answered with Question No. 14.*

*Question No. 20 answered with Question No. 12.*

### **Inland Waterways.**

21. **Mr. Hogan** asked the Minister for Community, Rural and Gaeltacht Affairs if he will make a statement on the progress by Waterways Ireland; and if he will make a statement on the matter. [16649/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Waterways Ireland was established on 2 December 1999 as one of the six North-South implementation bodies. Its functions are the management, maintenance, development and restoration of the island's inland navigable waterway system, principally for recreational purposes. Waterways Ireland was also charged with taking forward appropriate studies and appraisals on the possible restoration of the Ulster Canal.

Since its inception in 1999, Waterways Ireland has set up its headquarters in Enniskillen, County Fermanagh, and also regional offices in Scariff, Carrick-on-Shannon and Dublin. It has built up its organisation by recruiting administrative, professional and technical staff. The body currently employs some 333 staff, North and South. The body has produced corporate and business plans, which outline the navigational, operational, technical, corporate, promotional and marketing strategies for the body. Work has begun on the corporate plan for 2005-2007.

In 2003 and 2004, Waterways Ireland continued with the development of the inland waterways on a care and maintenance basis, following the suspension of the Northern Ireland Assembly and Executive with effect from 14 October 2002.

Waterways Ireland continues to carry out an extensive programme of works to maintain the critical infrastructure of the waterways and to develop boating and other amenities. My own Department's allocation to Waterways Ireland for 2004 amounts to €32,454,000. Waterways Ireland has published its annual reports and accounts for the years 1999-2000, 2001 and 2002, which are available in the Oireachtas Library.

### **Appointments to State Boards.**

22. **Mr. Murphy** asked the Minister for Community, Rural and Gaeltacht Affairs the identity of the three additional members to be appointed to the board of ADM; when these members will be nominated; the rationale for this increase in the size of the board; and if these new members will be additional to the board and will not be replacements to members from the community and voluntary sector. [16654/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I refer the Deputy to my previous reply to Question No. 127 of 27 April 2004 on this issue. I expect that that three new members will be appointed by the Government to the ADM board within the next few weeks. These members will be in addition to serving members and will bring relevant expertise and competence to support the board in its work.

### **Irish Language.**

23. D'fhiafraigh **Mr. P. Breen** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an ndéanfaidh sé ráiteas faoin dul chun cinn atá déanta ó ritheadh Acht na dTeangacha Oifigiúla 2003. [16647/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Dírim aird an Teachta ar an bhfreagra a thug mé ar Cheist Uimhir 129 ar 27 Aibreán 2004 maidir leis an ábhar seo, inar leag mé amach sonraíocht chuimsitheach maidir leis an dul chun cinn atá déanta ag mo Roinn-seo ó ritheadh an tAcht i mhí Iúil 2003.

Ba mhaith liom tagairt ar leith a dhéanamh do na príomh-chéimeanna atá tógtha agam go dtí seo mar a leanas: tá €500,000 curtha ar fáil i Meastacháin mo Roinne don bhliain seo chun Oifig Chomisinéir na dTeangacha Oifigiúla a bhunú. Tá an tUasal Seán Ó Cuirreáin ceapaithe ag an Uachtarán mar An Coimisinéir Teanga le héifeacht ó 23 Feabhra 2004; rinne mé ordú tosach feidhme ar 19 Eanáir 2004 a thugann feidhm don chuid is mó d'fhorálacha an Achta le héifeacht ón lá sin agus ó 1 Bealtaine 2004 i gcás alt 10; tá réamh-obair ar dhréacht-scéim mo Roinne féin déanta agus táim dóchasach go mbeidh sí foilsithe go poiblí laistigh de mhí. Beidh an scéim seo mar mhúnla do chomhlachtaí poiblí eile; táim dóchasach freisin go mbeidh na dréacht-threoirilínte faoi alt 12 foilsithe laistigh de mhí ionas go bhféadfar tús a chur leis an gcéad babhta de scéimeanna ó chomhlachtaí poiblí i mí Mheán Fómhair seo chugainn; tá réamh-obair ar súil i ndáil le rialacháin a dhéanamh faoi alt 9(1) maidir le húsáid na Gaeilge amháin, nó na Gaeilge agus an Bhéarla le chéile, ar stáiseanóireacht, ar chomharthaí agus

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ar fhógraí. Tá sé mar sprioc agam go mbeidh feidhm dhlíthiúil tugtha do na rialacháin sin roimh dheireadh an tsamhraidh; agus tugadh feidhm do Chuid 5 den Acht a bhaineann le logainmneacha ó 30 Deireadh Fómhair 2003 agus tá seacht nOrdú déanta agam sa chomhthéacs sin go dáta. Tá i gceist agam ordú eile a dhéanamh go han-luath maidir le logainmneacha oifigiúla do na ceantair Ghaeltachta.

Mar a thugas le fios roimhe seo táim sásta, mar sin, go bhfuil dul chun cinn suntasach á dhéanamh ag mo Roinnse maidir le cur i bhfeidhm fhorálacha an Achta ar bhonn chéimiúil i gcomhréir leis an bPlean Gnímh a d'fhógair mé ar 17 Nollaig 2003. Táim sásta freisin go n-éireoidh leis na comhlachtaí poiblí na dualgais reachtúla a thitfidh orthu go céimiúil faoin Acht a chomhlíonadh agus go deimhin go nglacfaidh said leis an dúshlán le meon dearfach agus sa spiorad ceart.

#### Ferry Services.

24. **Mr. Allen** asked the Minister for Community, Rural and Gaeltacht Affairs if his Department has completed its work on formulating draft regulations for ferry operators to the islands; when these will be published; if their enactment will require new legislation; and if he will make a statement on the matter. [16652/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** My Department is currently in the preliminary stages of preparing regulations in respect of formal contracts with ferry operators providing services that incorporate road transport links. It is hoped to have these regulations published at an early date.

The regulations, which will be subject to the consent of the Ministers for Finance and Transport, will set down the agreed destinations for connecting bus passenger services and will form the basis for entering into formal contracts in these particular cases.

No new legislation is required as provision for making the regulations is already included in the Minister for Community, Rural and Gaeltacht Affairs (Powers and Functions) Act 2003.

#### Community Development.

25. **Mr. Rabbitte** asked the Minister for Community, Rural and Gaeltacht Affairs if he has met with any of the Irish representatives who attended the recent conference in Hungary on building civil society in Europe through community development; if his attention has been drawn to the conference's recommendations, specifically the Budapest Declaration and its contents; and if he will make a statement on the matter. [16794/04]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** My Department was represented at the conference referred to by the Deputy and is therefore fully aware of the conference recommendations.

*Question No. 26 answered with Question No. 12.*

#### Offshore Islands.

27. **Mr. McCormack** asked the Minister for Community, Rural and Gaeltacht Affairs the consultations between his Department and the Department of Enterprise, Trade and Employment regarding the establishment of island enterprise schemes; when these schemes are expected to be up and running; the amount of funding that will be allocated to this initiative; and if he will make a statement on the matter. [16669/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** As the Deputy will be aware, the overall responsibility for development of enterprise on non-Gaeltacht islands rests with the Department of Enterprise, Trade and Employment. However, in accordance with my brief for island development generally, I have stated publicly on a number of occasions that I am favourably disposed towards the concept of establishing an enterprise fund for the non-Gaeltacht islands.

Arising from this position and on foot of contacts between my officials and officials of the Department of Enterprise, Trade and Employment, I am pleased to report that substantial progress has been made in regard to establishing the broad parameters for providing assistance to certain types of enterprise on the non-Gaeltacht islands.

I hope to be in a position to announce details of the new scheme as soon as outstanding issues in regard to administrative procedures have been finalised.

An allocation of €250,000 has been provided for this scheme in my Department's 2004 Estimates.

#### Irish Language.

28. D'fhiafraigh **Mr. Gilmore** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil gach rud ag dul ar aghaidh go maith ar an tionscnamh chun foclóir leictreonach Béarla-Gaeilge a chur ar fáil. [16808/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Tá curtha in iúl ag Foras na Gaeilge gur cuireadh tús le Céim I — sé sin, céim na pleanála agus an dearaidh — de Thionscadal an Fhoclóra Béarla-Gaeilge i mí Lúnasa seo caite. Tuigtear ón bhForas go bhfuiltear leath-shlí tríd an chéim seo faoi láthair. Meastar go mbeidh an obair a bhaineann leis an gcuid seo den tionscadal curtha i gcrích faoi dheireadh mhí Dheireadh Fómhair na bliana seo. Tá forbairt á déanamh ar na huirlisí ríomhaireachta agus ríomh-theangeolaíochta a bheidh ag teastáil chun an Foclóir a thiomsú i gceart agus tá soláthar na n-uirlisí sin de réir an sceidil atá aontaithe sa chonradh idir Foras na Gaeilge agus an conraitheoir le haghaidh Chéim I, Lexicography MasterClass.

Tuigtear ó Fhoras na Gaeilge go bhfuil socrúithe á ndéanamh faoi láthair chun an comórtas tairisceana do Chéim II — sé sin, scríobh agus tiomsú an fhoclóra ina iomláine — den Tionscadal a fhógairt go poiblí go luath. Meastar go dtógfaidh an Chéim sin thart ar thrí bliana le cur i gcrích.

29. D'fhiafraigh **Mr. O'Shea** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cad é an scéal i dtaobh an Ghaeilge a bheith aitheanta mar theanga oibre oifigiúil den Aontas Eorpach. [16784/04]

62. D'fhiafraigh **Mr. Sargent** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an aontaíonn sé nach bhfuil aon rialtas san AE ná aon áisín-teacht san AE i gcoinne stádas mar theanga oifigiúil oibre a thabhairt don Ghaeilge agus mar sin cathain a bhainfear an stádas amach. [16840/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Tógfaidh mé Ceisteanna Uimh. 29 agus 62 le chéile.

Dírím aird na dTeachtaí ar an bhfreagra a thug mé ar Cheist Uimhir 1 a cuireadh síos le haghaidh freagra tosaíochta inniu.

#### Ciste na Gaeilge.

30. D'fhiafraigh **Mr. English** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an ndéanfaidh sé ráiteas faoin obair atá déanta ag Ciste na Gaeilge chun seirbhísí Gaeilge a fhorbairt. [16643/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Maoinítear Ciste na Gaeilge ó fháltais an Chrannchuir Náisiúnta agus is é an bunchritéar chun deontas a dháileadh ón gCiste ná go mbeadh tionchar dearfach ag togra ar chur chun cinn na Gaeilge.

Cuirtear cúnaimh ar fáil ó Chiste na Gaeilge chun eagraíochtaí Gaeilge mar Bhord na Leabhar Gaeilge, Comhaltas Ceoltóirí Éireann agus Taibhdhearc na Gaillimhe, chomh maith le tionscadal ilghnéitheacha Ghaeilge ar nós Gael-Taca, Gaillimh le Gaeilge agus Tiobraid Árann ag Labhairt, a mhaoiniú tar éis iarratas uathu a mheas gach bliain. Íocadh €2.3 milliún ar fad amach as an gciste seo le linn 2003.

Mar eolas don Teachta, rinneadh athbhreithniú ar fheidhmiú Chiste na Gaeilge le linn 2003. Ag éirí as an athbhreithniú sin, tá athstruchtúrú á dhéanamh ar an gciste ó 2005 ar aghaidh. Tá i gceist táscairí gníomhaíochta a phlé leis na heagraíochtaí éagsúla a fhaigheann maoiniú ón gciste. Beidh maoiniú sa toadhcháil ag brath ar chomhlíonadh na dtáscairí aontaithe seo. Chomh maith leis sin, tá i gceist agam go mbunófar ciste gnó i 2005 mar fho-chiste de Chiste na Gaeilge féin. Beidh pé deontais a bheidh ar fáil as an gciste gnó d'eagraíochtaí sa réimse gnó ag brath ar chomh-mhaoiniú a bheith faighte acu nó á fháil acu óna húdaráis áitiúla nó ó chumainn tráchtála, agus ar mhéid an tsoláthair sa chiste. Tá sé an-

tábhachtach go mbeadh comhoibriú idir na húdaráis áitiúla, na cumainn tráchtála agus mo Roinn féin maidir le maoiniú na n-eagraíochtaí Gaeilge atá ag feidhmiú sa réimse gnó.

#### Departmental Programmes.

31. **Dr. Upton** asked the Minister for Community, Rural and Gaeltacht Affairs the position with regard to the future of the RAPID programme; and if he will make a statement on the matter. [16801/04]

55. **Ms O. Mitchell** asked the Minister for Community, Rural and Gaeltacht Affairs if he envisages that larger projects will be funded through the RAPID programme in the near future; if he has received applications from larger project proposals; the type of projects he views will be funded in this scenario; and when he expects that this funding will begin. [16662/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I propose to take Questions Nos. 31 and 55 together.

As I have said previously, I envisage that in future the RAPID programme will operate on a number of levels in tandem. In the first instance, there are many small-scale proposals from RAPID plans that have been sent unnecessarily to Departments for consideration, when they could be dealt with more effectively at local level. In light of this, I have introduced a new delivery mechanism supported by a dedicated fund 2004, to progress these proposals. Proposals will be co-funded by the relevant Department or local agency under a number of categories, with broad levels of funding agreed at national level.

In this regard, I recently announced details of a local authority housing estate enhancement scheme with total funding of €2 million. It is being funded on a euro for euro basis, with €1 million from my Department and €1 million from the local authorities through the Department of Environment, Heritage and Local Government. Funding of €3 million is also being provided to support the development of playgrounds in RAPID areas. My Department is providing funding of €1.5 million and a further €1.5 million has been made available by the Department of Health and Children. It is proposed that an allocation of funding will be made to each area under each measure above and that the local authority, in consultation with the relevant area implementation team, will select the projects to be supported. I also intend to allocate top-up funding to successful projects from RAPID areas under the sports capital programme and €1.5 million has been set aside for this purpose.

As regards the larger projects from RAPID plans that have already been submitted to departments, these will of course continue to be considered for funding from within existing funding streams in each Department. However, I expect



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that Departments will now be dealing with a smaller number of projects and will therefore be in a better position to prioritise projects and to set out timescales for further actions. Details of allocations by Departments to proposals can be found in RAPID departmental reports at *www.adm.ie*. Work on improving integration and co-ordination of service delivery at local level will continue, as this is a key component of the RAPID programme.

32. **Mr. Connaughton** asked the Minister for Community, Rural and Gaeltacht Affairs if the rural social economy programme will be extended to all rural areas; when this is likely to occur; and if he will make a statement on the matter. [16667/04]

80. **Mr. Connaughton** asked the Minister for Community, Rural and Gaeltacht Affairs the situation for workers on the rural social economy programme who have completed two years of employment on the scheme; if he can guarantee that they will be able to continue on the programme if they so desire, after a period of two years; and if he will make a statement on the matter. [16666/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I propose to take Questions Nos. 32 and 80 together.

I launched the rural social scheme on 17 May last and the first phase of the scheme covers eight areas. It is planned that the scheme will be extended to all areas within two months. Successful applicants for participation on the scheme will initially participate on the scheme for one year but this can be extended. However, in the event that there is greater demand than places at the end of the first year then priority will be given to new entrants. Those who have completed their one year period of participation can re-apply the following year when the same conditions will apply.

#### **Decentralisation Programme.**

33. D'fhiafraigh **Mr. M. Higgins** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cén dul chun cinn atá déanta i leith chur i bhfeidhm an chlár díláraithe sa Roinn. [16805/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Tá líon mór ceisteanna freagartha agam faoin ábhar seo le tamall gairid anuas. Faoi mar atá curtha in iúl agam ar ócáidí éagsúla, tá mo Roinn i mbun comhairle leanúnach lena baill foirne maidir leis an tslí is éifeachtaí chun an dílárú a beartaithe a chur i bhfeidhm agus, mar chuid lárnach den phróiseas sin, tá gach eolas nua á sheachadadh ar na baill chomh luath agus a mbíonn teacht air.

Tuigfidh an Teachta, ar ndóigh, go bhfuil an próiseas díláraithe in aon Roinn Stáit ag brath ar

an dul chun cinn atá á bhaint amach ag an ngrúpa forfheidhmithe lárnach.

Sa chomhthéacs sin, tá céimeanna éagsúla glactha ag mo Roinn-se le tamall anuas. Ina measc:

Tá aonad díláraithe faoi leith bunaithe chun déileáil leis an gceist seo. Ardoifigeach feidhmiúcháin agus oifigeach cléireachais atá mar fhoireann san aonad seo. Is don oifigeach pearsanra atá siad freagrach; Tá coiste díláraithe Roinne curtha ar bun freisin ar a bhfuil ionadaíocht ó bhainistíocht shinsearach agus ó fhoireann mo Roinne;

Tá oifigeach faoi leith roghnaithe chun teagmháil a choimead ar bhonn leanúnach leis an Roinn Airgeadais;

Tionóltar cruinnithe speisialta de choiste comhpháirtíochta mo Roinne agus baintear leas as na cruinnithe sin chun an fhoireann a choimeád ar an eolas maidir le gach gné den phróiseas díláraithe;

Bíonn mo Roinn i dteagmháil leis na ceardchumainn chomh maith agus tá an cheist pléite leo ag an gcomhairle rannúil;

Tá socrú curtha ar bun chun nuachtlitir foirne faoin dílárú a eisiúint go rialta agus cuirtear gach doiciméad atá bainteach leis an bpróiseas díláraithe ar fáil don bhfoireann uile ar na fillteáin poiblí ar an gcóras ríomhphoist;

Tá mioneolas bailithe maidir le láthair atá i gceist don dílárú ó thaobh mo Roinne de agus tá pacáistí eolais bunaithe ar an eolas sin scaipthe ar an bhfoireann uile.

Chomh maith leis sin, tá obair idir lámha maidir le córais a chur i bhfeidhm chun nósanna oibre sna rannáin éagsúla a chur ar thaifead agus chun múnlaí a fhorbairt d'fhonn aistriú éifeachtach fóirne a éascú amach anseo. Ní miste a lua freisin go bhfuil plean forfheidhmithe tosaigh don dílárú á ullmhú faoi láthair ag mo Roinnse le cur faoi bhráid an ghrúpa forfheidhmithe lárnach go luath.

*Question No. 34 answered with Question No. 11.*

#### **Legislative Programme.**

35. **Mr. Murphy** asked the Minister for Community, Rural and Gaeltacht Affairs when the legislation dealing with changes in the distribution of dormant funds accounts will be published; the expected contents of this legislation; and if he will make a statement on the matter. [16655/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Draft legislation to give effect to the changes announced by the Government last December in relation to the distribution of funds from dormant accounts is currently being prepared in my Department. It will provide for a process through which decisions on disbursements of dormant accounts moneys will be made

by Government following a public application and assessment procedure using publicised assessment criteria. The draft legislation is at an advanced stage of preparation and I would hope, subject to Government approval, for publication of the Bill later this month.

### **Decentralisation Programme.**

36. **Mr. Stanton** asked the Minister for Community, Rural and Gaeltacht Affairs the progress that has been made with respect to the decentralisation of his Department; if a survey has been undertaken to assess the preference of his staff; if not the reason therefore; if staff have refused to decentralise; and the career prospects for those who do not decentralise with the Department.

[16650/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I have replied to a considerable number of questions on this topic in the recent past. As I have made clear on a number of occasions, my Department is in consultation on an ongoing basis with its staff regarding the most effective means by which the proposed decentralisation may be implemented and, as a central part of that process, all emerging new information is conveyed to staff as soon as it becomes available. The Deputy will, of course, be aware that the progress of decentralisation in any Department is guided by the overall implementation process being carried out centrally by the decentralisation implementation group.

In that context, a number of steps have recently been taken by my Department. A dedicated decentralisation unit has been set up to manage the programme. The unit is staffed by a higher executive officer and a clerical officer, who report to the personnel officer. This unit has prepared an information pack, which includes a wide range of information, on decentralisation areas relating to my Department's remit, and these packs have been made available to all staff. The unit issues regular bulletins to staff with the up to date information available on decentralisation and all documentation relating to the issue is made available on the public folders of my Department's e-mail system.

A departmental decentralisation committee has been established to steer the decentralisation process within the Department. Membership of the committee is made up of senior management and staff. A liaison officer has been appointed to facilitate communication between the Department of Finance and my Department. Special meetings of my Department's partnership committee are held to specifically address issues arising from decentralisation and use is made of such meetings to ensure that staff are kept informed on all aspects of the decentralisation process. There is regular communication between my Department and staff associations through the

departmental council process. In addition, work is in hands on the establishment of systems for job analysis and process mapping for each function within my Department so as to facilitate effective transfers of staff in the future. An initial decentralisation implementation plan for my Department is currently being prepared for submission to the decentralisation implementation group in the near future.

While no survey has been carried out in my Department to assess staff preferences in relation to decentralisation, the central applications facility, CAF, system, as announced in the report of the decentralisation implementation group, is carrying out this task on a Civil Service wide basis. Extensive information on all decentralising areas is available as part of this process, to allow staff to make informed decisions. The system, which is available on-line, allows staff to register their preferences and it is expected that an analysis of the information ascertained will be available during July. I would, however, point out it has been emphasised at all stages that decentralisation will be on a voluntary basis.

*Question No. 37 answered with Question No. 11.*

### **Community Development.**

38. **Ms Lynch** asked the Minister for Community, Rural and Gaeltacht Affairs the support his Department is giving to national organisations such as the Community Workers Co-operative and local groups such as CDPs and area partnerships to challenge exclusion, racism and discrimination in local communities; and if he will make a statement on the matter. [16789/04]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** My Department funds the Community Workers' Co-operative, CWC, under the programme for support for national anti-poverty networks. The purpose of this scheme is to assist such networks to develop their capacities to contribute to policy development at national level. The funding allocated to the CWC in 2004 is €143,065. This funding will enable the organisation to meet the objectives contained in its workplan for this year which included, among other things, contributing to the creation of a more just, equal and inclusive society and supporting the development of models and structures of participatory democracy.

The community development programme, CDP, supports locally-based groups involved in anti-poverty and social inclusion initiatives in their communities so they can contribute to a process of change in their areas and improve quality of life. The CDP's remit is to maintain an anti-poverty, anti-exclusion, and anti-discrimination focus and to actively promote the participation of people experiencing poverty, exclusion and dis-

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 crimination at all levels within the programme. There are some 170 projects participating in the CDP in urban and rural areas with a further 15 in the process of establishment. A number of these projects specifically support new communities and ethnic minorities, including Travellers. An equality and anti-racism sub-committee has operated within the CDP for a number of years. The programme also funds a community development support unit, within the national consultative committee on racism and interculturalism, which provides assistance and support for community groups working with ethnic minorities. Total funding allocated in 2003 to the community development programme was almost €20.5 million.

The local development social inclusion programme aims to counter disadvantage and to promote equality and social and economic inclusion through the provision of funding and support to area partnerships, community groups and employment pacts that adopt a partnership approach to tackling local issues. Funding of €42.144 is provided for the programme in my Department's Vote in 2004, of which nearly €30 million was allocated under to area partnerships this year.

#### **Departmental Programmes.**

39. **Mr. R. Bruton** asked the Minister for Community, Rural and Gaeltacht Affairs his Department's proposals to create new mechanisms to distribute RAPID funding to small scale proposals and projects; the way in which such mechanisms will operate on the ground at local level; when he expects these mechanisms to be introduced; and if he will make a statement on the matter. [16660/04]

43. **Mr. Crowe** asked the Minister for Community, Rural and Gaeltacht Affairs the way in which the dedicated fund of €4.5 million dedicated capital funding assigned for localised actions in RAPID areas has been spent to date in 2004. [16776/04]

74. **Mr. R. Bruton** asked the Minister for Community, Rural and Gaeltacht Affairs if additional funding programmes funded as part of the RAPID programme, are envisaged by his Department; and the nature of these programmes. [16661/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I propose to take Questions Nos. 39, 43 and 74 together.

As the Deputies will be aware, I have stated previously that there are many small-scale proposals from RAPID plans that could be dealt with more effectively at local level rather than being sent unnecessarily to Departments for consideration. In light of this, I have introduced a new delivery mechanism supported by a dedicated fund of €4.5 million in 2004, to progress

these proposals. These proposals will be co-funded by the relevant department or local agency under a number of categories, with broad levels of funding agreed at national level.

I have already announced details of a local authority housing estate enhancement scheme. A total of €2 million is being provided and this scheme will be operated by local authorities. It will be funded on a euro for euro basis, with €1 million from my Department and €1 million from the local authorities through the Department of Environment, Heritage and Local Government. Local authorities and area implementation teams were notified of their allocations and terms and conditions of the scheme on 20 April last. Projects will now be selected by the local authorities in consultation with the area implementation teams.

Funding of €3 million is being provided to support the development of playgrounds in RAPID areas. A sum of €1.5 million is being provided by my Department and a further €1.5 million has been made available by the Department of Health and Children. The aim of this scheme is to provide funding for new playgrounds or for the refurbishment of existing playgrounds in RAPID areas. The details of the operation of this scheme are almost finalised and will be announced shortly. It is proposed that an allocation of funding will be made to each area and that the local authority, in consultation with the relevant area implementation team, will select the projects to be supported.

I also intend to allocate top-up funding to successful projects from RAPID areas under the sports capital programme and €1.5 million had been set aside for this purpose. The Department of Arts, Sports and Tourism has announced the allocations under the programme and I will shortly consider top-up funding to successful projects from RAPID areas. Other measures to be co-funded are also under consideration.

#### **Decentralisation Programme.**

40. **Mr. Stanton** asked the Minister for Community, Rural and Gaeltacht Affairs the position in relation to the decentralisation of ADM staff to Clifden in view of the fact that over 60% of staff surveyed expressed an unwillingness to decentralise. [16651/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I assume that the Deputy is referring to an informal survey conducted by ADM at the start of the decentralisation process before the central applications facility, CAF, was launched. As decentralisation is a voluntary process, it will be open to ADM staff, as it is to all civil and public servants, to make expressions of interest through the CAF in respect of any of the decentralising locations, including Clifden. I understand that the Civil Ser-

vice Commission will be reporting on progress on this process to the Decentralisation Implementation Committee during July.

### Rural Development Fund.

41. **Mr. Deenihan** asked the Minister for Community, Rural and Gaeltacht Affairs the work programme for the rural development fund in 2004; the breakdown of the funding allocations

2004

	€
Foscadh Community Development (Note: €66,000 relating to 2003 not yet claimed plus €73,000 approved funding for 2004)	139,000
Inishowen Rural Development Company Ltd. (extension granted in December 2003 for 2004)	40,000
Inishowen Partnership Ltd.	14,220
Sneem, Castlecove, Caherdaniel IRD	27,975
Western Development Tourism Programme	65,740
Galway East Tourism Marketing	29,261
South Kerry Tourism	15,638
The Countryside Council	40,000
Laois Rural Employment Partnership	87,000
Small Food Producers Co-ordinator	40,000
Rural Development Forum	8,000
Total	506,834

### Legislative Programme.

42. **Mr. J. O'Keeffe** asked the Minister for Community, Rural and Gaeltacht Affairs the action he will take in view of the fact that the consultation period on charities legislation closed on 28 May 2004; and if and when he expects publication of new legislation to reform the law on charities. [16659/04]

44. **Ms O'Sullivan** asked the Minister for Community, Rural and Gaeltacht Affairs the number of public submissions he has received in relation to reform of the charities legislation; the timeframe within which he expects to see the legislation changed; and if he will make a statement on the matter. [16792/04]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** I propose to take Questions Nos. 42 and 44 together.

In response to a similar question today from Deputy Cuffe, I indicated that the deadline for the public consultation to regulate charities, expired on 28 May 2004 and stated that, within the deadline, my Department had received 75 submissions and that a list of those who responded could be viewed on the dedicated charities regulation web page of my Department's website, [www.pobail.ie](http://www.pobail.ie).

I invite Deputies to visit this web page. The main steps to be taken, in moving forward with concrete action, are to be found on the web page, for which the URL is <http://pobail/en/>

for 2004; and if he will make a statement on the matter. [16671/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The provision in the Estimates for my Department this year for the rural development fund is €950,000. The purpose of the fund is to support research, evaluations and pilot actions in rural areas. As this stage in 2004 commitments to projects and activities are as follows:

*Charities Regulation.* This page includes, under response to public consultation, the information sought about the number of submissions received and, under press releases, information on the expected timeframe for publication of the proposed charities regulation Bill — the current best estimate being end 2005.

*Question No. 43 answered with Question No. 39.*

*Question No. 44 answered with Question No. 42.*

### Irish Language.

45. **Mr. McCormack** asked the Minister for Community, Rural and Gaeltacht Affairs the findings from a review of the language assistants scheme; the changes that will result in the scheme in 2004/2005 as a result of this review; and if he will make a statement on the matter. [16668/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The scheme referred to in the Deputy's question, Scéim na gCúntóirí Teanga, was established on a pilot basis for a three year period in 1999. It was specifically targeted at students with little or no knowledge of Irish who were moving into Gaeltacht areas. The objective was to bring such students to a standard whereby they would be able to follow the curriculum in Gaeltacht schools and to converse with other students through Irish. Local native speakers were recruited for the purposes of the scheme

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and my Department provided grant assistance to the organisations administering the scheme at local level in the various Gaeltacht regions.

An independent review of the scheme was carried out in 2003. Following discussions with the Department of Education and Science, a working group comprising representatives of both Departments and the local organisations was established to study the recommendations of the report. I have now examined the findings of the working group and have approved the changes necessary to establish the scheme on a permanent basis and to help ensure that it can operate more effectively in the future.

The revised scheme is scheduled to commence from the beginning of the next school year. A copy of the review and the guidelines pertaining to the new scheme have already been forwarded to the Deputy for his information.

### Housing Grants.

46. D'fhiafraigh **Mr. McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an ndéanfaidh sé ráiteas faoi dheontais tithé Gaeltachta i mbliana agus cén fáth go bhfuil laghdú ar an méid airgid i mbliana. [16644/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Níl aon athrú ar na rátaí deontais faoi Acht na dTithé Gaeltachta.

Bhí an soláthar céanna sna Meastacháin le haghaidh deontais tithíochta sa Ghaeltacht i 2003 agus atá i 2004. Is amhlaidh a deineadh breis oibre tithíochta sa Ghaeltacht i rith 2003 ná mar a bhíodhas ag súil leis. Bhí áthas orm go raibh ar mo chumas na deontais cuí a fóc i leith na hoibre bhreise sin, rud a chiallaigh go raibh an caiteachas ag deireadh 2003 níos airde ná an soláthar a bhí curtha ar fáil sna Meastacháin. Tá mé sásta go bhfuil go leor airgid sna Meastacháin do 2004 le freastal ar na héilimh a bhfuiltear ag súil leis ar dheontais tithíochta i rith na bliana reatha.

### Foras na Gaeilge.

47. D'fhiafraigh **Mr. O'Dowd** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an ndéanfaidh sé ráiteas faoin dul chun cinn atá déanta ag Foras na Gaeilge. [16642/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Is í aidhm Fhoras na Gaeilge ná an Ghaeilge a chur chun cinn ar fud oileán na hÉireann. Bunaíodh Foras na Gaeilge ar 2 Nollaig 1999 faoi Chaomhaontú Bhéal Feirste/Aoine an Chéasta. Tugadh na cúraimí a bhí ag Bord na Gaeilge ag an am sin don bhforas agus, chomh maith le sin, tugadh réimse leathan feidhmeanna dó chun cur lena h-éifeacht i gcur chun cinn na Gaeilge — mar shampla, i gcúrsaí oideachais. Tugadh na feidhmeanna a bhí ag an nGúm maidir le foilsitheoireacht agus ag an gCoiste Téarmaíochta maidir le forbairt téarmaíochta don bhForas chomh maith. Faigheann Foras na Gaeilge comh-mhaoiniú ó mo Roinn féin agus ón

Roinn Cultúir, Ealaíon agus Fóillíochta ó Thuaidh.

Tá clár oibre leathan ar siúl ag Foras na Gaeilge d'fhonn an Ghaeilge a chur chun cinn ar fud oileán na hÉireann. Ina measc sin, tugann Foras na Gaeilge bun-mhaoiniú do 15 eagrais Gaeilge agus maoinítear raon leathan mór-thograí agus mion-thograí ar fud an oileáin freisin. Ina theannta sin, tá an Foras i mbun Thionscadal an Fhoclóra nua Béarla-Gaeilge. Tá láithreán greasáin nua á bhunú ag Foras na Gaeilge, www.gaeilge.ie, a bheidh mar phointe teagmhála agus mar fhoinse eolais don saol mór maidir leis an teanga.

Tuigim ón bhforas go bhfuil páirtnéireacht fhiúntach ag feidhmiú anois idir an Foras, na húdaráis áitiúla, eagrais sna réimsí craolacháin, An Roinn Comhshaoil, Oidhreacht agus Rialtais Áitiúil agus eagrais sa saol gnó. Molaim é sin agus tá súil agam go mbeidh tuilleadh comhpháirtíochta idir an Foras agus eagrais eile amach anseo ar mhaithe leis an nGaeilge a chur chun cinn.

Tá dlús á chur i láthair na huair le comhoibriú idir Foras na Gaeilge agus mo Roinnse maidir le feidhmiú Acht na dTeangacha Oifigiúla ach go háirithe agus táim ag súil go mbeidh an foras ag díriú ar seo mar cheann dá phríomh-thosaíochtaí sa tréimhse atá romhainn.

Le tamall de mhíonna anuas, tá eochair-phostanna áirithe á líonadh ag an bhForas, go hairithe sa réimse corporáide agus airgeadais, agus beidh mo Roinn féin agus an Roinn Cultúir, Ealaíon agus Fóillíochta ó Thuaidh ag obair go gníomhach leis an bhforas d'fhonn cur lena hacmhainn agus lena héifeachtúlacht amach anseo.

### Departmental Staff.

48. D'fhiafraigh **Mr. M. Higgins** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an mó post nua a cuireadh ar bun ó thús na bliana le cabhair Údarás na Gaeltachta agus an mó post a cailleadh. [16806/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Tuigim ó Údarás na Gaeltachta go ndéantar suirbhé iomlán bliantúil ar fhostaíocht i ngnóthaí ar tugadh cúnamh dóibh i dtreo dheireadh gach bliana. Foilsítear an t-eolas seo mar chuid de ráiteas an Údaráis ar obair na bliana.

### Community Development.

49. D'fhiafraigh **Mr. Kenny** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an ndéanfaidh sé ráiteas faoin bhforbairt atá á déanamh aige i mbliana i gceantair Ghaeltachta maidir le hallaí pobail agus Coláistí Gaeilge. [16645/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Faoi scéimeann feabhsúcháin mo Roinne sa Ghaeltacht is féidir deontas nach mó ná 80% den chostas — nach mó ná 50% i gcás coláistí samhraidh — a cheadú do choistí áitiúla aitheanta a dhéanann iarratas chun ionaid

pobail chomh maith le troscán agus trealamh a sholáthar i gceantair Gaeltachta.

Déantar measúnú ar iarratais de réir na gcritéir seo a leanas: riachtanas na hoibre; neart na Gaeilge sa cheantar; áiseanna eile atá ar fáil sa gceantar; éifeacht an choiste go ginearálta, chomh maith lena bpleananna don todhchaí chun an Ghaeilge a neartú agus a bhuanú sa cheantar; daonra an cheantair; an méid airgid a cruinníodh go h-áitiúil don togra; an maoiniú atá ag mo Roinn i gcomhar na scéime; agus moltaí fhoireann seachtarach mo Roinne.

I gceantair CLÁR sa Ghaeltacht bíonn 20% níos mó — suas go 80% san iomlán — le fáil faoi na scéimeanna seo. Soláthar €2,500,000 atá ar fáil do na scéimeanna seo i 2004 agus go dtí seo i mbliana tá deontais de mhéid €372,900 san iomlán ceadaithe agam i leith tograí éagsúla den chinéal seo sa Ghaeltacht.

### Western Development Commission.

50. **Mr. P. Breen** asked the Minister for Community, Rural and Gaeltacht Affairs if he will make a statement on the progress by the Western Development Commission. [16648/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The Western Development Commission was established on 1 February 1999 under the Western Development Commission Act 1998. The commission had previously operated on a non-statutory basis from 1 January 1997. The functions of the commission are to promote, foster and encourage economic and social development in the western region, defined as the seven western counties of Donegal, Leitrim, Sligo, Mayo, Roscommon, Galway and Clare. Its activities involve policy analysis and development, undertaking key regional initiatives and management of the western investment fund.

I laid the annual report of the commission for 2003 before the Houses of the Oireachtas on 18 May last. Among the commission's activities recorded for 2003 was the publication in December of Jobs for Towns — Small and Medium Sized Towns on Radial Routes in the Western Region, a report on inward investment, both public and private sector, in the smaller towns in the region. The report also sets out the commission's participation on the steering group of the western development tourism programme continued. As part of this the commission launched Ireland's first ecotourism initiative — The Green Box — in 2003. The commission also contributed to the development of the first western inter-regional tourism brochure.

Other issues focused on during 2003 by the commission included: telecoms; transport — roads and rail; energy — electricity, gas and renewable energy; and organic agri-food production.

The western investment fund is a unique funding mechanism for the region operated by the commission. It provides risk capital, by the way of loans and equity, but not grant aid which is

prohibited under the Act, on a commercial basis. The commission approved 27 investments amounting to €5.7 million during the year. In total, projects approved or disbursed up to the end of 2003 have the potential to create or sustain more than 770 jobs.

*Question No. 51 answered with Question No. 18.*

### Departmental Bodies.

52. **Mr. Boyle** asked the Minister for Community, Rural and Gaeltacht Affairs the inquiries he has made on the efficacy of Údarás na Gaeltachta directors establishing a private company that conducts business with Údarás. [16830/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I have already outlined to the Deputy the position in regard to companies established by Údarás na Gaeltachta whose directors are officials of Údarás in my replies to Questions Nos. 134 and 407 of the 27 April and 11 May 2004, respectively.

More generally, members and officials of Údarás na Gaeltachta must fulfil their duties in accordance with the provisions of the legislation governing the organisation and the principles set out in the code of practice for the governance of State bodies. In addition, members and senior officials are subject to the provisions of the Ethics in Public Office Act 1995. The provisions of the Standards in Public Office Act 2001 also apply.

In accordance with its own internal procedures, it is incumbent on members and officials of Údarás to disassociate themselves from the decision-making process in any case where external business interests to which they are connected might influence the outcome. I am not aware of any instance which would indicate non-compliance with these procedures. However, if the Deputy has concerns about any particular case, I will be glad to make further inquiries in the matter and to assist in any way I can.

### Community Development.

53. **Mr. Penrose** asked the Minister for Community, Rural and Gaeltacht Affairs if he has satisfied himself that the new endorsement process that community development projects must undertake with their local social inclusion measures committees is achieving its goal of creating greater coherence at local level; if his attention has been drawn to the reservations from some CDPs that this process creates excess work for overworked staff; his views on whether the process is generally effective; and if he will make a statement on the matter. [16793/04]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** Arising from the review of structures employed in the delivery of local and community development programmes, responsibility was given to city and county development boards,

[Mr. N. Ahern.]

CDBs, for the endorsement of plans by community and local development agencies.

This requirement promotes an integrated approach to service provision at local and community level. It makes sense that the work in which local communities are engaged should inform the development of city and county strategic plans and *vice versa*. In many regions across the country, this simply puts a formal structure on already established links. For others, this represents an opportunity to forge beneficial connections with the broader policy arena. The objective is to enable the CDBs build up a picture of the range of services, activities and priorities of the various community and local development bodies within each of their areas. In this way, improved coherence of the delivery of services and more effective use of resources to the benefit of local communities can be pursued.

I am aware that those involved in some community development projects, CDPs, have expressed reservations regarding the process. Such reservations are perhaps to be expected in the initial stages of any new process. It is the Government's expressed intention that respect for the work carried out by those in all projects and agencies should characterise the endorsement process. Given that the process is new for all concerned, its operation will continue to be examined throughout the country with a view to improvement, where appropriate. However, I am satisfied that the long-term benefits of this process to local communities, as already outlined, will justify the requisite input and co-operation of relevant community groups, including CDPs.

#### Insurance Costs.

54. **Mr. Hogan** asked the Minister for Community, Rural and Gaeltacht Affairs the proposals he has to assist the community and voluntary sector in the provision of low cost insurance; his specific response to the present insurance campaign by the Wheel organisation; and if he will make a statement on the matter. [16641/04]

211. **Mr. Boyle** asked the Minister for Community, Rural and Gaeltacht Affairs the representations he has made to the Department of Enterprise, Trade and Employment on the continuing high burden of public liability insurance costs to community and voluntary organisations. [17145/04]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** I propose to take Questions Nos. 54 and 211 together.

Responsibility for insurance reform lies with the Minister for Enterprise, Trade and Employment and I have no function in that regard. The difficulties caused by high insurance premiums for all sectors, including community and voluntary groups, are of concern to the Government. An Agreed Programme for Government includes

a commitment to tackling the high cost of insurance and it is the Government's firm intention to implement the necessary measures indicated therein.

The Government's insurance reform programme announced in October 2002 comprises a comprehensive set of interrelated initiatives designed to improve the functioning of the Irish insurance market. A ministerial committee has been established, chaired by the Tánaiste, to drive the co-ordinated implementation of the reform programme across the relevant Departments and other bodies concerned. I am confident that these reforms will succeed in reducing insurance costs for all sectors.

*Question No. 55 answered with Question No. 31.*

#### Irish Language.

56. D'fhiafraigh **Mr. O'Shea** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil aon staidéar déanta aige ar na figiúirí a bhí i nDaonáireamh 2002 i leith úsáid na Gaeilge. [16783/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Dírím aird an Teachta ar an bhfreagra a thug mé ar Cheist Uimhir 70 den 27 Samhain 2003, Uimhir 527 den 7 Deireadh Fómhair, agus Uimhir 106 den 27 Aibreán 2004.

Faoi mar a bhí curtha in iúl cheana féin, is léir ó fhiigiúirí an Daonáirimh go bhfuil idir ábhar dóchais agus foláirimh iontu maidir le húsáid na Gaeilge. Is léir go bhfuil íslíú beag tagtha ar líon na nGaeilgeoirí laethúla lasmuigh agus taobh istigh den Ghaeltacht — ach is tuar dóchais, ag an am céanna, an t-árdú ar líon na nGaelgóirí ar fud na tíre a bhfuil sé ar a gcumas Gaeilge a labhairt.

Tá infheistíocht suntasach déanta ag mo Roinnse i mbuanú na Gaeilge sa Ghaeltacht agus tá sé tábhachtach go bhfuil torthaí na hinfeistíochta sin le feiceáil sna figiúirí is deireanaí. Tá Acht na dTeangacha Oifigiúla ina dhlí anois agus príomhchuspóir aige seirbhísí phoiblí a shóláthar i nGaeilge ar chaighdeán níos aired. Faoi mar a dúirt mé cheana, beidh sé mar aidhm lárnach agam i gcónaí spreagadh agus tacaíocht a chur ar fáil chun cur leis an méid daoine a bhfuil agus deis acu an Ghaeilge a úsáid ar bhonn laethúil.

57. D'fhiafraigh **Mr. Kenny** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an ndéanfaidh sé ráiteas faoin dul chun cinn atá déanta ag Bord na Leabhar Gaeilge. [16646/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Is as Ciste na Gaeilge (a airgeadaítear ó fháltais an Chranncur Náisiúnta) a dhéanann mo Roinn maoiniú ar Bhord na Leabhar Gaeilge. I 2004, tá sé socraithe agam deontas €950,000 a chur ar fáil don Bhord chun leas na Gaeilge a chur chun cinn sna hime-

achtaí a bhíonn ar siúl ag an eagrais i rith na bliana.

Is í aidhm Bhord na Leabhar Gaeilge tacú le scríbhneoirí agus foilsitheoirí chun ábhar léitheoireachta ar ardchaighdeán i nGaeilge a chur ar fáil a chuireann le suim an phobail sa léitheoireacht Ghaeilge. Tugann an Bord aghaidh ar an gcúram seo go príomha trí mhaoiniú a dhéanamh ar scéimeanna tacaíochta do chomhlachtaí foilsitheoireachta agus do scríbhneoirí a fhreastalaíonn ar riachtanais na léitheoirí Gaeilge.

Caitear formhór an bhuiséid bhliantúil ar tháirgeadh leabhar sna réimsí éagsúla litríochta do léitheoirí na Gaeilge trí Scéim na bhFoilseachán. Bíonn éileamh mór ar an scéim seo agus foilsítear thart ar ochtó — 80 — leabhar Gaeilge gach bliain le cabhair ón mBord faoin scéim sin.

Is é an tionscadal is déanaí atá bunaithe ag an mBord ná Léigh Leat! — scéim margaíochta chun leabhair do dhaoine óga a chur ar fáil agus a dhíol i mbunscoileanna timpeall na tíre. Cé go ndíríodh ar Ghaelscoileanna agus scoileanna Gaeltachta go príomha go dtí seo, tá sé beartaithe go mbunófaí leagan den scéim sna scoileanna eile sa todhchaí. Spreagtar daoine óga chun tabhairt faoi leabhar Gaeilge mar a thabharfaidís faoi leabhar ar bith i mBéarla agus tairbhe a bhaint as a gcuid scoileanna liteartha a fhorbairt. Tríd an scéim, tá cur amach faighte ag daoine óga agus ag a dtuismitheoirí agus múinteoirí ar an réimse leathan d'ábhar léitheoireachta atá ar fáil don aos óg. Tá an Bord sásta go mbeidh tionchar nach beag ag an scéim seo ar fhorbairt na léitheoireachta Gaeilge, agus dá bhrí sin ar fhorbairt na foilsitheoireachta Gaeilge, san aimsir amach romhainn.

Tionscnaíodh roinnt scéimeanna chun scríbhneoirí na Gaeilge a spreagadh agus tá trí scéim éagsúla á n-eagrú ag an mBord faoi láthair chuige sin, mar a leanas: Scéim na nOidí. Deis a thabhairt d'ábhair scríbhneora comhairle faoina gcuid scríbhinní, agus faoi cheird na scríbhneoireachta i gcoitinne, a fháil ó scríbhneoirí aitheanta — oidí — is bunús leis an scéim seo. Reachtaítear scéim printíseachtaí idir oide agus ábhar scríbhneora, fearacht printíseachta ceirde, ar mhaithe le struchtúr foirmeálta tacaíochta a bhunú d'ábhair scríbhneora le go bhfaigheadh sé/sí treoir chun saothar cruthaitheach atá idir lámha a thabhairt i gcrích.

Scéim na gCoimisiún. Is é aidhm na scéime seo ná ciste coimisiúnaithe a dháileadh i measc lucht liteartha na Gaeilge sa chaoi is go gcinnteofar soláthar sásúil sna réimsí éagsúla léitheoireachta.

Scéim na Scoláireachtaí Taighde. Scoláireachtaí taighde a roinnt ar scríbhneoirí cruthaitheacha go príomha atá i gceist anseo. Déantar na scoláireachtaí seo a dháileadh i measc scríbhneoirí a bhainfeadh leas as deontais taighde chun cur lena n-inniúlacht chruthaitheach agus lena n-eispéireas liteartha.

### Irish Language.

58. **Mr. Deenihan** asked the Minister for Community, Rural and Gaeltacht Affairs his views on whether the current stipulation that 20% of all Údarás grants must be spent on projects in which

the use of Irish language as the principal means of communication is central to their activities is sufficient in successfully promoting and protecting the Irish language in Gaeltacht areas; if he has plans to increase this grant ratio; and if he will make a statement on the matter. [16670/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** As the Deputy is aware, in 2003 I introduced the stipulation that 20% of the capital budget of Údarás na Gaeltachta should be allocated to the development of ventures and enterprises that have a clearly defined Irish language focus. I have also agreed with Údarás that this policy should continue to apply in 2004. I understand from Údarás na Gaeltachta that expenditure in 2003 on capital projects which were Irish language based was of the order of €5 million. In addition, it should be noted that I have approved a total allocation of €3.5 million in 2004 for current expenditure by Údarás on language development activities. This is an increase of €1 million on the 2003 allocation. I am satisfied that these measures, in addition to my own Department's increased expenditure on Irish language schemes and initiatives, represents a substantial and sustained investment in maintaining and strengthening the Irish language in the Gaeltacht.

### Access to Land.

59. **Mr. Gogarty** asked the Minister for Community, Rural and Gaeltacht Affairs the position regarding the ongoing dispute regarding access to land and farmers' rights, which is affecting tourism. [15343/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I established Comhairle na Tuaithe in February 2004 with the following aims: to ensure that all those with an interest and concern in the sustainable development and proper management of the recreational amenities of the countryside are fully consulted on their future management; to develop and update, as necessary, a national countryside recreation strategy; to ensure that all means necessary are used to resolve conflicts that arise in relation to access issues and responsible enjoyment of the countryside; to raise awareness of the benefits to and responsibilities of recreational use of the countryside and to carry out research and training on related issues; to ensure that adequate funding is made available to allow the organisation to achieve these aims and to examine the benefits and management of increased leisure use. A number of working groups are being established to progress individual components of these aims including the development of a countryside code, the examination of the issues surrounding access and work on the development of a countryside recreation strategy. These working groups will consider the impact on tourism in their deliberations. To date, the membership of Comhairle na Tuaithe consisting of representatives from the farming organisations, recreational users of the countryside and state bodies with an interest in the countryside have approached their work in



[Éamon Ó Cuív.] spirit of co-operation. Against the background of these developments, I hope the matter referred to by the Deputy can be appropriately addressed. Approximately €40,000 has also been made available by my Department to employ a research and development officer and an appointment will be made shortly.

#### Northern Ireland Issues.

60. **Ms Burton** asked the Minister for Community, Rural and Gaeltacht Affairs his views on the recent resignation of the chairman of the Ulster-Scots Agency; if he has addressed the former chairman's claims that the British and Irish Governments were discriminating against the body; and if he will make a statement on the matter. [16785/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** In a joint statement issued on the resignation of the chairman of the Ulster-Scots Agency on 23 April 2004, both Minister Angela Smith MP, and I, as Ministers with co-responsibility for the North-South Language Body, expressed our regret at his resignation. We acknowledged that as chairman of the Ulster-Scots Agency he had provided leadership and encouraged interest in the language. We assured the Ulster-Scots Agency and the wider Ulster Scots community that we would continue to play a full role in helping to promote the Ulster Scots culture and language, in line with the commitment given in the Good Friday Agreement.

I do not accept that there was discrimination against the agency. Decisions relating to the agency are agreed jointly between the two sponsor Departments — the Department of Culture, Arts and Leisure in the North and my Department in the South — following appropriate consultation with the agency and North-South ministerial review. Decisions on funding issues also involve the Department of Finance and Personnel in the North and the Department of Finance in the South. Recent funding decisions have been made against the background of the North-South bodies being in care-and-maintenance mode since the suspension of the Assembly.

#### Arts Funding.

61. D'fhiafraigh **Mr. Sargent** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an ndéanfaidh sé cur síos ar a phlean chun eagrais neamhspleách a bhunú le cláir phopcheoil i nGaeilge a chur ar fáil. [16839/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Ba mhaith liom a rá ar dtús gur ar an Aire Cumarsáide, Mara agus Acmhainní Náidúrtha atá an cúram faoin gceist ghinearálta maidir lena leithéid de sheirbhís a bhunú ar bhonn náisiúnta. Tháinig an cheist seo chun tosaigh ar dtús i gcomhthéacs Thuarascáil Choimisiún na Gaeltachta agus rinneadh plé ar an ábhar ag an gCoiste Comhairleach a bhunaigh mé chun comhairle a chur orm maidir le cur i

bhfeidhm mholtaí an Choimisiún. Bhí comhráití neamhfhoirmeálta le Coimisiún Craolacháin na hÉireann freisin. Ba léir, de thoradh na gcomhráití sin, go mba ghá an cheist uile a scrúdú go cúramach sula ndéanfaí cinneadh faoin a leithéid de sheirbhís a bhunú. Is mian liom a dhearbhu, áfach, go mbeidh mo Roinn sásta comhoibriú feadh a cumais leis na páirtithe uile ó thaobh sheirbhís shásúil raidió a bheith ar fáil i nGaeilge don aos óg.

*Question No. 62 answered with Question No. 29.*

#### Community Development.

63. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the extent to which he proposes to assist community groups in high population urban settings; and if he will make a statement on the matter. [16796/04]

200. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the extent to which he or his Department have examined methods by which support and assistance can be offered to community groups in urban areas; and if he will make a statement on the matter. [17063/04]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** I propose to take Question Nos. 63 and 200 together.

My Department provides assistance of the nature referred to by the Deputy under a number of programme headings. My Department provides local self-help and community development initiatives targeted at disadvantaged communities in both rural and urban areas nationwide, in recognition of the role that voluntary groups have in facilitating local communities to address the problems facing them. On an ongoing basis, my Department supports some 170 locally-based projects nationwide which are involved in anti-poverty and social exclusion. This support is provided by way of core funding through the community development programme. Some €20.6 million will be spent on the programme in 2004. A further 15 project start-ups are scheduled for 2004. These will be located in specifically targeted disadvantaged areas. In addition, funding is provided to six regional support agencies whose role is the provision of advice and guidance to projects on matters of best practice in relation to employment guidelines, company law, etc.

My Department also provides once-off funding by way of a programme of grants to voluntary and community groups that focus on tackling poverty and disadvantage and enhancing community development in both rural and urban areas. Under this scheme, funding is provided for training, education or research initiatives and for refurbishment of premises or the purchase of equipment. The proposed allocation in 2004 is €2.7 million.

There is provision of €42.144 million in my Department's vote this year for the local develop-

ment social inclusion programme, LDSIP, which aims to promote equality and social inclusion. Funding is allocated to 73 groups including partnerships, community groups and territorial employment pacts to deliver the programme under three measures. These are in the areas of services for the unemployed, community-based youth initiatives and community development. Many of the groups in receipt of funding support urban communities. The RAPID programme aims to ensure that priority attention is given to tackling the spatial concentration of poverty and social exclusion within the 45 designated RAPID areas through targeting State resources available under the national development plan. The programme supports communities in 25 urban areas and 20 provincial towns around the country. Area Development Management Limited provides ongoing support to groups funded under LDSIP and RAPID area implementation teams.

Substantial support and funding is also provided by my Department to local drugs task forces which compromise community groups and other interests in urban areas. Overall €26.75 million is being provided in my Department's 2004 Estimate to support drugs programmes.

#### EU Presidency.

64. **Mr. Eamon Ryan** asked the Minister for Community, Rural and Gaeltacht Affairs his views on whether, in view of a recent EU conference in Galway, the disparities between richer and poorer EU member states can be bridged. [16837/04]

67. **Mr. Costello** asked the Minister for Community, Rural and Gaeltacht Affairs if he will expand on his recent comments to the EU conference on territorial cohesion, A New Partnership for Cohesion, organised by his Department, that the disparities between and within richer and poorer EU member states must be eliminated if real territorial cohesion is to be achieved; the extent to which the development of regions here is affected by poor economic and social infrastructure, particularly in islands, mountainous areas, and sparsely populated areas; and if he will make a statement on the matter. [16787/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I propose to take Questions Nos. 64 and 67 together.

Given the right policies, the disparities between richer and poorer member states can be bridged. Responsibility for regional policy matters in Ireland is a matter in the first instance for my colleague, the Minister for Finance, Deputy McCreevy. However, I am replying on the basis that the Deputies have framed their questions in the context of the recent EU Presidency conference on territorial cohesion, which was organised in the Connemara Gaeltacht by my own Department in co-operation with the Directorate General for Regional Policy of the European Commission.

The primary objective of the conference was to advance the debate on the territorial cohesion concept and on strategies for sustainable development in an enlarged European Union in the wake of the publication of the third report on economic cohesion by the European Commission last February. The conference affirmed a number of important issues which will be set out in the conference report and will receive further consideration as this agenda advances. These include the huge potential of islands, mountains and sparsely populated areas of the EU despite their acknowledged territorial constraints; the importance of subsidiarity and the role and responsibility of national governments in this regard; the need for complementarity between the various sectoral policy measures, particularly in regard to rural development and state aids; the desirability of appropriate governance structures to secure and implement policy, including the involvement of partnerships and networks to shape and advance this agenda; the need for policies to address urban and rural connectivities and requirements; and the way in which future programme arrangements will affect existing regions, especially those with Objective One status.

The debate is likely to continue for some time and is not likely to conclude until 2005. Intense and detailed negotiation at Council level will take place before final agreement at the European Council. The European Parliament will also have to approve the final package.

#### National Drugs Strategy.

65. **Mr. Coveney** asked the Minister for Community, Rural and Gaeltacht Affairs the outcome of his recent meetings with the local drug task forces; if the representatives he met have satisfied themselves with the progress of the national drugs strategy; the measures the local drug task forces wish to see him take to tackle drugs in the community; and if he will make a statement on the matter. [16656/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** In the course of my work as Minister of State with responsibility for the national drugs strategy, I meet members of the local drugs task forces, LDTFs, on a regular and on-going basis. In recent months I have visited a number of LDTF projects in Dublin and discussed with the different representatives the issues they face on the ground and how their projects are dealing with the drug problem in their areas.

Since 1997, my Department has provided over €150 million to support the work of the LDTFs, the young people's facilities and services fund and the premises initiative. The Deputy should note that as part of the mid-term review of the national drugs strategy which recently got underway, a extensive consultation process is also planned. As part of that process I will be con-

[Mr. N. Ahern.]  
sulting with the LDTFs for their views on the strategy to be taken.

### Departmental Programmes.

66. **Mr. Howlin** asked the Minister for Community, Rural and Gaeltacht Affairs the position with regard to the amount of money available to the Government for the CLÁR programme; and if he will make a statement on the matter. [16788/04]

201. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the steps he has taken to address the issues of rural depopulation; and if he will make a statement on the matter. [17064/04]

202. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the status of the CLÁR programme; and if he will make a statement on the matter. [17065/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I propose to take Question Nos. 66, 201 and 202 together.

I introduced the CLÁR programme in October 2001 to address depopulation as well as the decline and lack of services in rural areas. The Agreed Programme for Government contained a commitment to annual funding for the CLÁR programme and to consider additional areas for inclusion in light of the 2002 population census data. The Government decided on the additional areas for inclusion in the CLÁR programme and I announced these on 17 January 2003. Areas in 18 counties are now included in the programme and there are no plans for any further review of the boundary of CLÁR areas.

CLÁR funds, or co-funds, with other Departments, State agencies and local authorities, investment in selected priority developments. These investments are not made on the basis of plans as referred to by the Deputy, but through a series of measures, over 20 in all, that support physical, economic and social infrastructure such as electricity conversion, roads, water and sewerage, village, housing and schools enhancement, health, broadband and sports and community projects. The measures reflect the priorities identified by the communities in the selected areas whom I consulted at the start of the programme. The projects under each measure are generally selected or recommended by the relevant Departments, State agencies, Leader groups and local authorities in consultation with my Department.

All the 18 CLÁR regions are benefiting under a variety of these measures. It is not possible to details these here, but I will send the Information to the Deputy shortly. The measures were agreed with and are, for the most part, operated in tandem with the lead Departments, State agencies or public utilities, as appropriate. This ensures efficiency and effectiveness and meets the needs of the people in the CLÁR areas. I intend to continue this practice for any new measures I may

introduce, depending on needs identified. Equally, I will keep under review the operation of existing measures.

The merits of this practice are reflected in the successful delivery of the programme. Expenditure amounted to €14.14 million in 2002 and to €8.613 million in 2003 which, it is estimated, secured a further €21 million in related public and private expenditure in those two years into the areas which otherwise would have been bottom of the list for infrastructure investment. The provision in the Estimates for 2004 is €13.49 million, a 57% increase in the 2003 outturn, which will enable the continuation of investment under existing measures of the programme and provide scope for the introduction of such new measures as may be identified during the year. With the ongoing co-operation of other Departments, State agencies and public utilities, CLÁR will continue to deliver on the commitment of supporting rural communities.

My Department's responsibilities also include the rural development aspects of the joint cross border programmes, PEACE, INTERREG Ireland-Northern Ireland and INTERREG Ireland-Wales along with the farm relief services measure of the national development plan. The rural development measures under these programmes aim to foster the economic and social development of rural communities, contribute to the economic growth of rural areas and strengthen the options available to rural communities to live and work in such areas. A total of €43 million is available for rural development activities under these programmes in the period 2000-2006.

*Question No. 67 answered with Question No. 64.*

68. **Mr. Gogarty** asked the Minister for Community, Rural and Gaeltacht Affairs the number of funding announcements he has made since 1 April 2004. [16833/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Between 1 April and 3 June 2004, 50 funding announcements were made. Full details can be accessed at the website [www.pobail.ie](http://www.pobail.ie).

69. **Mr. Allen** asked the Minister for Community, Rural and Gaeltacht Affairs the future work plans and policy objectives of the interdepartmental committee for the islands, the Gaeltacht and the Irish language. [16653/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The interdepartmental committee in question has played an important role in the co-ordination of the provision of State services in the Gaeltacht and to island communities. This work has been carried out mainly through a series of bilateral meetings. As a result, a number of improvements have been made to relevant schemes operated by other Depart-

ments. It is my intention to continue to pursue specific issues of importance to Gaeltacht and island communities, as well as matters concerning the Irish language, through this forum as the need arises, in particular on a bilateral basis with the Ministers and Departments concerned.

### Commission Report.

70. D'fhiafraigh **Mr. Gilmore** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cén dul chun cinn atá déanta i leith teorainn na Gaeltachta a athrú. [16807/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Moladh i dtuarascáil Choimisiún na Gaeltachta go mba chóir staidéar cuimsitheach teangeolaíoch ar an nGaeltacht a thionscnamh. Mar is eol don Teachta, d'fhógair mé ar 31 Eanáir 2004 go raibh conradh chun staidéar ar úsáid na Gaeilge sa Ghaeltacht á bhronnadh ar Acadamh na hOllscolaíochta Gaeilge, Ollscoil na hÉireann, Gaillimh, i gcomhar leis an Institiúid Náisiúnta um Anailís Réigiúnach agus Spásúil, Ollscoil na hÉireann, Má Nuad.

Meastar go dtógfaidh an staidéar, a thosaigh i mí Aibreáin, dhá bhliain go leith le cur i gcrích, rud a fhágann nach mbeidh torthaí críochnúla ar fáil go dtí mí Mheán Fómhair 2006 ar a thúisce. Bainfear úsáid as torthaí an staidéir mar bhunús chun forbairt theangeolaíoch na Gaeltachta mar cheantar labhartha Gaeilge a threisiú agus chun athbhreithniú a dhéanamh ar na limistéir oifigiúla Ghaeltachta, faoi mar a moladh i dTuarascáil an Choimisiúin. Cuirfear aon mholtaí maidir le hathruithe ar na limistéir faoi bhráid an Rialtais in am tráth.

*Question No. 71 answered with Question No. 18.*

### Community Development.

72. **Mr. S. Ryan** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to the Foundation for Investing in Communities' accountability report 2002-2003; his views on whether the report reflects the aims of the foundation to promote business' response to the social challenges of Ireland and create a framework for companies to engage effectively with local communities to foster growth and social inclusion; the efforts his Department is making in this regard; and if he will make a statement on the matter. [16797/04]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** The launch of the accountability report 2000-2003 on 6 April 2004 by Business in the Community Ireland, BITCI, on behalf of the Foundation for Investing in Communities was attended by myself and by a senior official from my Department. BITCI is a leading organisation in Ireland promoting corporate social responsibility. The report is an impressive account of its work in encouraging and developing activity in

the area of corporate social responsibility and in engaging with local communities to that end.

In September last I was pleased to approve a grant of €105,000 over the next three years to BITCI. The grant will assist the organisation in helping the community and voluntary sector enhance its capacity to engage with the corporate sector. The funding will help create an important conduit in facilitating skills transfer from businesses to the community and voluntary sector. My Department's development of CSR in a community and local development context will be facilitated through a range of supports and structures such as partnerships, community development projects and Leader groups. This is an integral element of my Department's strategic objective of assisting communities, especially those suffering disadvantage and social exclusion.

In the social policy agenda adopted in June 2000, the European Commission prioritised corporate social responsibility as part of its strategic goal to become the most competitive and dynamic knowledge-based economy in the world. While the Department of Enterprise, Trade and Employment enjoys lead responsibility for coordinating EU policy in relation to CSR at national level, my Department maintains regular contact with that Department on developments, given the commitment in An Agreed Programme for Government to support initiatives to expand CSR.

### Rural Development.

73. **Mr. Wall** asked the Minister for Community, Rural and Gaeltacht Affairs his Department's priorities in regard to rural development in 2004; and if he will make a statement on the matter. [16802/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The rural development goal of my Department is to promote and maintain living and working populations in rural areas by helping to foster sustainable and culturally vibrant communities there. My priorities in this regard are: strengthening services and infrastructure for rural communities; advancing policy at EU and national level in support of the development of the rural economy; ensuring supports for rural enterprise and research are in place and properly funded; and securing additional income support for those engaged in farming but deriving inadequate income therefrom. To secure these priorities my Department is, or will undertake, the following: implementation of the rural social scheme; implementing the CLÁR and Leader programmes; complete the review of rural enterprise supports and ensure appropriate follow up action; review the rural development fund; convene an autumn meeting of the national rural development forum to review and advance key policy issues; continue cross-Border co-operation in rural development including the continued implementation of the rural development aspects of the INTERREG and PEACE programmes;

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support the Western Development Commission in its work; and lead the rural development co-ordinating committee under the NDP.

I should also mention that my Department organised and managed the EU Presidency conference on rural development which I hosted in Westport earlier this week, as well as a joint Conference with the EU Commission in Galway last week on territorial cohesion.

At EU level, significant proposals are anticipated in relation to rural development policy in the post 2006 period. My Department has, and will continue to be, actively involved in the policy agenda, which will be of key importance for rural communities across the EU in the years ahead.

*Question No. 74 answered with Question No. 39.*

*Questions Nos. 75 and 76 answered with Question No. 14.*

#### **Irish Language.**

77. **Ms Enright** asked the Minister for Community, Rural and Gaeltacht Affairs the progress made by the Irish language advisory committee; if a chairperson has been appointed to this committee; if not, the reason therefor; when this committee will issue its recommendations to him; and if he will make a statement on the matter. [16672/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I announced my intention to establish an Irish language advisory committee in March and subsequently sought nominees to the committee from a range of relevant organisations. A number of these nominations were received only recently and a further nomination is awaited. I would hope to announce the membership of the committee in the near future and I anticipate that the first meeting of the committee will be held in early July. The chair and secretariat of the committee will be provided by my Department.

It is my intention that the committee will report to me on a regular basis and that it will address the following issues: the advisability of preparing a 20 year strategic plan with realistic goals for the Irish language in the State; the short-term strategic priorities for the preservation and the promotion of the Irish language within the State; the priorities regarding the implementation of the Official Languages Act; and the best and most practical ways to achieve progress with regard to the implementation of that work.

#### **National Drugs Strategy.**

78. **Mr. J. O'Keefe** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to the specific proposals that are advocated by the national drugs strategy team to combat cocaine abuse in the community;

and if such interventions will be implemented and funded by his Department as a matter of urgency. [16658/04]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** I am not aware of any specific proposals being advocated by the national drugs strategy team to combat cocaine misuse in communities. The Deputy may wish to note that the team only recently established a sub-group to consider how best the issue of cocaine misuse should be addressed. The sub-group, which comprises members of the statutory, community and voluntary sectors, held its first meeting recently and are examining a number of options. I understand the sub-group hopes to be in a position to make recommendations to the team by late July, after which they will be submitted to my Department for consideration.

#### **Rural Development.**

79. **Mr. Gormley** asked the Minister for Community, Rural and Gaeltacht Affairs the recent interactions he or his Department has had with Franz Fischler, EU Commissioner, on the subject of rural development. [16835/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I met Commissioner Fischler during his visits to Ireland in July 2003 and also at the Salzburg conference on rural development in November 2003. I explained the urgent need to ensure that rural support mechanisms are strengthened to protect the future of farmers unable to make a viable living for their families from farming alone.

At the January 2004 meeting, the start of the Irish Presidency of the EU, I met Commissioner Fischler to outline the priorities of my Department during the Presidency. I emphasised again the need for the Commission proposals concerning a new rural development instrument to provide measures to secure the futures of not only the vital farming sector but also of the wide rural economy which would include both farm and non farm activity. I cited the CLÁR programme as an example of a practical initiative of how small amounts of national funds strategically applied can lever significant amounts of local matching finance and provide vital local services and amenities.

Subsequently, officials of my Department, together with officials from the Department of Agriculture and Food, met the Cabinet of Commissioner Fischler last March. The head of rural development policy in Commissioner Fischler's Cabinet confirmed that community based rural development measures would feature prominently in the new instrument.

This week I met the deputy director of DG Agri of the European Commission at the EU Presidency rural development conference which I hosted in Westport. The Commission representative confirmed that, as community based rural

development programmes such as Leader performed well in the past, such partnership based rural initiatives would be important to the next generation of rural measures. Details of this instrument is expected to be published in July. In addition, the new rural development instrument will have, as one of its three key objectives, the development of the wider rural economy.

*Question No. 80 answered with Question No. 32.*

### Sports Capital Programme.

81. **Mr. O'Dowd** asked the Minister for Community, Rural and Gaeltacht Affairs if, in view of the fact that money has apparently been set aside for the sports capital programme when it will be made available to community groups; and if he will make a statement on the matter. [16664/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Projects under the 2004 sports capital programme were announced on 7 May 2004 by the Minister for Arts, Sport and Tourism. Projects that have been allocated sports capital funding in designated disadvantaged areas will receive additional top-up funding under the CLÁR and RAPID programmes, administered by my Department.

CLÁR provided top-up funding up to 20%, subject to overall public funding not exceeding 80% or the amount sought, to projects that are selected under the sports capital programme. This week I announced CLÁR support for 99 organisations in 15 counties which will benefit from top-up funding of €1.3 million. Details of the funding area available on [www.pobail.ie](http://www.pobail.ie).

The draft press release announcing the grants was prepared in my Department and cleared by the Department of Arts, Sport and Tourism by

Thursday, 27 May 2004, for issuing on Monday evening with an embargo of Thursday, 3 June 2004, to facilitate the local papers. Unfortunately, the embargo was broken by one of the broadcast media, which precipitated a full issue on Tuesday, 1 June 2004.

As regards RAPID, I intend to allocate top-up funding to successful projects from RAPID areas under the sports capital programme and funding of €1.5 million has been set aside for this purpose. I expect to make an announcement on this funding shortly.

### Work Permits.

82. **Mr. Wall** asked the Tánaiste and Minister for Enterprise, Trade and Employment if a person (details supplied) in County Kildare is entitled to work here; and if she will make a statement on the matter. [17132/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** Any employer wishing to employ a non-EEA national requires a work permit in advance. A detailed set of guidelines including special provision for the spouses of some workers is available on my Department's website.

### FÁS Training Programmes.

83. **Mr. R. Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of persons participating in the main FÁS training programmes over each of the years since 1998; and the costs in each year distinguishing the cost of income support to participants from the cost of training provision. [17025/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):** The participation rates and costs in respect of FÁS training programmes are set out in the table.

FÁS training programmes 1998-2003

	Trainee Payments	Other Direct Costs	Total Costs	Throughput
	€ m	€ m	€ m	
2003	169.585	87.661	257.246	44,360
2002	168.536	95.804	264.340	46,778
2001	147.761	90.715	238.476	44,951
2000	110.534	64.384	174.918	39,937
1999	94.302	40.783	135.085	39,762
1998	72.371	32.520	104.891	30,063
Total	763.089	411.867	1,174.956	245,851

#### Notes:

1. Training Programmes = Apprentices, Bridging/Foundation, Community Training Centres, Return to Work, Specific Skills Training/JTS, Traineeship, Community Training, Specialist Training Providers.
2. Trainee Payments = Allowances, Trainee Travel & Subsistence, Foreman Supervisor Costs, Net Canteen Costs
3. Other Direct Costs = Materials, Admin/Course Fees, Workshop Set Up Costs, Other Direct Costs.

### Army Barracks.

84. **Mr. Ring** asked the Minister for Defence the plans for the personnel attached to the Castlebar Military Barracks, Castlebar, County Mayo;

if the present staff will be moved to Galway Barracks; and the position regarding the matter. [17089/04]

**Minister for Defence (Mr. M. Smith):** On 15 January 2003, I approved, in principle, the report

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of the Reserve Defence Forces Review Implementation Board for the implementation of the recommendations of the special steering group on the reserve. The steering group, which I established to undertake a study of the reserve, reported to me in September 1999.

The steering group report proposed the amalgamation of the 18th infantry battalion with the 25th infantry battalion and as a consequence a reduction in the number of companies. I am aware that the general officer commanding the Western Brigade has proposed that the existing battalion headquarters located in Castlebar be replaced with a company headquarters and a rifle company.

As stated in previous statements the process of planning is being carried forward by the military authorities. I have no proposals at present to close any reserve Defence Force facility. However, no final decisions will be made until I have had the opportunity to examine and approve the final amalgamation proposals as a whole.

#### Complaints Procedures.

85. **Mr. O'Dowd** asked the Minister for Defence the position regarding an application for redress of wrongs (details supplied). [17090/04]

**Minister for Defence (Mr. M. Smith):** The application for redress of wrongs in question was submitted to me, under the complaints procedures agreed with the Defence Forces representative associations, for my directions on 5 March 2003 with a specific request from the applicant that the complaint be sent to the complaints inquiry officer, CIO. The position of CIO was vacant at that time and was not filled until 1 April 2004. The CIO is currently examining the complaint and he will, in due course, provide me with his report and recommendations. Having considered the CIO's report and recommendations, I will give my directions on the matter. The matter raised relates to the applicant's service in the PDF and, as set down in General Routine Order 43/1955 paragraph 27 (1), communications regarding such matters must be transmitted through recognised official channels.

#### Genetically Modified Organisms.

86. **Mr. Ferris** asked the Minister for Agriculture and Food if, in view of the impossibility of preventing contamination of conventional crops by genetically modified seed in an island the size of Ireland, he will follow the German Parliament's example by calling for the labelling of genetically modified seeds at detection level. [16985/04]

**Minister for Agriculture and Food (Mr. Walsh):** EU Directive 2001/18/EC obliges member states to develop proposals for a national strategy and best practice to ensure co-existence of GM crops with conventional crops. An inter-

departmental-interagency working group has been set up by the Department of Agriculture and Food to develop such proposals.

The EU Commission has recently put forward a proposal for a decision to establish minimum thresholds above which products that contain adventitious or technically unavoidable traces of GM seeds should be labelled. The Commission advises that the threshold levels set should be scientifically sound, operational, such that they can be met by appropriate management practices, as well as enforceable. In line with the Government's positive but precautionary approach towards GMOs, this new proposal will address the issues raised by the Deputy in an effective and pragmatic way.

#### Grant Payments.

87. **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. [17043/04]

**Minister for Agriculture and Food (Mr. Walsh):** Payment issued to the person named on 20 May 2004.

88. **Mr. N. O'Keeffe** asked the Minister for Agriculture and Food when payment of installation aid will issue to a person (details supplied) in County Cork. [17044/04]

**Minister for Agriculture and Food (Mr. Walsh):** The above-named person is an applicant under the installation aid scheme and submitted an application for payment to my Department on 17 September 2003. However, following an examination of the application, the person concerned appears to have not yet fulfilled the educational requirements set out under the terms and conditions of the scheme. The application will be re-examined when further information is received from the applicant regarding his compliance with the required educational qualifications.

89. **Mr. N. O'Keeffe** asked the Minister for Agriculture and Food if payment will be made to a person (details supplied) in County Cork in respect of arable aid under *force majeure*. [17045/04]

**Minister for Agriculture and Food (Mr. Walsh):** The person named submitted an application form for consideration of *force majeure* or exceptional circumstances on 5 February 2004.

The person named has been requested to forward more detailed medical evidence in order to substantiate his application for *force majeure*. Upon receipt of this information the person named will be informed of my Department's decision as soon as possible.

90. **Mr. P. Breen** asked the Minister for Agriculture and Food when a person (details supplied) in County Clare can expect to receive

forestry premium; and if he will make a statement on the matter. [17084/04]

**Minister for Agriculture and Food (Mr. Walsh):** The forestry premium to the person in question will be paid within the next three weeks.

#### Mayo Landslide.

91. **Mr. Ring** asked the Minister for Agriculture and Food if, in relation to the €100,000 funding for the farming community in north Mayo following the landslides of September 2003, the guidelines which have been drawn up for its distribution; and when application forms will be available for same. [17085/04]

**Minister for Agriculture and Food (Mr. Walsh):** The guidelines for this scheme have been drawn up and application forms have been prepared. However, the scheme requires formal EU approval as a State aid before it can proceed. My Department is maintaining close liaison with the Commission on this and I am very hopeful that approval will be forthcoming shortly.

#### Grant Payments.

92. **Mr. Timmins** asked the Minister for Agriculture and Food the position regarding a person (details supplied) in County Wicklow who applied for area aid but did not include land on which he or she has grazing rights for approximately 150 ewes in the Glen of Imaal; if this can be included for payment; and if the Minister will make a statement on the matter. [17114/04]

**Minister for Agriculture and Food (Mr. Walsh):** Under EU regulations on the administration of the area aid scheme, the final date for receipt of amendments to the 2004 area aid application form was 31 May 2004. No amendment form relating to the person named was received by my Department before that date. Therefore, I regret that the land covered by grazing rights in the Glen of Imaal cannot be added to the 2004 application.

#### Grant Payments.

93. **Mr. Penrose** asked the Minister for Agriculture and Food the reason an application for an oral appeal hearing against a decision by his Department to impose a penalty in respect of a 2003 area aid application has not been granted to persons (details supplied) in County Westmeath to date; if he will take steps to ensure that the said appeal is expedited and notice thereof is furnished to the applicants; and if he will make a statement on the matter. [17144/04]

**Minister for Agriculture and Food (Mr. Walsh):** The agriculture appeals office received this appeal on 2 February 2004. The case had not been through the internal review stage within my Department so the agriculture appeals office forwarded the correspondence to the Department for review. The Department carried out the

review and the decision remained unchanged. The Department file was received in the agriculture appeals office on 19 May 2004 and the appeal was assigned to an appeals officer on the same date. The appeals office will contact the appellants shortly to arrange the oral hearing that they requested.

#### Banking Sector Regulation.

94. **Mr. O'Connor** asked the Minister for Finance his proposals to restore the confidence of the public in the banking system here following recent revelations which have clearly shaken confidence; if his attention has been drawn to the demand for action in the matter; and if he will make a statement on the matter. [16990/04]

**Minister for Finance (Mr. McCreevy):** There can be no doubt that the recent revelations in the banking sector have been of a serious nature. It is essential that the correct culture of honesty and integrity permeate at all levels in our banks and financial institutions. The lead in this regard must be taken by senior management.

The role of the Government in such situations is to provide robust legislation that allows any discrepancies to be fully investigated. Through the enactment of the Central Bank and Financial Services Authority of Ireland Act 2003, the Government established the Irish Financial Services Regulatory Authority or IFSRA. IFSRA is now the competent authority in this area and is conducting investigations into these issues, in some cases for many months prior to the revelations becoming public. The legislation allows IFSRA to investigate these matters independently, while liaising with other relevant authorities, such as the Revenue Commissioners.

In addition, further legislation, the Central Bank and Financial Services Authority of Ireland Bill 2003, yesterday completed Report Stage in the Dáil. This Bill complements the Act passed last year and will further enhance IFSRA's powers and strengthen the regulatory environment in which the banks operate.

These two measures, when taken together, deliver the following advances, among others: establishment of a new integrated financial services regulator, IFSRA, bringing together work previously dispersed under four different bodies, with additional resources and a renewed consumer mandate; establishment for the first time of a dedicated statutory officer with a consumer remit across the range of financial services; establishment of a new statutory ombudsman scheme for financial services, for the first time; establishment of a consumer consultation panel, as well as an industry panel, to advise IFSRA; improved communication between regulatory bodies including IFSRA, the Revenue Commissioners, the Director of Corporate Enforcement, and so on; improved transparency and accountability for the regulatory structure; provision for new and substantial penalty powers for IFSRA, with appropriate constitutional protections, and an



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appeals tribunal; provision of new powers for IFSRA to require compliance statements from financial institutions.

A properly functioning regulatory regime is the primary means to guarantee public confidence in our banking system and it is clear from what I have said above that the Government has been active in providing a proper statutory framework for that. Until IFSRA's investigations are complete we must be careful not to prejudge the outcome. However, it is clear that the public has the right to expect and receive the highest levels of service and corporate responsibility. The current investigations under way will help to ensure that this is the case in the future. Where there are lessons to be learnt from these investigations, the Government will take them on board, and if it is shown that legislation is required, this will be treated as a priority.

### **Decentralisation Programme.**

95. **Mr. Cuffe** asked the Minister for Finance the number of architects working for the Civil Service who will be decentralised; and the current and future places of work for these persons. [17011/04]

**Minister for Finance (Mr. McCreevy):** I understand that 68 architectural posts, including architectural inspectors, are due to be decentralised. These posts are currently in Dublin in the Department of the Environment, Heritage and Local Government and in the Office of Public Works. These posts will be relocating to Trim, Kanturk, Claremorris, Waterford and Kilkenny.

### **Flood Relief.**

96. **Mr. R. Bruton** asked the Minister for Finance the flood relief works which remain to be done in respect of the Tolka River; the time scale within which he hopes to address these concerns; the results of his meeting with the insurance companies to discuss the issue of flood cover for households that were affected by the flooding in November 2002; and if he will make a statement on the continuing refusal of some companies to provide flood cover. [17027/04]

**Minister of State at the Department of Finance (Mr. Parlon):** The final report on the River Tolka flooding study, funded by OPW, and commissioned by Dublin City Council as part of the greater Dublin strategic drainage study was published in December 2003. This recommended a number of flood relief measures along the Tolka in Dublin city, Fingal and Meath. Some of the recommended works had already been proposed in interim reports produced for the three local authorities early last year and, as the Deputy is aware, OPW carried out a significant programme of works in 2003 on foot of these reports.

In the Dublin City Council area a further programme of works, including the construction of walls and embankments on the north bank down-

stream of Drumcondra bridge and the lowering of Distillery weir, is currently in planning by the city council and will be undertaken by OPW on behalf of the council once the necessary approvals and access arrangements are in place. Expenditure in the current year is expected to be approximately €1.75 million. Some of the recommendations, which include the replacement of Distillery Road bridge, are the subject of negotiations between the council and property owners-developers and will form part of a development proposed along the Tolka River in that area.

Works in the Meath area were substantially completed in 2003. Some minor works remain to be done this year as well as the replacement of Loughsallagh bridge, which is being undertaken by the county council with funding from OPW. Expenditure in Meath in the current year is expected to be approximately €1 million. Work has just commenced in Fingal on a programme of work agreed with the county council and which will be carried out by OPW. Expenditure in the current year is expected to be approximately €1.75 million.

I met with the Irish Insurance Federation, IIF, as part of the review of national flood policy that I initiated in November 2002. At that meeting I indicated that the State would play its part in flood risk reduction and that, in turn, the insurance industry would be expected to act in a reasonable manner. At my invitation, the IIF made a submission to the policy review group and subsequently met with OPW officials. This meeting clarified aspects of its submission and provided an opportunity for the IIF to be briefed on the State's overall strategy on flood management, including OPW's proposals for developing flood hazard maps. The final report of the policy review group is currently with the Department of Finance for consideration before being submitted to Government.

I am not in a position to intervene with insurance companies about the risks that they are unwilling to underwrite. However, I remain confident that implementation of a more strategic approach to flood management will reduce exposure to risk and provide a more accurate basis upon which insurance companies formulate their decisions on potential flood damage in the future.

### **Northern Ireland Issues.**

97. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if his attention has been drawn to a recent incident in Belfast in which the PSNI refused to take descriptions of the assailants or photograph the injuries of two persons who were the victims of a homophobic attack by a gang of ten persons; and if he will raise the matter with the British authorities. [17101/04]

**Minister for Foreign Affairs (Mr. Cowen):** I am aware of the incident which occurred on Tomb Street in Belfast in the early hours of 25 May

2004. My officials have raised this matter with the British Authorities through the secretariat of the British Irish Intergovernmental Conference in Belfast. It is my understanding that the victims of the alleged attack are preparing a detailed statement for the Police Ombudsman's office as part of their request that the actions of the PSNI officers who were present at the scene of the incident be investigated.

As the Deputy will appreciate, it would be inappropriate to comment further on this matter at this time.

### Foreign Conflicts.

98. **Mr. F. McGrath** asked the Minister for Foreign Affairs the Government's position on the war in Iraq; and if he will support the withdrawal of the coalition troops. [16981/04]

**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.

On the question of the withdrawal of coalition troops, the future of the multinational force in Iraq is one of the issues dealt with in the draft Security Council resolution which is currently under consideration in New York. We will welcome any resolution which endorses the earliest possible restoration of sovereignty of Iraq to a democratically elected Iraqi government, which gains the requisite support and satisfies the concerns of the UN on its mission in Iraq.

### Human Rights Issues.

99. **Mr. Cuffe** asked the Minister for Foreign Affairs the view of the Government on the current efforts by the UN working group to draft a treaty against enforced disappearances pursuant to the UN Commission of Human Rights resolution 2001/46 of 23 April 2001; if the Government is supporting the elaboration of this instrument; and the comments that have been made by the Government on the drafts which have been produced to date. [17008/04]

**Minister for Foreign Affairs (Mr. Cowen):** Ireland, along with our EU partners, is deeply concerned at the continuing occurrence of the phenomenon of enforced or involuntary disappearances. We also remain gravely concerned at the large number of unsolved cases and at issues of impunity surrounding past cases of forced disappearance.

The Government believes that enforced and involuntary disappearances are a serious and disturbing violation of many human rights and fundamental freedoms. The victims of these crimes are not only the persons who disappeared but also their families, who live for many years in situations of extreme insecurity and anguish. Accordingly, the Government strongly believes that states must take appropriate measures and

establish effective procedures to investigate thoroughly all cases of enforced or involuntary disappearances, while simultaneously taking effective steps to combat the problem of impunity. Enforced disappearances are already considered a human rights violation under existing international human rights law and come under the UN Commission on Human Rights.

Ireland, along with its EU partners, welcomed the establishment of the intersessional open ended working group to elaborate a draft legally binding normative instrument for the protection of all persons from enforced disappearance. The first session of the open-ended working group was held from 6-17 January 2003. The second session took place from 12-23 January 2004. Ireland was represented at both sessions and intervened to support the inclusion of non-state actors in the instrument. There will be further meetings of the working group in autumn 2004 and spring 2005. The outstanding issues include non-state actors, whether a separate instrument is required and how to deal with amnesties or pardons.

Ireland hopes that the working group will succeed in reaching agreement on a draft instrument to protect all persons from forced disappearances and that this will become legally binding.

### Special Educational Needs.

100. **Mr. F. McGrath** asked the Minister for Education and Science if he will reconsider the decision not to fund a July programme for the most disabled and dependent students attending a school (details supplied) in Dublin 4 and reverse these decisions immediately. [16986/04]

**Minister for Education and Science (Mr. N. Dempsey):** The July education programme is available to schools catering for pupils with autism and severe and profound general learning disabilities. The provision to include other categories of disability in the programme has not been developed at this time. My officials will contact the person in question in the event of the situation changing in the future.

### Schools Building Projects.

101. **Mr. Ring** asked the Minister for Education and Science if, further to Parliamentary Questions Nos. 176 to 178, inclusive, of 25 May 2004, he will provide an accurate reply about a school (details supplied) in County Mayo; when funding was applied for; and the reason this Deputy was misled in the information given. [16987/04]

**Minister for Education and Science (Mr. N. Dempsey):** The management authorities of the school referred to by the Deputy wrote to my Department in April 2000 requesting additional accommodation. My Department's planning and building unit issued an application form to the school in May 2000 and the completed form was returned in September 2000. The school was given approval in October 2001 to commence architectural planning. A stage 3 submission —

[Mr. N. Dempsey.]  
detailed plans and costs — was received from the school in October 2002.

Following examination of the submission the school authorities were informed that an extension and refurbishment project could proceed at the school provided that it could be delivered within an upper cost limit of €100,000. The school authorities were requested to submit a revised stage 3 submission based on the upper cost limit. The revised stage 3 submission was received in January 2004 and the school has been recently informed that 70% of the funding must be drawn down before the end of November 2004. Provision for the remaining 30% will have to be included as a commitment in the 2005 budgetary allocation which will be in the context of the multi-annual approach which I am adopting, further details of which will be available later this year.

#### Post Leaving Certificate Colleges.

102. **Mr. Gregory** asked the Minister for Education and Science if letters were sent by his Department during April or May 2004 to PLC colleges confirming that staffing levels for 2004 will be based on numbers enrolled on 30 September 2003; if this remains the position; and if he will make a statement on the matter. [16988/04]

**Minister for Education and Science (Mr. N. Dempsey):** The enrolment reports to which the Deputy refers, which were provided in the letters to schools and colleges from my Department's post-primary database section, reflect my Department's record of their enrolments at 30 September 2003. This letter is a standard one issued each year to confirm pupil returns as submitted by schools and VECs. While the letter states: "These numbers will form the basis for all *per capita* grant payments made to your school during the school year and for teacher allocation purposes...", the reality, which is well known to schools, is that teacher allocations are issued from the teacher section as a separate matter entirely.

In the current academic year the enrolments on PLC courses in certain schools and colleges have exceeded the number of places approved by my Department. Teacher allocations for 2004-05 and capitation grants have been allocated on the basis of the approved number of places or the numbers enrolled. In the 2003-04 academic year nearly 28,700 places were approved by my Department. Officials from my Department have already had meetings with management representatives in the sector to hear their concerns. They have also received submissions from a number of VECs about their particular needs.

My Department is currently considering appeals from the VECs, schools and colleges for the recognition of the excess numbers enrolled for the purposes of teacher allocations and grants. A decision in the matter will be taken shortly in the light of the totality of demands for teaching resources across the system. I expect that

additional justifiable needs identified in the examination being carried out by my Department will result in the provision of additional teaching resources. Separately, it has been reported that the excess PLC numbers have been approved in total for the purposes of capitation and teacher numbers. This is not correct.

#### Special Educational Needs.

103. **Mr. Durkan** asked the Minister for Education and Science if an early decision can be made for provision of a school support teacher for a person (details supplied) in County Kildare whose parents wish them to attend Scoil San Carlos, Leixlip, County Kildare in September 2004; and if he will make a statement on the matter. [17020/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department received an application for special educational resources, SER, for the pupil referred to by the Deputy on 21 April 2004. The pupil is due to commence school on 1 September 2004. The school in question currently has the services of one full-time and one part-time resource teacher, one learning support teacher and two special needs assistants.

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

#### Higher Education Grants.

104. **Mr. Durkan** asked the Minister for Education and Science if grant assistance can be made available to a person (details supplied) in County Kildare who has undertaken a home study course called applied behaviour analysis; and if he will make a statement on the matter. [17021/04]

**Minister for Education and Science (Mr. N. Dempsey):** The statutory framework for the maintenance grants scheme, as set out in the Local Authorities (Higher Education Grants) Acts 1968 to 1992, provides for means-tested higher education grants in order to assist students in attending full-time third level education.

An approved course for the purpose of the higher education grant scheme is generally a full-time undergraduate course of not less than two years' duration or a full-time postgraduate course of not less than one year's duration pursued in an approved third level institution. The institutions approved under the scheme are generally publicly funded third-level colleges offering full-time courses at undergraduate and postgraduate level. Similarly, under the terms of the free fees initiative, under which the State meets the tuition costs of eligible students, an approved course is defined as a full-time undergraduate course of a minimum duration of two years in an approved third level institution.

Home study or part-time courses are not approved courses under the terms of the maintenance grant schemes or the free fees initiative. Tax relief is, however, available on third level tuition fees in respect of approved part-time courses in approved colleges and also from approved colleges that provide distance education in the State. Further information in this regard is available from local tax offices.

#### School Registration Fees.

105. **Mr. S. Ryan** asked the Minister for Education and Science the policy of his Department concerning non-fee-paying secondary schools charging registration fees. [17022/04]

**Minister for Education and Science (Mr. N. Dempsey):** It is a fundamental principle of the free post-primary education scheme that no charge is made in respect of instruction in any subject included in my Department's programme for secondary schools, including recreation or study facilities where all the pupils are expected to avail themselves of these as part of the school programme or any other activities in which all pupils are required to take part.

Schools are allowed to charge a booking fee when considering new applicants for enrolment, provided this is refundable following a decision on enrolment. Booking fees are sometimes required by schools in order to avoid double-booking of pupils, which could result in loss of teaching posts.

Voluntary contributions by parents or charges for optional extras over and above what is provided for in the general school programme are permissible under the scheme, provided it is made absolutely clear to parents that there is no question of compulsion to pay and that in making a contribution, they are doing so of their own volition.

#### Special Educational Needs.

106. **Mr. Stagg** asked the Minister for Education and Science if he will sanction the provision of a special needs assistant for a person (details supplied); and if he will make a statement on the matter. [17023/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department received an application for special needs assistant support and five hours' resource teaching support for the pupil referred to by the Deputy on 21 April 2004. The pupil is due to commence school on 1 September 2004. The school in question currently has the services of one full-time and one part-time resource teacher, one learning support teacher and two special needs assistants.

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 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.

[Mr. N. Dempsey.]

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 contains practical advice on how to achieve the most effective deployment of resources already allocated for special educational needs within the school.

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

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

Transitional arrangements for the introduction of the weighted system are being developed at present in consultation with representative interests. As soon as those consultations have been completed, the detailed arrangements for processing applications for resources, including those 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.

#### **Inquiry into Child Abuse.**

107. **Mr. R. Bruton** asked the Minister for Education and Science the basis on which he has excluded abuse in the context of foster care from the remit of the redress board; and if he has plans to alter the legislative arrangements for the consideration of allegations of child abuse. [17024/04]

**Minister for Education and Science (Mr. N. Dempsey):** The Residential Institutions Redress Act 2002 was enacted to provide a mechanism for former residents of industrial schools, reformatories, orphanages, children's homes and in certain situations special schools and hospitals to obtain redress for injuries they suffered while so resident and avoid having to engage in protracted court cases which could result in further trauma for victims.

During the passage of the legislation through both Houses the issue of including children who were in foster care was discussed and it was decided not to extend the legislation, as children in foster care were not in a residential institution.

Unlike residential care, there was no significant number of people claiming abuse or indications that fosterage was generally abusive. As there was no general problem in this area or any apparent systemic failure which contributed to widespread abuse in this area, I do not intend revisiting the matter and making any amendments to the legislation.

#### **School Transport.**

108. **Mr. McGuinness** asked the Minister for Education and Science if a school bus route will be extended to include a person (details supplied) in County Carlow; and if he will make a statement on the matter. [17040/04]

**Minister for Education and Science (Mr. N. Dempsey):** A report on this case has been requested from Bus Éireann. The family will be advised of the position as soon as the report has been received and assessed.

#### **Higher Education Grants.**

109. **Mr. Ferris** asked the Minister for Education and Science the reason a person (details supplied) in Dublin 14 was refused an education grant from South Dublin County Council. [17041/04]

**Minister for Education and Science (Mr. N. Dempsey):** The decision on eligibility for third level grants is a matter for the relevant local authority or VEC. These bodies do not refer individual applications to my Department except in exceptional cases where, for example, advice or instruction regarding a particular clause in the relevant scheme is desired. It appears that no such advice or instruction has, to date, been sought in the case of the student, referred to by the Deputy.

If an individual applicant considers that she or he has been unjustly refused a maintenance grant, or that the rate of grant awarded is not the correct one, she or he may appeal to the relevant local authority or VEC. Where an individual applicant has had an appeal turned down in writing by the relevant local authority or VEC, and remains of the view that the body has not interpreted the schemes correctly in his or her case, a letter outlining the position may be sent to my Department. Alternatively, as already indicated, the local authority or VEC may, itself, in exceptional circumstances, seek clarification on issues from my Department. However, it is not open to me or my Department, to depart from the terms of the maintenance grants schemes in individual cases.

### School Transport.

110. **Mr. N. O’Keeffe** asked the Minister for Education and Science if transport will be organised for a person (details supplied) who has to travel approximately 30 miles each way to attend a special class. [17047/04]

**Minister for Education and Science (Mr. N. Dempsey):** An application for transport for the pupil referred to in the details supplied should be made by the school via the appropriate school inspector to my Department’s school transport section.

### School Accommodation.

111. **Mr. O’Connor** asked the Minister for Education and Science if he will confirm the position regarding the need for additional prefab accommodation promised by his Department in respect of a school (details supplied) in Dublin 24; and if he will make a statement on the matter. [17048/04]

**Minister for Education and Science (Mr. N. Dempsey):** The management authority at the school to which the Deputy refers has not made an application to my Department for the provision of temporary accommodation.

### Education Funding.

112. **Ms Enright** asked the Minister for Education and Science the amount given by his Department to educational institutions outside the State, at all levels, for each year since 2000; and if he will make a statement on the matter. [17113/04]

**Minister for Education and Science (Mr. N. Dempsey):** Funding is provided by my Department to three educational institutions outside the State. The information requested by the Deputy is as follows. Each year Ireland, in common with the other member states of the European Union, recruits and seconds primary and post-primary teachers to serve in the 12 European schools, which provide education at first and second levels for the children of parents working in the European Commission, or other European institutions. The European Commission, as the employer of the parents of the pupils, provides direct financing for each school to cover the other costs of the schools, as the education of such children is free. My Department’s contribution, by way of seconded teachers, is outlined in table 1 below.

The College of Europe was founded in 1949. It focuses on postgraduate European studies in the legal, economic, political and interdisciplinary domains. The college is residential and accepts almost 400 students each year. Of these, 275 are resident in Bruges, Belgium, and 125 in Natolin, Poland. Graduates of all nationalities are admitted to the college. My Department makes an annual contribution to the operation and administration of the college, the details of which are set out in table 2 below.

The European University Institute was founded in 1972 by the European Community member states. Its main objective is to provide advanced academic training to PhD students and to promote research at the highest level. My Department pays an annual contribution to the university. Table 3 outlines the level of payments since 2000.

Funding provided to Educational Institutions outside the State

Table 1

Costs of Secondments to European Schools

Year	2000	2001	2002	2003	2004 (Year to date)
	€	€	€	€	€
Primary	646,829.00	789,363.00	846,978.00	1,033,456.00	522,552.00
Post-Primary	711,517.00	790,237.00	942,451.00	1,193,492.00	741,052.00
Total	1,358,346.00	1,579,600.00	1,789,429.00	2,226,948.00	1,263,604.00

Table 2

Costs of Contributions to The College of Europe

	2000	2001	2002	2003	2004 (Proposed)
	€	€	€	€	€
Contribution	10,000	10,000	15,000	15,000	15,000

Table 3

## Cost of Contribution to European University Institute

	2000	2001	2002	2003	2004
Contribution	€ 90,109	€ 92,384	€ 98,390	€ 101,363	€ 103,880

**Schools Building Projects.**

113. **Mr. Boyle** asked the Minister for Education and Science the status of site acquisition and the building of a new school building for a school (details supplied) in Ballincollig, County Cork. [17117/04]

**Minister for Education and Science (Mr. N. Dempsey):** The acquisition of a site for the provision of a new school building for Gaelscoil Uí Riordáin Ballincollig, County Cork, is being pursued at present. Due to the commercial sensitivities of site acquisitions, it is not proposed at this stage to provide details relating to specific sites to be acquired. However, this information will be placed on my Department's website when the relevant acquisitions have been completed.

When publishing the 2004 schools 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 schools building programme from 2005 and I expect to be in a position to make further announcements on this matter in the course of the year. The proposed project for Gaelscoil Uí Riordáin will be included in this review.

**School Staffing.**

114. **Mr. S. Ryan** asked the Minister for Education and Science if he will report on the application from a school (details supplied) in Portmarnock, County Dublin for a special needs assistant. [17133/04]

**Minister for Education and Science (Mr. N. Dempsey):** The application referred to by the Deputy is currently being considered by my Department and a response will issue to the school in question as quickly as possible.

**School Accommodation.**

115. **Mr. S. Ryan** asked the Minister for Education and Science the position regarding the need to sanction the provision of one additional classroom for a school (details supplied) to facilitate the increased number of pupils for September 2004; if his attention has been drawn to the fact that the all purpose room is used daily for physical education, assemblies, speech and drama and extra curricular activities. [17134/04]

**Minister for Education and Science (Mr. N. Dempsey):** The school referred to by the Deputy applied for an additional temporary classroom for September 2004 on the grounds that it would be due an additional teaching appointment. In the context of the available funding and the number of applications for that funding, it was not possible to approve all applications for temporary accommodation this year and only those schools with an absolute and demonstrated need for additional accommodation were approved. All other schools, including Scoil Phadraig Cailíní, are required, as an interim measure, to maximise the use of existing accommodation until my Department is in a position to make extra accommodation available.

116. **Ms Shortall** asked the Minister for Education and Science if his attention has been drawn to the fact that parents and staff at a school (details supplied) in County Cavan are having to fundraise to provide sufficient accommodation for the 50 extra children it will take in September 2004 due to the expansion of the town; if he has been informed of similar impending problems in other local primary schools due to population growth; the discussions his Department has had with local authorities in County Cavan regarding the number of planning permissions granted in recent years, the subsequent increased demand for school accommodation and the reasons resources have not been allocated to pre-empt this accommodation shortage; the plans he has now to assist parents and staff at the school to meet its classroom needs in September 2004; and the long-term plans to meet accommodation needs in areas of population growth in County Cavan. [17135/04]

**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 to meet its needs for September 2004. The school's permanent accommodation needs 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 schools 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.

The process of assessing and meeting the need for new educational facilities at primary or post-primary level in any given area requires a detailed examination of all relevant factors, including

enrolment and demographic trends, housing developments and existing school provision in the general area.

As part of the needs determination process, 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. My Department monitors these plans and meets with local authorities, as required, to establish the location, scale and pace of major housing developments. An assessment is carried out of the likely implications of such developments on the capacity of existing schools and their potential for expansion to meet emerging needs. In this way, every effort is made to ensure that there is adequate existing provision, or that timely arrangements can be made to extend capacity where necessary.

#### Home Tuition.

117. **Mr. Penrose** asked the Minister for Education and Science if steps will be taken to provide an additional five hours of home tuition for a person (details supplied) in County Westmeath. [17143/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department received an application to increase the level of home tuition hours for the pupil. A response will issue to the family shortly.

#### Computerisation of Post Offices.

118. **Mr. N. O'Keefe** asked the Minister for Communications, Marine and Natural Resources if he will clarify the criteria required by An Post for post offices to become computerised. [17046/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** I have no statutory function in the matter. It is an operational matter for An Post's board of management. I have passed the details to its chief executive officer and asked him to reply directly to the Deputy.

#### Fishing Vessel Licences.

119. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources the position in relation to a boat licence for a person (details supplied) in County Donegal. [17138/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** The independent licensing authority for sea fishing boats has informed me that it issued a licence in respect of the vessel on 10 May. The vessel will be legally entitled to engage in commercial sea fishing as soon as the owner completes the registration process and the vessel is entered on the fishing boat register. The licensing authority awaits receipt of

a completed application form to register the vessel.

#### Proposed Legislation.

120. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources when he proposes to assist local authorities in adopting regulations on the operation of jet skis in waters in their jurisdiction where controls are required. [17139/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** I will seek Government approval shortly for the publication of the Maritime Safety Bill 2004. I want to enact the legislation as quickly as possible. The Bill will enable local authorities to regulate and control the use and operation of jet skis and other mechanically propelled sport and leisure craft in their areas.

#### Sports Capital Programme.

121. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism if he will consider an application from the Narraghmore Pipe Band, County Kildare, for grant aid from the proceeds of the national lottery. [17062/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** My Department administers the national lottery funded sports capital programme. Sporting and community organisations at local, regional and national level receive funding. My Department evaluated all of the applications for the 2004 programme. This was done in accordance with the assessment criteria published in the guidelines, terms and conditions document that accompanied application forms. On 7 May, I announced provisional grant allocations.

The application in question was unsuccessful. On 25 May a letter was issued to the band advising it of the outcome. A copy of the assessment, including any specific reasons for turning it down was enclosed. Only projects with a defined sporting aspect are eligible for the purpose of securing a recommendation for grant funding.

#### Inquiry into Child Abuse.

122. **Mr. F. McGrath** asked the Minister for Health and Children if he comment on the recently reported case of a person (details supplied) who continually sexually assaulted their daughters and nieces; and the reason none of the Government agencies involved, over the years, took action to protect them. [16980/04]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** The investigation of criminal matters rests with the Garda Síochána while statutory responsibility for the provision of child welfare and protection services rests with the relevant health board. The general nature of the information supplied by the Deputy is not sufficient to enable the necessary inquiries. Perhaps he could furnish more detailed information to the



[Mr. B. Lenihan.]  
relevant authorities or myself so that inquiries may be made.

#### **Nursing Home Subventions.**

123. **Mr. Connaughton** asked the Minister for Health and Children when a nursing home subvention will be approved for a person (details supplied) in County Galway. [16983/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** The provision of health services in the Galway area is, in the first instance, the responsibility of the Western Health Board. My Department has asked its CEO to investigate the matter and to reply directly to the Deputy, as a matter of urgency.

#### **Medical Cards.**

124. **Mr. Ring** asked the Minister for Health and Children the reason persons over 70 years receive a free driver's licence but must pay €30 for the necessary medical examination for same; and the further reason the examination cost is not covered by the medical card. [16991/04]

**Minister for Health and Children (Mr. Martin):** Holders of medical cards, regardless of age, are entitled to a range of treatments and services free of charge. The items covered under the general medical services scheme are detailed in the contract that each participating general practitioner holds with the relevant health board. The contract reflects the agreed outcome of industrial relations negotiations between my Department and the Irish Medical Organisation. It does not include the medical examination required by motor licensing authorities.

#### **Housing Aid for the Elderly.**

125. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will receive grant aid under the special housing aid for the elderly scheme from the WHB; and the position of their application. [16992/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** In the Mayo area the scheme is operated by the WHB on behalf of the Department of the Environment, Heritage and Local Government. My Department has asked the board's CEO to investigate the matter and to reply directly to the Deputy, as a matter of urgency.

#### **Nursing Home Subventions.**

126. **Mr. Connaughton** asked the Minister for Health and Children the reason an enhanced nursing home subvention was not awarded to a person (details supplied) in County Galway; if he knows that the person has limited means. [16993/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** The provision of health services in the Galway area is, in the first instance, the responsibility of the WHB. My Department has asked its CEO to investigate the matter and to reply directly to the Deputy, as a matter of urgency.

#### **Health Board Inspections.**

127. **Mr. O'Shea** asked the Minister for Health and Children how he will deal with the lack of inspections for the disabled persons grant in the Waterford community care area. [16994/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The provision of health services, including inspections for disabled persons grant applications, for people with physical or sensory disability rests with the Eastern Regional Health Authority and the health boards in the first instance. My Department asked the CEO of the South Eastern Health Board to investigate the matter and to reply directly to the Deputy, as a matter of urgency.

#### **Hospital Services.**

128. **Dr. Upton** asked the Minister for Health and Children if a person (details supplied) in Dublin 8 will have a hip replacement as soon as possible. [16995/04]

**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 ERHA. My Department has asked its CEO to investigate the matter and to reply directly to the Deputy.

#### **Medical Aids and Appliances.**

129. **Mr. Durkan** asked the Minister for Health and Children for funding for a person (details supplied) in County Kildare for a special needs trike, costing €1,000, for their child and for a specially made rails for their son's bed costing €450 who has a severe sleep disorder. [17028/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The provision of aids and appliances to people with physical and sensory disabilities is a matter for the ERHA and the health boards. My Department has asked the authority's CEO to investigate the matter and to reply directly to the Deputy.

#### **Hospital Staff.**

130. **Ms O. Mitchell** asked the Minister for Health and Children if he will immediately appoint at least one neurophysiologist to Beaumont Hospital as it is unacceptable that the national centre for neuroscience should be left without one for more than three years. [17029/04]

**Minister for Health and Children (Mr. Martin):** Services at the Hospital are provided by an

arrangement with the ERHA. My Department has asked its CEO to investigate the matter and to reply directly to the Deputy.

#### Medical Cards.

131. **Mr. McGuinness** asked the Minister for Health and Children if an application will be expedited for a medical card in the name of a person (details supplied) in Dublin 20. [17033/04]

132. **Mr. McGuinness** asked the Minister for Health and Children if an application will be expedited for a medical card in the name of a person (details supplied) in County Kilkenny. [17034/04]

137. **Mr. McGuinness** asked the Minister for Health and Children if a medical card will be issued on medical grounds to a person (details supplied) in County Carlow. [17087/04]

138. **Mr. McGuinness** asked the Minister for Health and Children if a three year medical card will be issued to a person (details supplied) in County Kilkenny. [17088/04]

**Minister for Health and Children (Mr. Martin):** I propose to take Questions Nos. 131, 132, 137 and 138 together.

Responsibility for the determination of eligibility of persons to medical cards is, by legislation, a matter for the CEO of the relevant health board or authority. My Department has asked the CEOs of the ERHA and the South Eastern Health Board to investigate the matter and to reply directly to the Deputy.

#### Health Board Services.

133. **Mr. Ring** asked the Minister for Health and Children the reason Question No. 541 of 27 April was not replied to in full by the Western Health Board. [17035/04]

**Minister of State at the Department of Health and Children (Mr. Callyey):** The board confirmed that it issued a full and complete reply to the Deputy on 5 May in relation to Question No. 541 of 27 April and that there was no change in the position as stated in its letter.

#### Consultancy Contracts.

134. **Mr. Ring** asked the Minister for Health and Children if, further to Question No. 97 of 29 April, the WHB will provide a reply. [17036/04]

**Minister for Health and Children (Mr. Martin):** The board has assured me that a reply will issue to the Deputy in the next few days.

#### Health Board Services.

135. **Mr. N. O'Keefe** asked the Minister for Health and Children if he knows that a health board is advising families to avail of long-term beds for their elderly relatives at a specific private nursing home in their area instead of giving them

long-term care at their local geriatric hospital; if he knows that most of the persons receiving the information cannot meet the cost even with nursing home subventions; and if he is aware that one family was informed that the Government would meet the remainder of the cost of the nursing home after the old age pension was paid. [17051/04]

**Minister of State at the Department of Health and Children (Mr. Callyey):** The provision of health services in the Cork area is, in the first instance, the responsibility of the Southern Health Board. Its continuing care service manages the day-to-day operation of the nursing home subvention scheme. The board informed my Department that it never advised families to avail of a particular nursing home.

It provides applicants for subvention with a list of registered nursing homes and advises them that they must chose. Payment of nursing home subvention is only approved following detailed medical dependency and financial assessment, as provided for in the nursing homes regulations. Admission to the board's continuing care beds is determined in accordance with its age care evaluation team process. The circumstances of the patient it taken into account. It is a matter for individuals or their families to determine whether they wish to apply for nursing home subvention or, if appropriate, avail of a place in any of the board's community hospitals-continuing care units.

136. **Mr. McGuinness** asked the Minister for Health and Children if home help will be arranged urgently in the case of a person (details supplied) in County Kilkenny. [17086/04]

**Minister of State at the Department of Health and Children (Mr. Callyey):** The provision of health services in the Kilkenny area is, in the first instance, the responsibility of the South Eastern Health Board. My Department has asked its CEO to investigate the matter and to reply directly to the Deputy, as a matter of urgency.

*Questions Nos. 137 and 138 answered with Question No. 131.*

139. **Mr. Morgan** asked the Minister for Health and Children when adequate home help services will be made available to a person (details supplied) in County Louth. [17120/04]

**Minister of State at the Department of Health and Children (Mr. Callyey):** The provision of health services in the Louth area is, in the first instance, the responsibility of the North Eastern Health Board. My Department has asked its CEO to investigate the matter and to reply to the Deputy, as a matter of urgency.

140. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will receive orthodontic treatment; when this person was placed on the waiting list;

[Mr. Ring.]  
the length of time they are on the list; and when treatment will be provided. [17121/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the provision of orthodontic treatment to eligible persons in County Mayo rests with the Western Health Board. My Department has asked its CEO to investigate the matter and to reply directly to the Deputy.

141. **Ms Shortall** asked the Minister for Health and Children his views on the request from persons (details supplied) regarding their proposal for a placement for their child. [17122/04]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** My Department has been in communication with the Eastern Regional Health Authority and the Northern Area Health Board about the matter.

On 11 May the board held a meeting to discuss the young person's plight and to consider an appropriate future placement for him. Among the options considered was a placement in the facility referred to by the Deputy. It was agreed that any decisions should be based on the outcome of a further psychiatric assessment. Recently the NAHB informed his mother in writing about the arrangements for his assessment.

142. **Mr. Durkan** asked the Minister for Health and Children the help that can be offered to the family of a person (details supplied) in County Kildare; and if an immediate conference between the local authority and the health authorities can be arranged with a view to urgent assistance. [17123/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** Responsibility for the provision of care and treatment of the named individual rests with the ERHA. My Department has asked its CEO to investigate the matter and to reply directly to the Deputy.

#### **Cancer Treatment Services.**

143. **Mr. Stanton** asked the Minister for Health and Children the assistance that is available to cancer patients who must travel outside of the State to receive treatment privately; and if the health boards are allowed to assist with accommodation and travelling expenses in these situations. [17124/04]

**Minister for Health and Children (Mr. Martin):** Where an individual requires specific treatment that cannot be provided in Ireland a health board may refer them to another member state for treatment. Under EU regulations the board issues the form E112 to the person seeking treatment to establish his or her entitlement and to imply a commitment by the health board to pay the full cost of the treatment. My Department has issued guidelines that set down the criteria to be used by health boards when assessing appli-

cations for approval of forms E112. They are as follows: the application to refer a patient abroad must be assessed before the patient goes abroad except in cases of extreme urgency; and medical evidence must be provided by a hospital consultant giving details of the condition from which the patient suffers and of the type of treatment envisaged. The consultant must also certify the following: the treatment is not available here; there is an urgent medical necessity for it; there is a reasonable medical prognosis; the treatment is regarded as a proven form of medical treatment; and the treatment abroad is in a recognised hospital or other institution and is under the control of a registered medical practitioner.

Where a person's E112 application is approved a health board may provide assistance towards the cost of travel and subsistence expenses. The relevant health board is responsible for making a decision on the matter. Private arrangements for the treatment of a patient in any country abroad must be regarded as outside the terms of the EU regulations. Health boards have no obligation to meet any part of the cost involved.

#### **Departmental Schemes.**

144. **Mr. Penrose** asked the Minister for Health and Children if his Department will consider including Fibro Myalgia as part of its long-term illness scheme. [17140/04]

**Minister for Health and Children (Mr. Martin):** Under the 1970 Health Act, a health board may arrange for the supply, without charge, of drugs, medicines and medical and surgical appliances to people with a specified condition, for the treatment of that condition under the scheme. The conditions are: mental handicap, mental illness for people under 16 years only, phenylketonuria, cystic fibrosis, spina bifida, hydrocephalus, diabetes mellitus, diabetes insipidus, haemophilia, cerebral palsy, epilepsy, multiple sclerosis, muscular dystrophies, parkinsonism, conditions arising from thalidomide and acute leukaemia. At present there are no plans to amend the list of eligible conditions.

Other schemes provide assistance towards the cost of approved drugs and medicines for people with significant ongoing medical expenses. People who cannot, without undue hardship, arrange for the provision of medical services for themselves and their dependants may be entitled to a medical card. Eligibility for a medical card is solely a matter for the CEO of the relevant health board. In determining eligibility, a CEO has regard to the applicant's financial circumstances. Health boards use income guidelines to assist in determining eligibility. Where a person's income exceeds the guidelines, a medical card may be awarded if the CEO considers that the person's medical needs or other circumstances would justify it. Medical cards may also be issued to family members on this basis. Non-medical card holders, and people with conditions not covered by long-term illness scheme, can avail of the drugs payment scheme.

Under the scheme no individual or family unit pays more than €78 per calendar month towards the cost of approved prescribed medicines.

### Traffic Calming Measures.

145. **Mr. F. McGrath** asked the Minister for Transport if road ramps were assessed; and if they reduced deaths, particularly in cities and towns. [16982/04]

**Minister for Transport (Mr. Brennan):** Section 38 of the Road Traffic Act 1994 empowers road authorities, in the interest of the safety and convenience of road users, to provide traffic calming measures. Ramps are considered desirable on public roads in their charge but the National Roads Authority must consent to them for national roads. The flexibility of the section gives road authorities the maximum discretion to decide what traffic calming measures best suit streets or areas.

In May 2003 traffic management guidelines were jointly issued by the Department of the Environment, Heritage and Local Government, the Dublin Transportation Office and my Department. They provide comprehensive advice and references on good practice on a wide range of issues including traffic calming, the deployment of speed restraint measures, vertical deflections such as ramps, speed tables and speed cushions. A copy of the guidelines is available in the Oireachtas Library.

In the preparation of the guidelines reference was made to the experience in the United Kingdom and to research report data and surveys of car speeds that were conducted there on various types of ramps that may be deployed. Traffic calming measures, excluding ramps, were evaluated by two organisations. The University College Cork assessed inter-urban roads and the National Roads Authority assessed national routes.

### Driving Tests.

146. **Mr. P. Breen** asked the Minister for Transport the reason commercial driving tests were suspended at centres in Shannon, Kilrush and Ennis and transferred to Limerick; when it took place; and the notification given to the public. [17019/04]

**Minister for Transport (Mr. Brennan):** The testing of drivers of trucks and buses has not been suspended at the driving test centres in Shannon, Kilrush and Ennis.

### Decentralisation Programme.

147. **Ms Shortall** asked the Minister for Transport his plans for the relocation of 200 staff from Bus Éireann's head office, Broadstone, to Mitchelstown, County Cork even though there are only 80 staff there at present; if he will state which additional staff he proposes to relocate; if he will explain the rationale behind selecting Mitchel-

stown and the way he intends to proceed when only two staff have opted to decentralise; the reason it is the only commercial semi-State company where relocation applies. [17057/04]

**Minister for Transport (Mr. Brennan):** I refer the Deputy to my answer to Question No. 209 answered on 4 May. Discussions with Bus Éireann are continuing and the chairman is examining options for meeting the overall target of 200 staff transfers. The company has prepared an initial decentralisation implementation plan for the move to Mitchelstown. The plan will be kept under review and further developed as the programme progresses and additional information becomes available.

Factors taken into account in selecting agencies and locations were outlined in the Minister for Finance's Budget Statement in December 2003. The Irish Aviation Authority is a commercial semi-State company and it is also included in the decentralisation programme.

### Light Rail Project.

148. **Dr. Upton** asked the Minister for Transport further to Question No. 184 of 27 May, if he will facilitate public consultation on the project. [17109/04]

**Minister for Transport (Mr. Brennan):** The design of Rialto Bridge is an operational issue and is a matter for the Railway Procurement Agency in association with other relevant bodies. Reconstruction of the bridge was completed. As mentioned in a letter from the agency's chief executive officer to the Deputy, the current design was agreed in April 2003 after considerable time and resources were dedicated to it.

### Taxi Regulations.

149. **Ms Shortall** asked the Minister for Transport if standards for wheelchair accessible taxis, applied by the carriage office, are compatible with EU legislation; the reasons and nature of the derogation in force for Ireland in respect of the legislation; his plans to change the regulations; his plans to allow purpose built accessible taxis to be imported from member states. [17111/04]

**Minister for Transport (Mr. Brennan):** The licensing and operation of small public service vehicles, including wheelchair accessible taxis, is governed by the Road Traffic (Public Service Vehicles) Regulations 1963 to 2002, inclusive, and the Road Traffic (Construction, Equipment and Use of Vehicles) Regulations 1963 to 2002, inclusive.

Under these regulations a licence may only be granted following presentation of a vehicle test certificate and certificate of suitability issued by the national car testing service. It confirms that the vehicle is suitable for the purpose of being licensed as a taxi, wheelchair accessible taxi, hackney or limousine, as appropriate. The testing of a vehicle for taxi licensing purposes is under-

[Mr. Brennan.] taken by NCTS in accordance with the relevant regulatory requirements, including the requirements for a wheelchair accessible taxi in the case of such a licence application. I am unaware of specific EU legislation on wheelchair accessible taxis.

There is nothing to preclude the licensing of purpose built accessible taxis as taxis here in the existing public service vehicle regulations. Obviously they must meet the general roadworthiness and taxi suitability requirements.

The Government is committed in An Agreed Programme for Government to continue the process of making taxis wheelchair accessible. A number of complex issues concerning the implementation of the accessible taxi policy have yet to be decided. They include improvements to the existing wheelchair accessible taxi specification to accommodate the greatest possible range of people, issues surrounding urban-rural needs and the cost of suitable vehicles. These issues will be addressed by a statutory commission for taxi regulation when it is established. This will be done as part of the development of new small public service vehicle standards.

The Taxi Regulation Act 2003 specifically provides that one of the commission's objectives is to promote access to small public service vehicles by persons with disabilities. It must determine the future policy on accessible taxis. Specific discussions with both disability and taxi representative groups will be necessary. The commission will also determine the manner and timeframe to implement standards for accessible taxi services.

Pending the commission's establishment, I have indicated to its advisory council that I want its advice on a range of issues on the enhancement and standards for small public service vehicles and their drivers. The issues covered include general vehicle condition and appearance and accessibility for persons with mobility and sensory difficulties.

### Road Traffic Regulations.

150. **Ms Shortall** asked the Minister for Transport about the penalties for off-road dumpers that are found to have a load in excess of the licensed maximum; if he will provide the most recent statistics available to him on the number of such sanctions taken against drivers in these circumstances; and the way the regulation is enforced. [17112/04]

**Minister of State at the Department of Transport (Dr. McDaid):** All vehicles using public roads must comply with the Road Traffic (Construction, Equipment and Use of Vehicles) Regulations 1963 to 2002, inclusive, and the Road Traffic (Construction and Use of Vehicles) Regulations 2003. Vehicles covered by a special permit under Regulation No. 59 of the 2003 regulations must operate within its terms.

The regulations include provisions on the maximum weights and dimensions of vehicles.

The penalties for a breach are a fine not exceeding €800 in the case of a first offence, a fine not exceeding €1,500 in the case of a second or subsequent offence, and a fine of €1,500 or a term of imprisonment not exceeding three months or a fine of €1,500 and a term of imprisonment not exceeding three months in the case of a third or subsequent offence in a period of 12 consecutive months. The Garda Síochána is responsible for the enforcement of the regulations. Information on the number of prosecutions involving off road dumpers for exceeding their maximum permitted weight load is not available in my Department.

### Registration of Title.

151. **Mr. Cregan** asked the Minister for Justice, Equality and Law Reform the progress being made on the application by a person (details supplied) in County Kilkenny for registration of land; and when this dealing is likely to be finalised. [16979/04]

**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 29 September 1999. Dealing number D1999JS008242V 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 further queries issued to the lodging solicitor on 30 October 2003 and that the application cannot proceed until these queries have 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.

### Refugee Status.

152. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform the status of an application to his Department in the name of a person (details supplied) in County Kilkenny; and the timeframe for a decision in the case; and if he will make a statement on the matter. [16996/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As the Deputy will be aware, under the Refugee Act 1996 two independent statutory offices were established to consider applications-appeals for refugee status and to make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted. These two offices are the Office of the Refugee Applications Commissioner, which considers applications for a declaration as a refugee at first instance, and the Refugee Appeals Tribunal, which considers applications for a declaration at the appeals stage. A final decision will be made in this case upon

receipt of the recommendation-decision of the Office of the Refugee Applications Commissioner or the Refugee Appeals Tribunal, as appropriate.

#### **Prison Building Programme.**

153. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the major trauma to prisoners' families by the proposed closure of Mountjoy Prison; if urgent action will be taken for the women's centre in view of the fact that they do not have adequate health facilities during the doctors dispute; and if he will make a statement on the matter. [16997/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The single greatest concern brought to my attention and to the attention of my predecessors in regard to Mountjoy Prison is the need to replace the wholly outdated and unsatisfactory accommodation at the prison and thereby end the degrading and unacceptable practice of daily slopping out. I have already indicated my intention to meet this concern by replacing Mountjoy Prison with a new prison on a greenfield site so as to provide decent, hygienic conditions for prisoners in line with modern day standards.

I do understand that concern has been expressed at the possibility of the new replacement prison being located outside the city centre area. Such concern will be addressed in the criteria for selection of a suitable site for the new prison, by including the identification of possible mitigating factors such as public transport links.

As regards health services for women prisoners at the Dóchas centre, the Deputy will be aware that prison doctors, who are members of the Irish Medical Organisation, have been engaged in industrial action in pursuit of a pay claim since 4 May 2004. This action has involved the complete withdrawal of doctor services to prisoners, apart from circumstances where there is a real and immediate risk to human life and, as such, has created significant unnecessary hardship for this vulnerable group of patients. The Irish Prison Service has publicly stated that this level of emergency cover has proved inadequate and that the service has had no option but to seek the assistance of Defence Forces' doctors to attend prisoners in a limited number of Dublin prisons who are in need of urgent medical intervention. Defence Forces' doctors are providing an emergency service on this basis to the Dóchas centre.

I am concerned that normal doctor services be restored for prisoners at the earliest possible time. In the meantime, whatever assistance is available will be provided to support prison nurses and other staff, as well as Defence Forces' doctors, who are continuing to care for prisoners in very difficult circumstances.

#### **Garda Operations.**

154. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the measures his Department has put in place to ensure that section 24 of the Housing (Miscellaneous Provisions) Act 2002 is not used against families living on sides of roads waiting on local authority accommodation as recently happened in Ennis, County Clare. [16999/04]

155. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the way in which the use of the Housing (Miscellaneous Provisions) Act 2002 by the Garda is monitored; the number of times the legislation has been used since the Act was brought into force; and the circumstances under which it was used. [17000/04]

173. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the measures his Department has put in place to ensure that section 24 of the Housing (Miscellaneous Provisions) Act 2002 is not used against families living on the side of the road waiting on local authority accommodation; if the application of this legislation by the Garda is monitored in any way; the number of times it has been used since the Act was brought into force; and the circumstances under which it was used. [17108/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 154, 155 and 173 together.

I have requested a report on the matters raised by the Deputies from the Garda authorities and I have been informed that any complaint made to the Garda under this provision is properly investigated by the Garda Síochána and the full facts established. I have been further informed that direct action is only taken by the Garda as a last resort and when all other avenues have been fully explored.

On the subject of the number of occasions the provision has been used since it came into force, I am informed by the Garda authorities that it has not been possible to obtain the detailed information sought by the Deputies in the time available. The information will be supplied to the Deputies when it is to hand.

#### **Prison Staff.**

156. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform when he intends to make available to the prison officers' welfare service the policy on bullying agreed between the National Authority for Occupational Safety and Health and the Irish Prison Service in 2003; and if his attention has been drawn to concerns that formal complaints of bullying remain uninvestigated and unprocessed more than three months after being made. [17002/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Agreement on a policy designed to ensure the protection of Prison Service employees from bullying, harassment and sexual harassment is the subject of ongoing discussions between management and prison staff associations as advised to the Deputy in my reply to Parliamentary Question No. 366 of 18 May 2004. These discussions are expected to conclude shortly at which stage the policy will be made available to the prison officers' welfare service together with all other relevant parties.

I am not aware of any instances where the procedures used to investigate formal complaints of bullying have not been initiated more than three months after the original complaint came to attention. On occasion, however, circumstances may arise where it is not always possible to process such complaints within the timeframe contained in the draft policy, for example, when one of the parties involved is on prolonged sick leave.

#### **Treatment of Prisoners.**

157. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the position of the Government in relation to ratification of the Optional Protocol to the UN Convention against Torture which is open for signature and ratification; and the internal steps that have been taken by his Department and related Departments in order to prepare for ratification of this instrument. [17003/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** On 18 December 2002, the third committee of the United Nations General Assembly adopted the draft Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, OP-CAT. Ireland, along with other EU partners, fully supported the draft Optional Protocol and worked for its adoption at the UN General Assembly and the Commission on Human Rights. There are currently 25 signatory states to the optional protocol. The following EU member states are signatories to the optional protocol: Austria, Denmark, Finland, Italy, Malta, Poland, Sweden and the United Kingdom. Two of the former, Malta and the United Kingdom have ratified the optional protocol.

The object of the protocol is to establish a system of regular visits undertaken by independent international and national bodies to places of detention with a view to preventing torture and other cruel, inhuman or degrading treatment or punishment. The international body is proposed to be a subcommittee of the UN Committee against Torture and Other Cruel, Inhuman or Degrading Treatment. The national bodies may consist of one or several bodies as national preventive mechanisms for the prevention of torture at the domestic level.

Ireland's position in regard to the ratification of international instruments generally, including the Optional Protocol, is constantly reviewed in light of prevailing circumstances and in the context of the ongoing assessment and prioritisation of Ireland's international commitments. My Department is reviewing national legislation to ascertain whether legislative changes would be required before signature and ratification of the optional protocol. It will be necessary to consult with other Departments, including the Department of Health and Children and the Department of Education and Science, in relation to arrangements for the inspection of institutions for which they are responsible in which persons may be detained without their consent.

#### **Drug Treatment Services.**

158. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the names, titles and organisational affiliations of the persons consulted in the preparation of the new prison drugs strategy. [17004/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** In early 2000, a national steering group on prison-based drug treatment services was established by the director general of the Irish Prison Service at the request of the then Minister. Its brief was to progress the issue of drug treatment and associated services within the prison system, particularly in the Dublin area. The group includes representatives of the Eastern Regional Health Authority.

The national steering group produced a report on prison-based drug treatment services in July 2000. It consulted widely with external groups prior to the drafting of this report. A public advertisement inviting submissions from interested parties was placed in the national newspapers on 27 January 2000. A total of 22 submissions were received from various parties including healthcare professionals, community and voluntary groups as well as from individual members of the public, as follows:

##### Submissions

Mr. Michael Ruane

Mr. Con Doherty

Dr. N. B. Daly

North Inner City Drugs Task Force (1)

Outreach Service-Aids-Drugs Service, Eastern Health Board

Star Project

Visiting Committee, Training Unit

Carlow-Kilkenny Probation and Welfare Service

Ms Margaret Phelan

Prisons Psychology Service

Steering Committee of the Community and Prison Link Service in Ballyfermot

Prison Survey Team, Trinity College

Merchant's Quay Project

Irish Penal Reform Trust

Dr. Patrick Troy, Portlaoise Prison

Ms Valladares Goldberg

Ballymun Youth Action Project

Prison Officer DJ Fahey

The Irish National Council of Attention Deficit Disorder Support Groups

NICDTF

Crosscare Drugs Awareness Programme, Clonliffe College

Sr. Ní Uallacháin, Matt Talbot Community Trust

The national steering group considered all of these submissions in finalising its July 2000 report.

In October 2002, the national steering group established a national policy subgroup, which was mandated with the production of a drugs policy for the Irish Prison Service. The subgroup consisted of Irish Prison Service management, prison governors and health board staff, together with relevant clinicians. The subgroup adopted a multidisciplinary approach to drafting the policy document and incorporated recommendations from various working groups established within the Irish Prison Service over the previous number of years, including the prison and community drugs liaison group, which was established in 2001 and provides a mechanism for a regular exchange of views between prison management and the community and voluntary sector.

I have met prison governors to discuss the operational implications of the policy, which will among other things, reflect the clear objectives in this area of An Agreed Programme for Government. I am currently finalising the drugs policy against the background of the extensive process of consultation and discussion.

#### EU Drug Strategy.

159. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the names, titles and countries of the delegates who participated in the meeting, EU Strategy on Drugs — The Way Forward, in Dublin in May 2004. [17005/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The conference, EU Strategy on Drugs — The Way Forward, was held in the Conrad Dublin hotel on 10-11 May 2004. The Irish Presidency of the Council of the European Union worked closely with our partners, the Netherlands, Luxembourg and the United Kingdom to develop the conference, which was co-funded by the European Commission. The 25 member states of the European Union, the candidate countries, relevant European institutions and bodies, and representatives of civil society were all in attendance at the conference. I do not

consider it appropriate to put personal information relating to the delegates into the public domain.

#### Deportation Orders.

160. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the number of letters since July 2003 proposing deportation which have been sent to migrant parents who had applied for residency on the basis of parentage of an Irish child prior to February 2003; and the number of this group of persons who have been granted leave to remain; and the number who have been deported. [17006/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The number of letters that have issued to parents of Irish-born children since 18 July 2003 proposing deportation from the State and who had made a residency application on that basis before 19 February 2003 is 2,196. Of this number, eight have been granted leave to remain and two have been deported.

#### Residency Permits.

161. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the number of persons who had applied for residency on the basis of parentage of an Irish child before February 2003 but had not received a decision on their application who were from the new member states of the EU and who are now entitled to be here under EU treaty rights. [17007/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The information requested by the Deputy is not readily available. Applications for permission to remain on the basis of parentage of an Irish-born child are not recorded in a manner which would provide for a breakdown of the nationalities of the applicants. There were 11,493 such applications on hands on 19 February 2003. I can inform the Deputy that nationality figures are available on decisions made on such applications. In 2002 there were 4,076 approvals on such applications, of which 261, 6.4%, related to nationals of accession states that joined the EU on 1 May 2004.

#### Prison Building Programme.

162. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if there is or will be plans to site a prison in the Kilcock area; and if he will make a statement on the matter. [17030/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I can inform the Deputy that there are no immediate plans for the siting of a prison in the Kilcock area. However, as part of the process to identify possible sites for the replacement of the prison complex at Mountjoy,



[Mr. McDowell.]

the Office of Public Works have made inquiries, which included the placing of advertisements in the national press, and arising from this process approximately 30 potential sites have been submitted to me 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.

#### **Citizenship Applications.**

163. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if he will intervene in this immigration and citizenship case (details supplied); and to give the maximum support and assistance. [17031/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person in question arrived in the State in August 2002 and made an application for asylum. In December 2002, she gave birth. She withdrew her asylum application 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 is a large number of such cases outstanding at present, including the case to which the Deputy refers.

Since the person in question does 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 person in question on 5 April 2004 and she was 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, it is decided not to make a deportation order she will be given leave to remain on a humanitarian basis. Given the large number of such cases on hand, I am unable to say at this stage when the file will be further examined.

164. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform if an application will be expedited for permission to remain

in the State in the name of persons (details supplied) in County Kilkenny under section 3 of the Immigration Act 1999; if consideration will be given on humanitarian grounds; and if he will make a statement on the matter. [17037/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The husband in question arrived in the State in March 2001 and made an application for asylum. His wife arrived in the State in December 2001 and made an asylum application. Both asylum applications were refused in June 2002. The wife gave birth in October 2002 and the couple applied for residency based on 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 is 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 8 April 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. Given 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.**

165. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform the position regarding dealings for a person (details supplied) in County Mayo. [17038/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Registrar of Titles of the following information in relation to the four Land Commission schedule applications. Schedule numbers 90902 and 90103 were completed on 29 April 2004. Schedule number 90104 was completed on 28 May 2004.

I refer the Deputy to my response to Parliamentary Question No. 760 of 27 April 2004 in relation to schedule number 91922 where I stated that the Registrar of Titles had informed me that there is no reference to the individual referred to by the Deputy or any other party with the same

surname in the application the subject of schedule number 91922 and that this application is also receiving attention in the Land Registry.

### **Closed Circuit Television Systems.**

166. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform if applications have been received from towns in County Mayo for a Garda closed circuit television system; and the position regarding the provision of grant aid for these projects. [17039/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As the Deputy may be aware Castlebar is one of 17 locations set to receive new Garda town centre CCTV systems, subject to the availability of funds. These locations are: Athlone, Ballyfermot, Bray, Carlow, Castlebar, Clondalkin, Clonmel, Dundalk, Dun Laoghaire, Ennis, Finglas, Galway, Kilkenny, Limerick, Sligo, Tallaght and Waterford.

Phase 1 of the scheme comprises Bray, Dundalk, Dun Laoghaire, Finglas, Galway and Limerick and the installation of these systems is at various stages of completion. Phase 2 of the programme of CCTV implementation will consist of Athlone, Clondalkin, Tallaght and Waterford. Phase 3 comprises Ballyfermot, Carlow, Castlebar, Clonmel, Ennis, Kilkenny and Sligo. The planning for the installation of these systems is scheduled to commence later this year.

I am informed by the Garda authorities that an application for a Garda CCTV system in Ballina has been received by the CCTV advisory committee. This committee was established by the Garda Commissioner to advise on all matters relating to CCTV systems. This application is currently under consideration by the advisory committee along with applications from other cities and towns throughout the country.

A grant-aid scheme has been launched to facilitate community based groups who wish to install their own local CCTV system. Grant assistance of up to €100,000 will, subject to the availability of funds, be obtainable from my Department towards the cost of such schemes. It will be up to the community groups, in conjunction with the relevant local authority, to install, maintain and monitor the community-based CCTV schemes. To qualify for grant aid, certain minimum standards will have to be met and the Garda will have to be allowed access to the system when and as they require it. The Department has received a significant number of expressions of interest — in excess of 200 — in the community-based CCTV scheme. An application prospectus has been prepared by the Department which provides information on how to apply for grant-aid funding, outlines the application process and identifies the main issues that applicants will need to consider. Copies of this prospectus are available on request

from my Department's Garda administration division.

A code of practice, drawn up in co-operation with the Office of the Data Protection Commissioner, and detailed technical specifications, drawn up by the Garda Síochána, are almost complete.

When both the code of practice and the technical specifications have been finalised my Department will issue copies of same to all communities who expressed an interest in the community-based CCTV scheme and any applications subsequently received will be evaluated and processed. Expressions of interest in this community-based CCTV scheme have been received from Achill Sound, Ballina and Castlebar.

### **Garda Stations.**

167. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform the number and location of Garda stations in the Roscommon-east Galway Garda division without a fax machine; the number and location of rural stations within the division without an answering machine and the number and location of such stations without a phone diversion to the nearest manned station; and if he will make a statement on the matter. [17050/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities which are responsible for the detailed allocation of resources that all divisional, district and area headquarters stations are equipped with fax facilities. In addition, each divisional officer has nominated three sub-district stations for the installation of fax machines on a prioritised basis. All other requirements are treated on a case-by-case basis. This policy is reviewed from time to time. There are 28 Garda stations in the Roscommon-east Galway division without a fax machine, as follows: Ahascragh, Glenamaddy, Athleague, Keadue, Ballinlough, Kilconly, Ballintubber, Kilconnell, Ballyfarnon, Kiltomer, Ballyforan, Knockcroghery, Ballymoe, Loughglynn, Barnaderg, Menlough, Clonark, Milltown, Cootehall, Moylough, Corofin, Strokestown, Creggs, Taughmaconnell, Elphin, Tulsk, Frenchpark and Williamstown.

All stations in the Roscommon-east Galway division that open for less than 24 hours have the capability to activate call diversion to their relevant district headquarters station. It is Garda policy not to use answering machines. As a result, there are no answering machines fitted in the Roscommon-east Galway division.

### **Criminal Assets Bureau.**

168. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he has plans to use the Criminal Assets Bureau to target the assets of prostitution kingpins who are running

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 prostitutes in the Arbour Hill, Montpelier and Bricin's Park areas of Dublin 7; and if he has plans to introduce provisions to name and shame those found guilty of soliciting prostitution.  
 [17100/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Criminal Assets Bureau continues to apply its statutory remit, under the Revenue Acts and Proceeds of Crime Act, to targeting the assets of persons known or suspected to have generated income from criminal activity including prostitution. I have no plans to introduce new provisions as suggested by the Deputy.

#### **Prison Staff.**

169. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if representatives from his Department or the Irish Prison Service will be attending the conference, Private Finance in the Criminal Justice Sector, organised by SMI and taking place in London on 23-24 June 2004; and if so, the titles of those representatives and the purpose of their participation.  
 [17102/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** No decision has been taken in respect of attendance by officials of my Department at the conference in question. As far as the Irish Prisons Service is concerned, I am advised that it does not intend nominating a representative to attend.

#### **Travellers' Rights.**

170. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform his views on the implications for policy in this State of the European Court of Human Rights recent ruling that EU States have a positive obligation to facilitate Travellers' nomadic way of life. [17103/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The ruling referred to by the Deputy was published on Thursday, 27 May by the ECHR, and has just come to hand. I have referred the ruling to Attorney General for his advice on the matter.

#### **Equality Legislation.**

171. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform his views on whether his recent public characterisation of the Equality Authority as a ginger group was an inappropriate way for a Minister responsible for equality in the State to describe the statutory agency charged with giving effect to the State's equality legislation; and if he will withdraw his comment on that basis. [17106/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Equality Authority has a

statutory function to work towards the elimination of discrimination and to promote equality of opportunity. I described the Equality Authority as "a Statutory Body and a Ginger Group", not in any way to disparage or undervalue the work of the authority, but in recognition of the robust, highly active, pioneering approach taken by the authority and its CEO in promoting possible new policy initiatives for the equality agenda. The authority is independent of me and there will necessarily be occasions on which the authority and the Minister of the day will not agree on all of the authority's proposals.

172. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the reason for his public assertion that social equality and a rights-based society will lead to feudalism; if he will give an example of a feudal society that was egalitarian in structure; and if he will give an example of a feudal society that was rights-based in the sense as understood in the 21st century.  
 [17107/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Most people would acknowledge that in any society, flexibility, choice, dynamism, and the general freedom to act and to innovate are qualities which provide the climate for change, growth, wealth creation, and social and cultural development. This is by no means to suggest that a society which is devoid of any system of enforceable rights, or has only a primitive rights regime, can reasonably expect to be regarded by its own citizens, or by the world at large, as an enlightened or liberal society nor is it reasonable to regard a society that is characterised by an unremitting search for codified restrictions on the freedoms of its citizens as one that is liberal, enlightened or in any sense likely to serve the better interests of its citizens, including their overall economic interests.

Like most things in life, it is a matter of finding the right balance. I believe that it does no disservice to the worthy objective of advancing equality in society to point out that, unless that endeavour is characterised by reason and common sense and unless we are free to ask whether each and every identified right requires statutory clothing, the society, in the end, will tend to suffer rather than gain. Put another way, there is always a potential trade-off between two different forms of equality, namely, equality of opportunity and equality of outcome.

*Question No. 173 answered with Question No. 154.*

#### **Garda Operations.**

174. **Mr. Boyle** asked the Minister for Justice, Equality and Law Reform the regulations that

exist regarding the use of handcuffs by the Garda on children. [17118/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities that the use of handcuffs by members of the Garda Síochána is governed by the Garda code. All Garda trainees receive instruction in the use and care of handcuffs as part of their training programme. Other members of the force receive instruction on the use and care of handcuffs at in-service training. I have been further informed that the general policy of the Garda Síochána is that handcuffs should not be used on children. However, because every arrest has its own unique features and indeed hazards, the decision whether to use handcuffs or not rests with the particular Garda involved. The principle to be applied in such cases is that the degree of force to be used in any situation must always be moderated and proportioned to the circumstances of each particular instance, and no more force should be used than is necessary.

#### **Residency Permits.**

175. **Mr. Boyle** asked the Minister for Justice, Equality and Law Reform when a decision will be made on the residency status of a person (details supplied) married to an Irish citizen. [17119/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** An application for permission to remain in the State based on marriage to an Irish national was received by my Department in June 2003. Applications of this type are dealt with in strict chronological order and are currently taking approximately twelve months to process from the date of receipt.

#### **Garda Operations.**

176. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform the resources which were allocated to the traffic watch scheme during its pilot scheme; the additional resources which were given when it went national; the future resources he plans to provide; and if he will make a statement on the matter. [17125/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities which are responsible for the detailed allocation of resources that a telephone system at Thomastown Garda station and a dedicated lo-call number were allocated to the traffic watch scheme during its pilot scheme. The tasks of call taking were in addition to the ordinary duties of the gardaí on duty and training and briefing information was provided to all members operating the system. When the scheme went nationwide on 18 February 2004 an automated answering service began transferring callers to one of six call centres. Training and briefing

information was provided to all members operating the system at these six locations.

The road signs, both for the pilot scheme and nationwide scheme, are provided by the National Roads Authority. The traffic watch system is being kept under review and Garda management are satisfied that the resources allocated to this scheme at present are sufficient to meet the demands of the scheme.

#### **Refugee Applications.**

177. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform if an application will be expedited for family reunification in the name of a person (details supplied) in County Kilkenny; and the timeframe in this process. [17126/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The refugee in question made an application for family reunification in March 2004. The application was forwarded to the Refugee Applications Commissioner for investigation as required under section 18 of the Refugee Act 1996. When this investigation is completed, the commissioner will prepare and forward a report to my Department. Upon receipt of this report the application will be carefully considered and a decision will issue shortly thereafter. The timeframe for completion of the investigation will depend on the timeliness of the applicant's responses to requests for documentation and information from the office of the Refugee Applications Commissioner.

#### **Deportation Orders.**

178. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform if, following the recent decision of the Advocate General and pending the decision of the European Court of Justice, he will cease deporting non-national parents along with their Irish born child; and if he will make a statement on the matter. [17127/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have not departed from the Government's previously enunciated policy in these cases having regard to the Supreme Court judgment in the L & O cases.

#### **Judicial Appointments.**

179. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform if a person (details supplied) in County Kerry had, prior to their appointment to office as judge, been previously appointed as a member of any State agency, board, committee or other similar posts; if so, the details thereof, including the total remuneration or expense received; and if he will make a statement on the matter. [17128/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed that the person referred to in the Deputy's question was appointed by my predecessor as a member of the Refugee Appeals Tribunal with effect from 3 August 2001. I am further informed that he never discharged any functions in the tribunal and received no remuneration in respect of that appointment. He was appointed by the President to be a judge of the Circuit Court on 1 November 2001 and subsequently resigned from the Refugee Appeals Tribunal. I am not aware of any other appointment or position in respect of which my Department has any function to which the person referred to was appointed.

#### **Prison Visiting Committees.**

180. **Mr. J. O'Keefe** asked the Minister for Justice, Equality and Law Reform his views on the statement in the 2003 report on the Mountjoy visiting committee that padded cells continued to be used on a regular basis; the number of persons held in padded cells at Mountjoy in 2003; the longest period of continuous confinement in a padded cell at Mountjoy in 2003; and if he will make a statement on the matter. [17129/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** During the year 2003, special cells were used on 428 occasions in Mountjoy Prison. In 95% of cases the time period was less than two days and the longest period was 14 days at the direction of the prison medical officer.

It is important to note that these cells are not used for routine detention or punishment purposes. The need to use them arises when a secure, safe place is required where prisoners can remain under special observation with minimal opportunity to cause damage to themselves or to others.

An implementation group set up in the prison service to determine the most appropriate redesign for the traditional padded cells and other related matters has completed its deliberations and have presented revised guidelines for the future use of these cells. In this regard, Mountjoy Prison is in the process of developing two cells in the base area of the prison based on the guidelines of the expert group.

#### **Prison Accommodation.**

181. **Mr. J. O'Keefe** asked the Minister for Justice, Equality and Law Reform his views on the 12 May 2004 report in a newspaper (details supplied) which quoted a prison physician at Castlerea stating that prisoners can be left in padded cells for two to four weeks at a time; the number of persons confined to padded cells at Castlerea in the past 12 months; the longest period of continuous confinement in a padded cell at Castlerea during that time; and if he will make a statement on the matter. [17130/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed that from 1 June 2003 to 31 May 2004, a total of 41 prisoners were detained in the padded cell at Castlerea Prison. Of this total, nine prisoners were detained in this cell on more than one occasion. The duration of being so detained varied from two hours to a maximum of five days. Only one prisoner spent a five day period in the cell and in the majority of cases the duration was one day or less. The sort of prolonged detentions referred to in the Deputy's question did not happen. It is important to note that these special cells are not used for routine detention or punishment purposes. In contrast, they are only used in cases where a prisoner is in a highly agitated state and where he is at risk of harming himself or others.

An implementation group set up in the prison service to determine the most appropriate redesign for the traditional padded cells and other related matters has completed its deliberations and have presented revised guidelines for the future use of these cells. The cell in Castlerea Prison will be replaced in accordance with the revised guidelines.

#### **Citizenship Applications.**

182. **Ms Enright** asked the Minister for Justice, Equality and Law Reform when the application by a person (details supplied) in County Offaly for a residents permit as a parent of an Irish-born child made to his Department on 7 August 2002 will be processed. [17131/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person in question entered the State on foot of a work permit issued for the period 22 February 2002 to 21 February 2003. His wife had entered the State in April 2000 and made an application for asylum. She gave birth in July 2000 and withdrew her asylum application and made an application for residency on the basis of parentage of that Irish-born child. This was granted in March 2001. The person in question made an application in August 2002 for residency based on parentage of the 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 person in question does 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 deport them. If, in the light of representations received 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 he will be given leave to remain on a humanitarian basis. Given the large number of such cases on hand I am unable to say at this stage when the file will be examined.

#### **Grant Payments.**

183. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform when a capital grant under the Equal Opportunities Childcare Programme 2000-2006, will be awarded to a person, details supplied, in County Westmeath. [17141/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** An application for capital grant assistance from the 2000-2006 Equal Opportunities Childcare Programme was received from this private child care provider on 3 October 2003. The day to day administration of the programme is undertaken by Area Development Management Limited, ADM, which has been engaged by my Department to carry out thorough assessments against the programme criteria of all applications for grant assistance, on my behalf.

I have made inquiries and understand that this project is currently in the final stages of the assessment process. On completion of this process, the project will be referred to the programme appraisal committee, chaired by my Department, which makes a funding recommendation to me before I make a final decision on the matter. In the interim, it would be premature of me to comment further on this capital grant application.

#### **Traveller Accommodation.**

184. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government if he will take steps to ensure that there is a legal obligation on local authorities to provide adequate accommodation for Travellers living on halting sites when they are not in a position to provide accommodation from their own resources, particularly when they are unable to repay a local authority loan. [16998/04]

197. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that local authorities do not believe there is an obligation on them to provide accommodation to members of the Traveller community; if his attention has further been drawn to the number of disabled children who are living in completely substandard caravans due to the view of local authorities that the only obligation on them is to provide basic halting sites; and if he will take steps to ensure that there is a legal obligation on local authorities to provide adequate accommodation for Travellers living on halting sites when they are not in a

position to provide accommodation from their own resources, particularly when they are unable to repay a local authority loan, which may be all that is available to them for the purpose of acquiring a home. [17099/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I propose to take Questions Nos. 184 and 197 together.

All relevant local authorities have been made aware that under the Housing (Traveller Accommodation) Act 1998, they were required to prepare, adopt, and take any reasonable steps necessary to implement five year Traveller accommodation programmes to cover the period 2000 to 2004. All relevant local authorities adopted such programmes and are in the process of implementing them. Local authorities are required to prepare and adopt a new programme to take effect from the expiry of the existing programmes.

On the facilities to be provided on halting sites, there are adequate arrangements in place to address the issue of special needs. One of a series of guidelines on Traveller specific accommodation developed with the assistance of the national Traveller accommodation consultative committee and issued to local authorities by my Department in October 1997, outlined the facilities to be provided on residential caravan parks for Travellers. These guidelines were issued to assist local authorities in providing a reasonable standard of facilities on halting sites and set out guiding principles on selecting suitable sites, formulating a design brief, making arrangements for site maintenance and management, and meeting fire, safety and emergency requirements. Local authorities are also required to take into account as far as possible my Department's guidelines on social housing generally. These guidelines stress the need for consultation with the relevant families and the identification at an early stage of any special needs to be met, which can be addressed in the design process.

As well as providing 100% capital funding for the provision of new accommodation to meet these standards, my Department also provides funding to local authorities to upgrade existing substandard halting sites to a modern standard. Local authorities are also required to take account of the guidelines in formulating proposals for such refurbishments. Further assistance is available to Traveller families under the terms of the scheme of loans and grants for the purchase of caravans by Travellers. Under that scheme, both the local authority and the applicant must satisfy themselves that the caravan to be purchased represents value for money, and that it meet the needs of the Traveller household concerned, before the loan is sanctioned. A number of local authorities have in place schemes for the

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replacement of caravans in emergency situations. My Department has, in exceptional cases, agreed to fund the provision of mobile homes where the circumstances of a particular case warrant such assistance.

#### **Election Literature.**

185. **Mr. G. Mitchell** asked the Minister for the Environment, Heritage and Local Government if he will consider amending regulations and arrangements for Litir Um Thoghchán at election time in order that only one piece of election literature is delivered to each home, in the interests of the environment. [16989/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Section 78 of the Electoral Act 1997 provided that communications to electors under the free postage facility may consist of one communication to each household. However, these arrangements have not been activated to date due to concerns relating mainly to the definition of a household and the absence of a statutory list of households to which material may be sent. My Department will examine this matter further.

#### **Traveller Accommodation.**

186. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government the steps he plans to take to alleviate Travellers living on the sides of roads with no facilities since the Housing (Traveller Accommodation) Act 1998 came into force; and if he intends bringing in legislative measures to ensure that Travellers' accommodation needs are met. [17009/04]

195. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the reason after five years, and after the expenditure of so much money, so little has been achieved under the Housing (Travellers Accommodation) Act 1998 for Travellers still living on the side of the road with no facilities; if he will introduce real legislative measures to ensure that Travellers do not have to wait another five years to find that they still have not had their accommodation needs met; and if he will make a statement on the matter. [17097/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I propose to take Questions Nos. 186 and 195 together.

The Housing (Traveller Accommodation) Act 1998 provides the legislative framework for addressing the accommodation needs of Travellers. Under that Act, each relevant local authority was required to prepare, adopt and implement Traveller accommodation programmes to meet the accommodation needs of Travellers. The first programmes covered the period 2000 to 2004.

Further programmes will be put in place following the expiry of the current programmes.

The operation of the 1998 Act is currently under review. I requested the national Traveller accommodation consultative committee to advise me in relation to the review and the operation of the Act and to report on its findings to me. I expect this report to be finalised in the near future and I will consider any recommendations arising from that report.

While progress under the programmes adopted by all relevant housing authorities has been slower than originally expected, the accommodation provided under the programmes is addressing the requirements of Traveller families and, in particular, is reducing the number of Traveller families on unauthorised sites. As shown by the annual count of Traveller families undertaken by local authorities each year, 1,369 additional Traveller families were accommodated by, or with the assistance of, local authorities between 2000 and the end of 2003. This figure compares to an increase of 516 in the number of families accommodated in the previous four year period.

Prior to the adoption of the programmes, the number of Traveller families on unauthorised sites had been on the increase. Since the adoption of the programmes, this trend has been reversed and the number of families has reduced in each of the four years of the programmes to date. At the beginning of 2000, there were 1,207 Traveller families on unauthorised sites. This has since been reduced by 419 to 788 families on unauthorised sites at the end of 2003. While this is a welcome trend, it has not been sufficient to address the needs of all families on unauthorised sites. However, I look forward to a renewed impetus in the provision of accommodation for Travellers when the next programmes come into effect.

187. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government the safeguards he has put in place to protect the hundreds of Travellers living on unauthorised sites from being prosecuted and having their homes confiscated by the Garda under section 24 of the Housing (Miscellaneous Provisions) Act 2002, while they wait for local authority accommodation. [17010/04]

196. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the way in which he proposes to protect the almost 800 Traveller families living on unauthorised sites while they wait for local authority accommodation from being prosecuted and having their homes confiscated by the Garda under section 24 of the Housing (Miscellaneous Provisions) Act 2002; if he, as the Minister responsible for accommodation, will take this matter up with the Minister for Justice, Equality and Law Reform; and if he will make a statement on the matter. [17098/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I propose to take Questions Nos. 187 and 196 together.

Part 2(a) of the Criminal Justice (Public Order) Act 1994 was inserted by section 24 of the Housing (Miscellaneous Provisions) Act 2002. The Minister for Justice, Equality and Law Reform is the appropriate Minister for the purposes of the 1994 Act and enforcement under its provisions is a matter for the Garda.

To alleviate the position of Traveller families on unauthorised sites, local authorities as part of their five year Traveller accommodation programmes and, having regard to local circumstances, provide both temporary and emergency accommodation to Traveller families pending the provision of permanent accommodation under the programmes. My Department has issued guidelines to local authorities on the standards of accommodation to be provided on such sites and provides 100% capital assistance to local authorities for all such facilities provided.

While progress has been slower than originally expected, the number of Traveller families on unauthorised sites has reduced from 1,207 at the commencement of the programmes to 788 at the end of 2003.

#### **Local Authority Funding.**

188. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government further to Question No. 775 of 29 April 2004, in view of the fact that all outstanding information has been furnished by the local authority, if he will sanction the raising of a loan; and if he will make a statement on the matter. [17049/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Additional information, which was received in my Department on 1 June 2004, is under examination and a decision will issue in the matter as soon as possible.

#### **Departmental Schemes.**

189. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government when he proposes to increase the maximum loan available under the shared ownership loan scheme; and if he will make a statement on the matter. [17058/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** My Department is currently examining the terms of the income and loan limits for the shared ownership scheme and the 1999 affordable housing schemes, taking into account the movement in house prices, the effectiveness of various schemes in meeting the needs of the relevant target group and the availability of mortgage finance in the private sector.

#### **Local Authority Staff.**

190. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government further to Questions Nos. 409 and 410 of 2 March 2004, the details of all payments due to managers, assistant managers and directors of services of local authorities from May 2001 to 31 December 2003; if these details will be given as soon as available, as advised in replies to previous parliamentary questions on this subject; and when these payments will issue to the persons concerned. [17091/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** As indicated in the reply to Questions Nos. 409 and 410 of 2 March 2004, the performance related awards scheme for managers, assistant managers and directors of services came into operation with effect from 1 January 2003. Awards for the year 2003 have not yet been finalised. As advised previously, a copy of the scheme was forwarded to the Deputy on 9 March 2004. When the awards for 2003 are finalised, an analysis will be published. However, information which could be used to identify individuals will not be made public.

#### **Planning Issues.**

191. **Mr. N. O'Keeffe** asked the Minister for the Environment, Heritage and Local Government if all regulations in relation to the building of dwelling houses will be made available to applicants in the planning documentation. [17092/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** In order to improve public awareness of the requirements of the building regulations, circular letter PD 3/2003, issued by my Department on 14 April 2003, I requested that all planning authorities should issue a copy of departmental leaflet, PL11 — Guide to the Building Control System, to every recipient of planning permission for housing developments. A similar request was also made to An Bord Pleanála, in connection with the notification of the grant of planning permission, on appeal, for housing developments. I am satisfied that leaflet PL11 provides adequate guidance to house builders of their obligations under the building regulations.

#### **Fire Stations.**

192. **Cecilia Keaveney** asked the Minister for the Environment, Heritage and Local Government the number of new fire stations built in County Donegal in each year from 1988 to date in 2004; and if he will make a statement on the matter. [17093/04]

193. **Cecilia Keaveney** asked the Minister for the Environment, Heritage and Local Government the number of locations of fire stations built or upgraded in each year from 1997 to date in



[Cecilia Keaveney.]  
2004; and if he will make a statement on the matter. [17094/04]

194. **Cecilia Keaveney** asked the Minister for the Environment, Heritage and Local Government if he will outline Donegal County Council's five-year fire station replacement programme; the top five priorities that were assigned in that programme further to the report brought a number of years ago before the council members for priority ratification; if a station, details supplied, is on that list; and the reason it is being seemingly bypassed by stations further down on two different priority lists that had been presented down the years to council members. [17095/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher):** I propose to take Questions Nos. 192 to 194, inclusive, together.

The information requested by the Deputy in relation to fire station projects undertaken in County Donegal and nationally in recent years is set out in tables 1 and 2, respectively. With regard to the number of stations constructed in Donegal, as can be seen from table 1, six new replacement stations have been completed at a total cost of around €5 million. In addition, I have recently announced approval to the council to accept a tender for the construction of a further new station at Killybegs at an all in cost of over €1 million, and also that new stations at Glenties and Dungloe may be advanced to construction over the 2004 to 2005 period.

Details of Donegal County Council's proposed five year fire station replacement programme, adopted by the council in 1999, and indicating the priority afforded by the council at that time are set out in table 3. The council's programme was set to be subject to review and adjustment depending on availability of sites and any problems at local level as well as the overall funding available under my Department's capital programme, the fire cover needs in the area, the competing demands of other fire authorities and value for money.

It is understood from the council that progress on the proposed Merville fire station project was delayed due to problems in acquiring a suitable site. The council's first request for approval in principle to the Merville station project was received in November 2003 and is being assessed by my Department, having regard to the fire cover needs in the area, the technical merits of the proposal and the requirement to progress projects already approved for commencement under the capital programme.

Earlier this year my Department initiated a review with fire authorities of all proposed fire station projects along with those in planning with a view to obtaining the best outcome from the fire station construction programme nationally. As part of this review, my Department sought an indication from each fire authority as to the relative priority of its proposed projects. However, in its February 2004 response, Donegal listed seven new fire station projects, including one at Merville, but without indicating the relative priority of these projects.

Table 1.

New fire stations completed in County Donegal from 1988-2004 to date.

Location	Year
Milford	1998
Buncrana	2000
Letterkenny HQ	2003
Falcarragh	2003
Donegal town	2004
Carndonagh	2004

Table 2

Major fire station projects completed nationally each year since 1997.\*

Year	Location	Type of works
1997	Listowel	New station
	Kilkenny	Extension & improvements
1998	Kilbeggan	New
	Kilrush	New
	Dunshaughlin	Extension to drill yard
	Milford	New
	Kells	New
	Wicklow town	New

Year	Location	Type of works
1999	Tara Street	New
	Gort	New
	Dolphin's Barn	Extension & refurbishment
	Athy	New
	Ashbourne	New
2000	Hacketstown	New
	Ballyvolane	New
	Ardee	New
	Buncrana	New
2001	Tubbercurry	New
	Naas	New
	Clonmel Training Centre	Extension & improvements
	Tramore	Extension
	Bailieborough	New
	Ballincollogh	New
2002	Kilronan	Extension & improvements
	Carlow HQ	New
	Swords	New
	Dowra	New
	Arklow	New
	Scarriff	New
	Skibereen	New
	Monasterevin	Extension
	Ennis	Extension
	2003	Callan
Portlaoise HQ		New
Falcarragh		New
Letterkenny HQ		New
Fermoy		New
2004, to date	Birr	New
	Ballaghaderreen	New
	Donegal town	New
	Carndonagh	New

*Note:* A station upgrading scheme of minor capital works to 20 stations at a total cost of €1.4 million was also approved in 2002.

Table 3

Donegal County Council's proposed five year fire station replacement programme 1999.

Station	Number of bays
Letterkenny	Four
Donegal town	Two
Killybegs	Three
Moville	Two
Falcarragh	Two
Bundoran-Ballyshannon	Three
Stranorlar	Two
Carndonagh	Two
Dungloe	Two
Glenties	Two
Gweedore	Two
Glencolmcille	Two

*Question No. 195 answered with Question No. 186.*

*Question No. 196 answered with Question No. 187.*

*Question No. 197 answered with Question No. 184.*

#### **Water and Sewerage Schemes.**

198. **Mr. Penrose** asked the Minister for the

[Mr. Penrose.]

Environment, Heritage and Local Government the steps he will take to provide the necessary finance to enable the water scheme to be completed in Moate, in particular to enable the water to be brought from the location at which it ends at the Gap House, Moate, up to the reservoir in Moate, in view of the fact same is urgently required; and if he will make a statement on the matter. [17115/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Long-term water supply requirements for Moate are being addressed as part of the south Westmeath regional water supply scheme, which has been approved for funding under my Department's water services investment programme 2004-2006 to commence construction in 2006 at an estimated cost of €58 million. I understand that supply improvements for the low level area of Moate that were approved by my Department as an advance element of the scheme have been completed. My Department has no proposals from Westmeath County Council in relation to any further advance works under the scheme.

#### **Regional Road Network.**

199. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government if funding has been sought and will be granted for making permanent a bridge over the Tramore river on Kinsale Road, which incorporates the Cork city boundary. [17116/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The improvement of non-national roads and bridges in Cork city is a matter for Cork City Council. Such schemes are funded from the authority's own resources supplemented by grants from my Department.

In July 2003, local authorities were invited by my Department to submit applications for improvement works, including bridge works, on non-national roads, for consideration for funding in 2004 under the EU co-financed specific improvement grants scheme. While Cork City Council's application for funding in 2004 under this scheme included an application for funding of €50,000 in 2004 in respect of improvement works to the bridge over the Tramore River on Kinsale Road, this project was not among the council's projects selected for funding in 2004. All applications submitted under this scheme were considered in my Department having regard to EU eligibility criteria, the need to prioritise projects, competing demands from other local authorities and the funds available for the scheme in 2004.

My Department will again be seeking applications under the EU co-financed specific

improvement grants scheme later this year and it will, of course, be open to the council to submit a funding application for consideration under this scheme in 2005.

*Question No. 200 answered with Question No. 63.*

*Questions Nos. 201 and 202 answered with Question No. 66.*

#### **Rural Housing.**

203. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the extent to which he has received confirmation from the Department of Environment, Heritage and Local Government, in the matter of once off rural housing; and if he will make a statement on the matter. [17066/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** As the Deputy is aware, on 4 March last, my colleague, the Minister for the Environment, Heritage and Local Government, Deputy Cullen, published the consultation draft of guidelines for planning authorities on sustainable rural housing. These draft guidelines are vitally important in providing clarity and consistency in the implementation by planning authorities of Government policy in relation to rural housing. They provide a more detailed framework for planners, based on what the national spatial strategy has to say on rural housing policy. The guidelines reflect exactly what I have been saying for the past number of years. As I said in my statement at the time, welcoming the publication of the draft guidelines, what is needed is rural housing within the confines of good planning practice. The consultation draft reflects my position on this issue and it reflects Government policy on the matter.

#### **Irish Language.**

204. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the extent to which he intends to offer assistance to rural or urban community groups involved in promoting the Irish language and culture; and if he will make a statement on the matter. [17067/04]

205. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the extent to which he or his Department have supported groups involved in promoting the Irish language and culture in 2004; and if he will make a statement on the matter. [17068/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I propose to take Questions Nos. 204 and 205 together.

Under my Department's Gaeltacht improvement schemes, capital grants are available for the development of piers and other marine works in

the Gaeltacht, the improvement of Gaeltacht roads, and the provision and improvement of community facilities, such as halls and sports fields. These grants are aimed at supporting the social, cultural and economic life of the Gaeltacht areas, as well as promoting and strengthening the Irish language as the community language within these areas. A total of €9.975 million has been allocated for these schemes in 2004.

Annual assistance is also available for organisations working for the acquisition and maintenance of Irish in the Gaeltacht. A total of €3 million has been allocated for these projects in 2004. Funding is also provided for qualified households in the Gaeltacht who accommodate Irish language students attending a recognised college.

Under the community development programme, core funding is provided to over 170 community-based projects that target disadvantage and social exclusion. *Pléaráca Teo*, a project based in the south Connemara Gaeltacht, has been in receipt of core funding under the community development programme since 1997. The project's core budget for 2003 was €100,000. One of its key objectives is to enhance the power of the community and reinforce its awareness as a Gaeltacht community, by placing an emphasis on community arts as a means of community development.

*Comhdháil Náisiúnta na Gaeilge* is funded under the funding scheme to support the role of federations, networks and umbrella bodies in the community and voluntary sector. Funding totalling €126,000 has been approved over the duration of the scheme, three years. *Comhdháil Náisiúnta na Gaeilge* is the umbrella body for the voluntary Irish language organisations and comprises 21 member organisations.

Under the cultural sub-measure of the Leader programme, Leader groups can fund groups promoting the Irish language. In addition, my Department has appointed *Meitheal Forbartha na Gaeltachta Teoranta* as the Leader group specifically for the Gaeltacht regions.

My Department provides co-funding for *Foras na Gaeilge*, the Irish language agency established under the terms of the Good Friday Agreement, in the amount of €14,020,500 for 2004. *Foras na Gaeilge* provides extensive support on an all-Ireland basis to groups involved in promoting the Irish language and culture. The agency also receives funding from the co-sponsoring Department in Northern Ireland, the Department of Culture, Arts and Leisure.

In addition, my Department provides financial assistance to groups involved in promoting the Irish language and culture through *Ciste na Gaeilge*. Commitments under *Ciste na Gaeilge* in 2004 to such groups amount to €2.6 million.

Under the CLÁR programme, *Foras na Gaeilge* and CLÁR jointly fund an Irish signage scheme. The funding is on a 1:1 basis for com-

munity signage up to a total cost of €4,000 per village. For private signage, a three way equal funding split operated between CLÁR, *Foras na Gaeilge* and the private individuals involved, subject to maximum of €1,000 each from CLÁR and *Foras na Gaeilge*. A bilingual townland signage scheme is also operational based on a three way equal funding split, involving CLÁR, *Foras na Gaeilge* and the local community, subject to maximum of €6,000 per parish-area. The Leader groups co-ordinate the projects for community groups and voluntary organisations and for private groups-businesses, while the county development board, CDB, co-ordinates the projects for townland signage.

### Rural Development.

206. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the extent to which he has awarded financial assistance towards community or other groups under the heading of rural affairs within his Department; and if he will make a statement on the matter. [17069/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** My Department has provided financial assistance to community and other groups dealing with rural affairs through a number of different schemes and programmes. These include the Leader programme, CLÁR, the rural development fund and PEACE II, as well as the community and local development programmes.

The Leader programmes are EU programmes in place to encourage the implementation of integrated, high-quality and innovative strategies in rural communities, including a number of rural enterprises projects. Some 22 local action groups throughout the country deliver the EU Leader+ initiative. The allocation for Leader+ for the period 2000 to 2006 is €73.6 million, which is co-funded by the EU. The Leader national rural development programme closely complements the Leader+ initiative and is operated by 13 local groups in areas of the country not covered by Leader+. It also provides nationwide coverage for rural and agricultural tourism and focuses more on mainstream activities. The allocation for 2000 to 2006 is €75.7 million, which is also co-funded by the EU. One of the key aims of the Leader programme is to maintain and develop local rural communities and to create opportunities for rural people to live and work in their local area.

CLÁR is a regeneration programme targeted at areas of specific population decline. This programme co-ordinates existing sources of public and private finance and provides additional stimulus funding for the provision of small scale economic and social infrastructure to help rural communities overcome local difficulties and achieve access to a range of essential services

[Éamon Ó Cuív.]

such as water supply, sewerage disposal, road access, broadband communication, community and economic infrastructure, etc. This programme has vividly demonstrated that small amounts of public funding, specifically targeted, can have an enormous impact in disadvantaged rural areas experiencing low or declining populations. Expenditure under the programme amounted to €14.14 million in 2002 and to €8.613 million in 2003 which, it is estimated, levered out a further €21million in related public and private expenditure in those two years. The provision in the Estimates for 2004 is €13.49 million, which constitutes a 57% increase in the 2003 outturn.

The areas targeted under the CLÁR programme have and will continue to benefit from assistance under the range of measures operated. These areas are parts of counties Cavan, Clare, Cork, Donegal, Galway, Kerry, Limerick, Longford, Louth, Mayo, Meath, Monaghan, Roscommon, Sligo, Tipperary, Waterford, Westmeath and all of County Leitrim. Community based projects attracting less than 50% public funding under Leader may qualify for CLÁR top-up funding, subject to certain conditions. As this scheme is demand led, there is no specific allocation. To date in 2004, approximately €303,000

of CLÁR funding for six projects has been approved.

My Department shares joint responsibility with the Department of Agriculture and Rural Development, Northern Ireland, for two rural development measures under the PEACE II programme, priority 5, measure 6 (a) and 6(b). Three projects have been approved to date under both measures, with a total funding package of €3.3 million.

My Department provides funding for these programmes, which operate across rural and urban areas. Details on funding of these programmes are set out in my reply to today's Questions Nos. 208 and 209.

#### Grant Payments.

207. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the number of applications received in his Department for the various forms of grant assistance available; and if he will make a statement on the matter. [17070/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The information sought by the Deputy is set out in the table below. The information provided relates to the period from 1 January 2003, the first full year of my Department, to date.

Schemes	Number of applications
Community and local development	
Community development programme	Two
2003 programme of grants for locally-based community and voluntary organisations	2,377
2004 programme of grants for locally-based community and voluntary organisations	1,200, scheme closed for applications on 31 May and figure not yet finalised)
2003 scheme of community support for older people	461 applications from community groups resulting in grant approval of 11,921 individual older people
2004 scheme of community support for older people	This scheme will be advertised shortly
Funding scheme to support the role of federations, networks and umbrella bodies.	134
Rural development schemes	
PEACE II Measure 5.6b	8
INTERREG Ireland-Northern Ireland programme	18
Under CLÁR, for the most part, applications are made directly to the other Departments, agencies or local authorities involved.	
In the case of the following measures, applications are made directly to the CLÁR section of my Department.	
Single to three-phase electricity conversion measure:	143
Primary school outdoors play facilities enhancement scheme:	483
Rural development fund	8
Islands	84
Gaeltacht and Irish language, estimated**	9,100

\*\* A wide range of schemes is operated in the Gaeltacht and Irish language areas of the Department, many of which involve individual applications from substantial numbers of Gaeltacht residents, for example, the Gaeltacht housing scheme, the scheme for Irish speaking households and the scheme for students attending Irish summer colleges, and the figure shown under this heading is an indicative one.

#### Community Development.

208. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the extent to

which funding has been provided by his Department in 2004 to date on a county by county basis under the community affairs heading of his

Department; and if he will make a statement on the matter. [17071/04]

209. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the funding he has made available to bodies under the community affairs aegis of his Department in the current year to date, the funds still to be expended; and if he will make a statement on the matter. [17072/04]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N.**

**Ahern):** I propose to take Questions Nos. 208 and 209 together.

My Department administers a range of programmes designed to support communities as they pursue their own development. The information required by the Deputy in relation to funding provided for these programmes is detailed in the tables below. The Deputy may wish to note that certain programmes have both a community and a rural focus and, therefore, they are reflected in both this reply and the reply to Question No. 206 of today.

Grants for community and voluntary service

Scheme-programme	2004 allocation	Amount spent	Balance
	€m	€m	€m
Community development programme	20.6	8.514	12.086
Programme of grants for locally-based community and voluntary organisations	2.7	Nil	2.7
Scheme of community support for older people	2.4	Nil	2.4
Society of St. Vincent de Paul and Protestant Aid	1.333	Nil	1.333
Funding for national organisations working for the re-integration of ex-prisoners	0.136	0.034	0.102
Support for volunteering	0.272	0.136	0.136
White Paper supports for the community and voluntary sector	3.888	0.728	3.16

The following tables outline the expenditure on a county by county basis.

County	Total spent community development projects	Total spent regional support agencies	Total spent specialist support agencies	Total expenditure to date
	€	€	€	€
Carlow	38,000			38,000
Cavan	83,850			83,850
Clare	160,300			160,300
Cork	406,091			406,091
Donegal	381,250	115,670		496,920
Dublin	2,534,494	482,585.42	390,500	3,407,579.42
Galway	458,430	82,680		541,110
Islands	245,363.98			245,363.98
Kerry	203,528			203,528
Kildare	160,185.13			160,185.13
Kilkenny	59,700			59,700
Laois	0			0
Leitrim	76,530			76,530
Limerick	381,650	140,970		522,620
Longford	0			0
Louth	151,551			151,551
Mayo	321,639.69			321,639.69
Meath	53,958	107,723		161,681
Monaghan	132,344	92,996.47		225,340.47
Offaly	50,221			50,221
Roscommon	27,300			27,300
Sligo	93,450			93,450
Tipperary	199,729			199,729
Waterford	241,391	93,861		335,252
Wesmeath	50,000	54,000		104,000

County	Total spent community development projects	Total spent regional support agencies	Total spent specialist support agencies	Total expenditure to date
	€	€	€	€
Wexford	303,820			303,820
Wicklow	138,129			138,129
Total	6,952,904.80	1,170,485.89	390,500	8,513,890.69

## Supports for volunteering

	€
All Dublin based: <i>Paid during February and March of 2004</i>	135,999.50

## National anti-poverty networks

	€
Dublin	572,260.00
Galway	71,532.50
Westmeath	71,532.50
Total:	715,325.00

Funding paid six monthly in advance from December 2003.

## Training and supports scheme

	€
Dublin	250,000
Louth	30,000
Laois	10,000
Westmeath	10,000
Meath	27,500
Galway	7,500
Donegal	10,000
Roscommon	17,500
Waterford	9,464
Cork	7,500
Total	379,464

Funding paid six monthly in advance from December 2003.

## Federations, networks and umbrella bodies scheme

	€
Galway	112,000
Westmeath	27,500
Dublin	615,400
Clare	53,500
Kildare	56,500
Tipperary	23,500
Total	888,400

Funding paid six monthly in advance from December 2003

The local development social inclusion programme, LDSIP, aims to counter disadvantage and to promote equality and social and economic inclusion through the provision of funding and support to area partnerships, community groups and employment pacts, which adopt a partnership

approach to tackling local issues. Each group submits a plan for their area, which encompasses three main action areas: services for the unemployed; community development and community based youth initiatives. The programme is managed by Area Development Management Limited, ADM, on behalf of my Department and details of funding allocated by ADM for 2004 are as follows:

County	Partnership- community group	Allocations 2004	Total for county
		€	€
Carlow	Carlow Area Network Development Organisation, CANDO	532,922	532,922
Cavan	Cavan Partnership	703,828	703,828
Clare	Éirí Corca Baiscinn	358,980	
	Ennis West Partnership	175,000	
	Obair Newmarket-on-Fergus Ltd	145,786	679,766
Cork	Cork City Partnership	1,095,005	
	Avondhu Development Group	340,163	
	Bantry Integrated Development Group	233,048	
	East Cork Area Development Ltd	302,730	
	I.R.D. Dunhallow Ltd	448,776	
	Meitheal Mhuscraí	135,000	2,554,722
	Ballyfermot Partnership	675,567	
	Ballymun Partnership Ltd	763,697	
Dublin	Blanchardstown Area Partnership	719,179	
	Canal Communities Partnership	693,477	
	Clondalkin Partnership	1,028,287	
	Dublin Inner City Partnership	1,028,287	
	Finglas-Cabra Partnership	1,017,069	
	KWCD Partnership	859,110	
	Northside Partnership	1,039,505	
	Southside Partnership	876,528	
	Tallaght Partnership	1,039,505	
	Co-operation Fingal	224,363	
	Rathmines Information & Community Services Centre Ltd	277,438	10,484,658
Donegal	Employment Pact	242,646	
	Donegal Local Development Company	984,477	
	Inishowen Partnership Board	690,524	2,350,883
Galway	Pairtíocht Gaeltacht Thir Chonaill	675,882	
	Cumas Teo Páirtíocht Chonamara	638,803	
	Galway City Partnership	707,016	
Kerry	Galway Rural Development Company	1,006,205	2,352,024
	Partnership Trá Lí	685,801	
	South Kerry Development	715,341	
	Comhar Dhuibhne	175,000	
	Kerry Rural Development Sliabh Luachra Ltd	266,340	
Kildare	North Kerry Together Ltd	358,980	2,201,462
	Northwest Kildare-North Offaly Partnership, OAK	348,371	
Kilkenny	Action South Kildare	570,220	918,591
	Castlecomer District Community Development Network, CDCDN	229,188	
Laois	Kilkenny Community Action Network	226,775	455,963
	Mountmellick Community Development Association	240,647	
Leitrim	Portlaoise Community Action Project Ltd	175,000	415,647
	Leitrim Partnership	694,303	694,303
Limerick	PAUL, Limerick, Partnership	1,039,505	
	West Limerick Resources Ltd	661,003	
	Ballyhoura Development Ltd	481,897	
	Employment Pact	145,587	2,327,992



County	Partnership- community group	Allocations 2004	Total for county
		€	€
Longford	Longford Community Resources Ltd	686,864	686,864
Louth	Dundalk	767,004	
	Drogheda Partnership Company	747,615	
	Dundalk- Drogheda Employment Pact	131,724	1,646,343
Mayo	Meitheal Mhaigheo	951,413	951,413
Meath	Navan Travellers Workshop Ltd	150,000	
	Trim Initiative for Development and Enterprise, TIDE	162,729	
	North Meath Communities Development Association	221,552	534,281
Monaghan	Monaghan Partnership Board	733,703	733,703
Offaly	Tullamore Wider Options	175,000	
	West Offaly Integrated Development Partnership	217,704	392,704
Roscommon	Roscommon County Partnership	704,182	704,182
Sligo	Sligo LEADER Partnership Co	661,003	661,003
Tipperary	Roscrea 2000 Ltd	196,251	
	Borrisokane Area Development Group	175,000	
	Clonmel Community Partnership	229,188	
	Nenagh Community Network	175,000	775,439
Waterford	Waterford Area Partnership	742,206	
	Waterford County Partnership	260,571	1,002,777
Westmeath	Westmeath Community Development Ltd	626,643	
	Athlone Community Taskforce	258,017	1,006,436
	Employment Pact	121,776	
Wexford	Wexford Area Partnership	775,270	
	Wexford County Partnership	1,067,255	1,842,525
Wicklow	Bray Partnership	775,270	
	Arklow Community Enterprise Ltd.	208,440	
	Wicklow Working Together	175,000	1,158,710

Some €3.097 million has been allocated to the co-ordination of local and community development schemes. To date no expenditure has been incurred.

Funding of €10.615 million is provided for the programme for peace and reconciliation in 2004. This programme is for community related measures and is managed by ADM-CPA, Monaghan, on behalf of my Department. Therefore, a breakdown of expenditure on a county basis is not available. Funding of €2.438 million has been paid to ADM and €0.5 million has been paid to CPA out of Exchequer funds to date in 2004.

Some €26.756 million was allocated to the drugs initiative-young people's facilities and services fund in 2004. To date a total of €8.097 million has been spent.

#### CLÁR

County	CLÁR funding allocated 2004
	€
Cavan	1,241,002
Clare	1,417,989
Cork	987,247
Donegal	1,318,847
Galway	1,078,558
Kerry	1,653,238

County	CLÁR funding allocated 2004
Leitrim	1,331,794
Limerick	18,333
Longford	382,367
Louth	481,796
Mayo	2,053,744
Meath	25,000
Monaghan	267,218
Roscommon	1,676,704
Sligo	1,087,849
Tipperary North	296,005
Tipperary South	23,333
Waterford	442,857
Westmeath	115,633
Total	15,899,514

To date in 2004, nearly €16 million has been allocated to the counties in CLÁR through the various measures operating under the programme. Some measures operate on a two-year cycle, 2004 and 2005, and the funding allocated reflects this. In some cases, the bulk of the approved funding in 2004 will not fall for payment in the same year, for example, top-up funding under the 2004 sports capital programme.

As regards the RAPID programme, funding of €1.3 million is provided to ADM in 2004 for

administration costs and support to local areas in the implementation of the programme. In addition, €4.5 million has been made available to support small-scale actions in RAPID areas. Proposals will be co-funded by the relevant Department or local agency under a number of categories, with broad levels of funding agreed at national level. One such measure to be co-funded is a housing estate enhancement scheme and total allocations of €60,000 and €40,000 were made to each RAPID area in Strand I and Strand II, respectively. Details of the areas under each strand can be found on my Department's website at [www.pobail.ie](http://www.pobail.ie). While measures to support the development of playgrounds in RAPID areas and the provision of top-up funding to successful applications from RAPID areas have been agreed, allocations have not been made under these measures as yet.

#### **Gaeltacht Colleges.**

210. **Mr. O'Dowd** asked the Minister for Community, Rural and Gaeltacht Affairs if there are plans for the former Gaeltacht college, Colaiste Iosagain in Ballyvourney, County Cork. [17096/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I understand that discussions are currently taking place between officials from Údarás na Gaeltachta, the owner of Colaiste Iosagáin, and the Department of Education and Science, with a view to developing an Irish language educational resource centre on this site. Officials of my own Department are participating in the process, as appropriate.

*Question No. 211 answered with Question No. 54.*

#### **Support for Carers.**

212. **Ms O. Mitchell** asked the Minister for Social and Family Affairs if, in the context of the next budget, payment of the respite grant could be made available to all carers caring for persons requiring some agreed minimum level of support; and if she will make a statement on the matter. [15500/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The respite care grant operated by my Department is paid to recipients of carer's allowance and carer's benefit. It is also payable to carers who are caring for recipients of a constant attendance or prescribed relative's allowance. The grant is a contribution towards respite care to be used as the recipients wish. The expansion of this respite grant, as proposed by the Deputy or otherwise, would be a matter for consideration when proposals for the budget are being prepared later this year.

All other matters relating to the provision and availability of respite care generally are the responsibility of my colleague, the Minister for Health and Children.

#### **Social Welfare Appeals.**

213. **Mr. Durkan** asked the Minister for Social and Family Affairs if she will allow a late appeal in the case of a person, details supplied, in County Kildare whose application for the one parent family allowance was refused; and if she will make a statement on the matter. [17032/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The person concerned applied for one parent family payment. She was refused on the ground that she did not show that her means were over the limit for payment. She was notified of this decision on 27 March 2003 and was advised of her right of appeal to the chief appeals officer if dissatisfied. She was informed that the appeal should be made within 21 days. The person did not appeal.

In the normal course, an appeal against a deciding officer's decision must be made within 21 days of the decision being notified. While there is provision for acceptance of an appeal outside of that period, in view of the length of time that has elapsed since the person was notified of the decision, acceptance of an appeal at this stage would not be warranted.

It is, however, open to the person concerned to make a further application for the allowance and to have the matter determined afresh in the light of any changed circumstances. If she is dissatisfied with the decision at that stage, she would have the right to appeal against it to the Social Welfare Appeals Office. Under social welfare legislation, decisions in relation to claims must be made by deciding officers and appeals officers and the acceptance of appeals received after the expiry of the statutory period is a matter for the chief appeals officer. These officers are statutorily appointed and I have no role in regard to making such decisions.

214. **Mr. McGuinness** asked the Minister for Social and Family Affairs if she will examine a further submission and the reports from a consultant and general practitioner relating to a claim in the name of a person, details supplied, in County Kilkenny; the reason the person's medical evidence on the file and the circumstances were not discussed with the person during a recent hearing which lasted six minutes; and if a review of the case will be expedited. [17076/04]

**Minister for Social and Family Affairs (Mary Coughlan):** Medical assessors of my Department provide a second opinion to that of the customer's own doctor for the guidance of the Department's deciding officers who determine entitlement to illness related schemes. My

[Mary Coughlan.]

Department makes every effort to ensure that the customer's interests are fully safeguarded when they are called for medical examinations. Prior to the setting up of a medical examination, my Department first requests an up to date medical report from the customer's own medical certifier which is reviewed by a medical assessor and taken into consideration as part of the medical examination process.

At any medical examination or assessment, a customer is invited to describe the nature and extent of an illness or injury and subsequent symptoms to the examining medical assessor who will record same, before conducting an appropriate examination. That procedure was followed in this case. The medical assessor will then express an opinion on the claimant's medical entitlement to a particular benefit or allowance.

The person in question was examined on 3 March 2004 by a medical assessor who expressed the opinion that he did not satisfy the medical criteria for receipt of disability payments. The customer lodged an appeal and another medical assessor examined him on 30 April 2004. The second medical assessor also expressed the opinion that the person concerned did not satisfy the medical criteria for receipt of disability payments. A submission and reports from the person's consultant and general practitioner contained information which was on file and noted by the medical assessor at the time of assessment.

The medical evidence on file outlined the nature and extent of the injury and ensuing symptoms, which the person himself outlined to the medical assessor at the outset of the examination.

The case is currently with the Social Welfare Appeals Office, which will arrange a hearing for the customer in due course. The person concerned may submit any further submissions and reports that he so wishes, from his consultant and-or general practitioner in support of his appeal and these will be taken into account in determining his case.

215. **Mr. McGuinness** asked the Minister for Social and Family Affairs if the community welfare officer will issue a payment under the exceptional needs payment scheme to a person, details supplied, in County Kilkenny; and if a decision will be expedited in the case. [17082/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The South Eastern Health Board was contacted regarding this case and has advised that the person concerned recently made an application for an exceptional needs payment to replace a domestic appliance. The board refused the application as it felt that she should explore the possibility of repair rather than replacement. The person concerned has appealed against this decision. The board has further advised that the person concerned also applied for an exceptional needs payment in respect of expenses associated with her daughter's first holy communion and a payment of €150 was granted for this purpose.