



## DÁIL ÉIREANN

*Déardaoin, 17 Meitheamh 2004.  
Thursday, 17 June 2004.*

Chuaigh an Leas-Cheann Comhairle i gceannas ar 10.30 a.m.

*Paidir.  
Prayer.*

### Requests to move Adjournment of Dáil under Standing Order 31.

**An Leas-Cheann Comhairle:** I propose to deal with a number of notices under Standing Order 31. I will call on the Deputies in the order in which they submitted their notices to my office.

**Mr. Gormley:** I seek the adjournment of the Dáil under Standing Order 31 to discuss an issue of urgent public importance, namely, the continuing hunger strike by Caoimhe Butterly outside the Cement Roadstone premises in opposition to CRH's involvement in the building of a wall in Israel which will lead to further suppression of the Palestinian people, and the need for the Government to ensure that Irish contractors are not involved in such business dealings.

**Mr. Morgan:** I seek the adjournment of the Dáil under Standing Order 31 to discuss the following specific and important matter of public interest, namely, the ongoing crisis in the health service, the necessity to establish if the Hanly report remains the Government's answer to this crisis, if objections from various Ministers to Hanly have impacted on the Government's stated policy by ensuring the continued rudderless drift to even deeper crisis will continue. Where stands the future of hospitals such as Louth County Hospital, Monaghan General and Cavan General Hospitals? Does the Government have any proposals to end the crisis in the health service?

**Mr. Crowe:** I seek the adjournment of the Dáil under Standing Order 31 to discuss the following specific and important matter of public interest requiring urgent consideration, namely, the refusal of the Colombian magistrates to allow Irish citizens Niall Connolly, James Monaghan and Martin McCauley, known as the Colombia Three, to leave Colombia. We agree with human rights groups in Colombia that there is nowhere safe in the country for these men because of the high profile and negative publicity relating to their case and call on the Taoiseach and the Government to use their offices with the Uribe

government to secure the safe return of these men to their families in Ireland.

**Dr. Cowley:** I seek the adjournment of the Dáil under Standing Order 31 to debate a matter of major importance, namely, the failure to utilise the 26 elderly assessment beds lying idle since 2001 in Mayo General Hospital, together with the two palliative care beds lying idle at the hospital since 2001 also, due to the failure to recruit nurses because of the recruitment ceiling while 14 elderly people requiring beds for acute illnesses lie on trolleys for days downstairs in the accident and emergency ward. They are too ill for nursing home beds and are occupying the circulation areas of the accident and emergency ward, so through no fault of their own they are interfering with the proper running of accident and emergency services in the hospital.

**Mr. F. McGrath:** I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of urgent national importance and concern, namely, the decision by the Department of Education and Science not to fund a July programme for the most disabled and dependent students at Enable Ireland, Sandymount, Dublin 4, and I call on the Minister to reverse this severe cut for the 15 students concerned in line with the proposed disability legislation. It is a disgrace that he is cutting back on services for the most disabled people.

**Mr. P. Breen:** I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of extreme importance regarding the future of Aer Lingus cargo facilities at Shannon Airport and the recent announcement by the company of its decision to terminate business with American Transair and North American airlines, advising them that it will no longer handle their services, which will affect many Aer Lingus workers in Shannon Airport, and the need for the Minister for Transport to intervene to spell out the Government and Aer Lingus's commitment to Shannon Airport to clear up the uncertainty facing the midwest.

**Mr. Sargent:** I seek the adjournment of the Dáil under Standing Order 31 to investigate the Government's continuing failure in key areas such as waste reduction, according the EPA National Waste Database published yesterday, the measures needed for effective waste reduction and the benefits of such a strategy, which would focus on producer responsibility.

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

### Order of Business.

**The Tánaiste:** The Order of Business today shall be as follows: No. 11, motion re proposed approval by Dáil Éireann of the amendments to

[The Tánaiste.]

the agreement establishing the International Telecommunications Satellite Organisation; No. 4, National Monuments (Amendment) Bill 2004 — Order for Second Stage and Second Stage; and No. 3, Road Traffic Bill 2004 — Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that No. 11 shall be decided without debate.

**An Leas-Cheann Comhairle:** There is one proposal to be put to the House. Is the proposal for dealing with No. 11 agreed? Agreed.

**Mr. R. Bruton:** I agree with the Tánaiste when she says the Government has been damaged by vacillation, hesitation and inertia in tackling serious problems. Does she agree that part of the problem relates to its legislative programme? Of the 19 Bills we have been promised for this session, to be published in the next two to three weeks, only five have yet surfaced. Will she indicate what is happening to some of these critical Bills such as the prisons Bill, the disability Bill, the criminal justice Bill and the state airports Bill, in which she has a particular interest? There seems to be a huge delay in producing these.

I also raise the role of the Oireachtas in scrutinising the decentralisation programme. The Government may think it is being decisive in pushing ahead with decentralisation, but surely the Tánaiste would agree that it should be open to proper scrutiny by the Oireachtas. How does she square the blocking by the Fianna Fáil majority on the Oireachtas Joint Committee on Finance and the Public Service of any investigation or assessment of decentralisation with the democratic accountability to which her party has always been pledged?

**The Tánaiste:** The bulk of the remaining Bills, if not all of them, will be published before the close of this session. I do not want to commit myself to every one of them, but the majority will be published. A number of them have already been approved by the Cabinet, including the health, safety and welfare at work Bill. A number of them are at an advanced stage.

On the decentralisation programme, the Government has put a process in place, chaired by Phil Flynn, to look at all the issues surrounding decentralisation. It is open to Members of this House, through the normal channels, to raise issues in regard to decentralisation, but the policy decision has been made. What remains to be put in place is the arrangements for the transfer of individuals who wish to move from Dublin to their preferred location.

**Mr. G. Mitchell:** Ministers will be transferred before that happens.

**The Tánaiste:** I do not think so.

**Mr. G. Mitchell:** I see some of them here.

**The Tánaiste:** I hope the Deputy is still supporting it.

**Mr. R. Bruton:** The central question is why the Government is blocking Members of the Oireachtas from doing the job they are appointed to do on the Oireachtas Joint Committee on Finance and the Public Service committee of having hearings on the decentralisation programme. Why is the Government insisting that such hearings do not happen?

**The Tánaiste:** Hearings?

**Mr. R. Bruton:** Hearings have been sought by the Oireachtas Joint Committee on Finance and the Public Service. It has sought to invite Phil Flynn from the implementation committee, the trade unions and experts in the field so that the Oireachtas can scrutinise the proposals. Why is the Tánaiste's party, supported by Fianna Fáil, blocking those hearings?

**Mr. Stanton:** It is a cover up.

**Mr. Hogan:** It is a straight question.

**The Tánaiste:** I detect an attitude among the Opposition that it wants to change this programme. In fact, I know the Labour Party put up posters in Dublin stating "No to decentralisation".

**Mr. Stanton:** We want to discuss it.

**The Tánaiste:** The policy decision has been made and it will not be reversed.

**Mr. R. Bruton:** We want to have hearings.

**The Tánaiste:** We are not obliged to have hearings.

**Mr. R. Bruton:** What is this House for, if it cannot discuss it?

**An Leas-Cheann Comhairle:** I call Deputy Rabbitte.

**Mr. Treacy:** Deputy Rabbitte is anti-regions.

**Mr. Rabbitte:** I am not anti-regions at all. The regions were not too kind to Deputy Treacy when he gave it a whirl five years ago.

The Tánaiste said lethargy and inability to make hard decisions is the reason for paralysis in Government. Does she not accept that part of the reason for such disenchantment with the Government is the manner in which it treats and diminishes this House at every turn? If she is trying to push reforms through this lethargic Cabinet, for whatever is its remaining life, will she promote an agenda of reform of this House? The instance raised by Deputy Richard Bruton in regard to the capacity of the House to monitor and examine the merits of the decentralisation programme is a

good example. Her colleagues campaigned in this city on the basis that decentralisation, as announced by the Minister for Finance and not decentralisation *per se*, was a Fianna Fáil idea. I am sure Deputy Fiona O'Malley kept her commitment to the public that she would talk to the Tánaiste about it. Is it not important that the House has the opportunity to scrutinise the proposals, such as they are, given the figures revealed for the Tánaiste's Department and for FÁS-based staff?

On promised legislation, given how unsettled matters are, when will the constituencies revision Bill be brought before the House in case we are all caught by surprise and we need to have it behind us?

**The Tánaiste:** The Government's decentralisation programme is a Government one. There is no question but that the Progressive Democrats Party is totally supportive of that programme and remain totally committed to it.

*(Interruptions).*

**The Tánaiste:** I do not know when we will have the constituencies revision Bill. It has not been brought before the Cabinet and I do not anticipate any great need to rush it through. We have three years to get it through.

The Government has a fairly radical set of proposals on Dáil reform but the Labour Party will not engage because of the Thursday issue which it originally supported.

**Mr. Rabbitte:** The Labour Party has done everything it can to push through reforms. It has published an 80 page document on it. It is the Government that will not engage.

**Caoimhghín Ó Caoláin:** On the earlier question on the Oireachtas Joint Committee on Finance and the Public Service, we know that Government backbenchers have been talking about mending their ways since the elections last Friday but what is the Tánaiste's view on the fact that Fianna Fáil members of that committee have censored the opportunity of an Oireachtas committee to address the issue of decentralisation? It is an issue of primary concern to the committee. No matter impacts more on the public service than the proposal to decentralise 10,300 jobs.

On the issue of health Bills and Fianna Fáil backbenchers' commitment to mend their ways, there were at least five health Bills in the programme for the last term scheduled for 2004 but in the current term, they are signalled for 2005 or no date has been given. Will we see expedition of the address of Bills long promised, that is, the medical practitioners Bill, the nurses and midwives Bill, the pharmacy Bill, the VHI Bill and the adoption Bill? All those Bills have now been deferred. Will we see an improvement in terms of the address of this important legislation? Will they be brought forward in 2004?

**The Tánaiste:** I am not in a position to say when a number of those Bills will be brought forward. The Deputy mentioned the medical practitioners Bill and the nurses and midwives Bill. The pharmacy Bill, the adoption Bill and the VHI Bill will be brought forward next year.

**Mr. Sargent:** I am sure the Tánaiste is anxious that the partnership talks succeed. In that regard, I ask her to be mindful of the high level of interest in the future of Aer Rianta. The state airports Bill, which is due for publication before the summer recess, might be put on hold while we await the outcome of the talks rather than inflame any views expressed that might not be helpful to the partnership talks. Will she take that on board from a responsible point of view in that it will not be helpful to proceed with the state airports Bill while discussions are ongoing? It may need to be changed in light of those discussions.

Will the mercantile marine (amendment) Bill be given a date even though it has been said it is not possible to indicate one? There is an ongoing problem of flags of convenience at sea and the cutting of corners in terms of safety ironically arising from competition which is promoted by the Tánaiste. Considerable risks are being taken and unless priority is given to this Bill, they may set back policies on the marine environment for many years. Will the Tánaiste indicate a date for the publication of the mercantile marine (amendment) Bill?

**The Tánaiste:** It is not possible to say when we will have the mercantile marine Bill. It is the Government's intention to publish and pass the airports Bill before the summer recess.

**Mr. Sargent:** It is a case of to hell with the consequences.

**Mr. Rabbitte:** To publish and pass it?

**Mr. Gilmore:** I would like to ask about No. 4 on today's Order Paper, the National Monuments (Amendment) Bill. When we were notified about the legislation last week, we were informed that this was a simple Bill to allow for the completion of the M50 motorway at Carrickmines. However, when it was published on the day of the election we discovered it is about much more than that. It will allow the Minister for the Environment, Heritage and Local Government, at his discretion, to demolish, sell or export any national monument. It is a Bill of much greater significance that was initially announced. I object to its being taken today so soon after its publication in view of its significance. Will the Tánaiste indicate the Government's intention regarding the enactment of this legislation?

If it was still the proposed simple Bill only to deal with Carrickmines, I would be disposed to co-operating with the Government on it. However, in view of the wider significance of the

[Mr. Gilmore.]

Bill, what is the Government's intention regarding its enactment? Is it its intention to have it enacted prior to the summer recess or will sufficient time be given for its consideration in view of its much wider significance?

**The Tánaiste:** In regard to the National Monuments (Amendment) Bill, there are a number of safeguards included.

**Mr. Gilmore:** There are none.

**The Tánaiste:** For example, the National Museum has to be consulted and——

**Mr. Gilmore:** It will be given only 14 days to reply.

**Ms Lynch:** There are no safeguards.

**The Tánaiste:** ——the Minister for Arts, Sport and Tourism has to give a licence before any of those measures can be taken by the Minister for the Environment, Heritage and Local Government.

**Mr. Gilmore:** No, that is not the case.

**The Tánaiste:** That is the case. The intention is to pass the legislation before the summer recess.

**Mr. Gilmore:** That is a disgrace.

**Mr. Rabbitte:** Is that not a good example of the kind of proposals that have been put forward so many times this year? A major Bill such as this is brought forward but turns out to be not what was promised. The Tánaiste is not only requiring people to make Second Stage speeches on this Bill today but to push it through the House. That is simply not acceptable and it is part of the contempt to which I referred to with which this House is being treated. I do not know what national monument the Government is planning to export. Does it mean the Taoiseach is going to Brussels after all?

**The Tánaiste:** As the Deputy is aware, this measure is necessary because of the court decision in regard to Carrickmines. Millions of taxpayers' euro are being wasted because we cannot proceed with this.

**Mr. Rabbitte:** We will deal with Carrickmines.

**The Tánaiste:** Such money could be spent on health, education or on some other area. This measure is urgently needed and the Deputy knows that.

**Mr. Rabbitte:** We will agree with the provision regarding Carrickmines but that is not what the Bill states.

**The Tánaiste:** It is essentially that.

**Mr. Durkan:** In view of the conflicting emotions that are obviously rampant on the Government benches at present, the blame game, the recriminations that have taken place and are likely to take place, the concerns of those about to be demoted and the hopes and aspirations of those who might be promoted, will the Tánaiste indicate when the whistleblowers' Bill might be introduced?

**The Tánaiste:** That Bill is awaiting Committee Stage.

**Mr. Hogan:** That was a good question.

**Mr. Durkan:** It is not the only thing that is waiting.

**The Tánaiste:** I would like to congratulate Fine Gael on its success in the elections.

**Mr. Hogan:** At least the Tánaiste got that better than the leader of Fianna Fáil when he referred to Sinn Féin.

**Mr. Boyle:** I congratulate the Tánaiste on managing to gloss over the fact that her party lost 25% of its city and council councillors in the local elections last week. In regard to local government, the local government rates Bill was first promised in October 2003, it was to be approved by the end of 2003 and is now promised for 2005. Given that we now have a new set of councils throughout the country, it might be in order to pass this Bill to ensure the new councils, from the passing of their first set of estimates, will operate under a new and proper set of guidelines.

**The Tánaiste:** I will not take any lectures from a party that lost 100% of its MEPs. The Bill will be ready in 2005.

**Caoimhghín Ó Caoláin:** At least they contested the elections.

**The Tánaiste:** The Deputy's party intends to align itself with the communists.

**Caoimhghín Ó Caoláin:** The Tánaiste's party has given up. It made the right decision and the Tánaiste knows that.

#### **International Agreements: Motion.**

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

That Dáil Éireann approves the amendments, agreed at Washington DC on 17 November 2000 by the Twenty-fifth (Extraordinary) Assembly of Parties of the International Telecommunications Satellite Organisation, to the agreement establishing the International Telecommunications Satellite Organisation, adopted in 1971, copies of which

(including the amendments) were laid before Dáil Éireann on 4 May 2004.

Question put and agreed to.

**National Monuments (Amendment) Bill 2004:  
Order for Second Stage.**

Bill entitled an Act to amend and extend the National Monuments Acts 1930 to 1994 and to provide for related matters.

**An Leas-Cheann Comhairle:** I call on the Minister for the Environment, Heritage and Local Government, Deputy Cullen, to move that Second Stage of the Bill be taken now.

**Mr. Gilmore:** The Minister is not present, therefore the Bill falls. We should move on to the next business.

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

**Mr. Gilmore:** The Minister for the Environment, Heritage and Local Government was not present to move the Bill.

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I am here now.

**An Leas-Cheann Comhairle:** Any Member can move the order.

**Mr. Durkan:** The €52 million dollar man has arrived.

**An Leas-Cheann Comhairle:** Is the order to take Second Stage agreed?

**Mr. Gilmore:** No. May I speak on this? I understand I am allowed to be make a brief statement.

**An Leas-Cheann Comhairle:** The Deputy may speak briefly.

**Mr. Gilmore:** The Labour Party opposes the order for Second Stage. As I indicated earlier, for the past year it has been known that legislation would be required to complete the M50 motorway at Carrickmines, of which the Labour Party would be supportive. It makes no sense to have two ends of a motorway built that cannot be joined in the middle. However, this Bill has significance that is much wider than the provision with regard to Carrickmines. As I indicated earlier, it will allow the Minister for the Environment, Heritage and Local Government, at his discretion, to order the demolition, sale, or export of any national monument or any part of any national monument, none of which has anything to do with the completion of the M50 motorway at Carrickmines.

In respect of what the Tánaiste said about safeguards, the director of the National Museum has to be consulted but will be given only 14 days in which to reply. Can one imagine the type of examination the director of the National Museum would be allowed to undertake on, say, an archaeological find in the space of 14 days before the Minister signs the order to allow the JCBs to go through it or for it to be sold? This Bill has much wider significance for the archaeological and general heritage of this country and for our national monuments which are of such importance to the country as a whole that it should not be rushed through this House.

The Tánaiste indicated that it is the Government's intention to run this Bill through the House in advance of the summer recess. It has much wider significance than we were led to believe. The Labour Party does not believe this Bill should be debated on Second Stage today. A period of time should be allowed for us to consider the detail of the Bill, to take advice on it and for those outside the House who have an interest in these matters to be able to comment and express an opinion on it. The Labour Party opposes the order for the taking of Second Stage of this Bill.

**Mr. Sargent:** The Green Party also opposes the order for Second Stage of this Bill based on a sincere belief that it is incredibly flawed and its provisions are irresponsible. If the Minister is concerned, as we all are, to ensure that public funds are spent in the most effective way possible, the technology exists to ensure that national monuments are possible to identify at the planning stage before construction. We should focus on avoiding the need, effectively, to bulldoze national monuments rather than facilitating that, which the provisions of this Bill attempt to do.

I ask the Minister to go back to the drawing board and engage in some consultation for a change. Surely he should have learnt a lesson from the e-voting episode, in respect of which considerable taxpayers' money could have been saved. We should all get around the table to ensure that we can best resolve any potential conflicts rather than not doing so and such conflicts needlessly costing more taxpayers' money.

**Mr. Cullen:** I am trying to be helpful in respect of the points the Deputies raised. As they are aware, this Bill is extremely complicated and it has taken some time to get it to where it is today. The two Deputies are essentially correct in what they said. This Bill deals with two matters. We must complete the M50 in respect of the Carrickmines issue and everybody in the House seems to be agreed that we must proceed in that way. As Deputy Gilmore knows, section 14 was struck down, which means there is a vacuum. A wide range of projects is in place at the moment that may require some direction but we simply cannot leave a vacuum whereby there is no responsibility.

[Mr. Cullen.]

It is without foundation to say that I or the Government are in any way interested in bulldozing any monuments. Nothing could be further from the truth and I think all 11 o'clock Deputies realise that. They are also fully aware that we will have a major national monuments Bill, hopefully by the end of this year or early next year, to bring all these Acts up to date. We are dealing with legislation that bears no relation to the requirements and infrastructural issues with which we must deal in today's modern Ireland. The Bill before the House caters for the specific needs with which we must deal at the moment. There is no choice in this respect; we must have such legislation in place. I realise that some Members may be referring to other developments that are under way but which have nothing to do with the M50. We must be able to state that all archaeological finds must be protected and that we may have to undertake substantial archaeological assessments in those areas.

Various surveys can be done on routes in many different ways. Before people go on site, modern geophysical assessments can be undertaken, but that does not determine absolutely what may or may not be found when work begins. I would have thought that everybody in the House wanted to ensure that when that happens, there is a mechanism to stop the potential for anyone to bulldoze and construct, as Deputy Gilmore mentioned. We need to stop that happening. There must be a process whereby we can mitigate all the archaeological finds and work with the archaeologists. We have had many discussions with the National Museum, through the Minister for Arts, Sport and Tourism, to ensure that. The museum was insistent that its role should be protected, and I have done that within the provisions of the Bill. The 14-day period was agreed with the National Museum and with the Minister, Deputy O'Donoghue, to try to put a timeframe on these matters.

This Bill is primarily about Carrickmines and the completion of the M50. I thought the Labour Party and the Green Party were supportive of that.

**Mr. Gilmore:** We are.

**Mr. Cullen:** They seem to be saying that they still are. The other part of it is that there is a gap or a vacuum. There are other major infrastructural projects under way about which there is no methodology for any archaeological mitigation because section 14 has been struck down. We must replace that, at least for now, to protect all those archaeological sites. Someone somewhere must be involved in the process and that is what I am doing to ensure that we protect them.

**Mr. Morgan:** Buildings are being destroyed.

**Mr. Cullen:** All the pre-planning efforts and all the geophysical studies on any particular route cannot define what may be found when one goes on site to construct a project. When that happens, the unexpected can occur, so someone somewhere must be able to call a halt on the basis that the project cannot proceed because a more detailed study is required. That is the purpose of the Bill. Deputies are aware that this is happening in Waterford with the M25 bypass, where archaeologists seem to have made a substantial discovery. That heritage must be protected by the State but, in the absence of section 14, there is no method of dealing with such a case. I want to deal with it and I am sure the House wants to ensure that such unexpected finds are protected. This Bill is the way to do so.

Deputies can legitimately raise other major questions concerning a raft of legislation from the 1930s to 1994.

**An Leas-Cheann Comhairle:** The Minister is going into too much detail.

**Mr. Cullen:** I am trying to be helpful to the House but I will conclude.

**Mr. Stagg:** He is trying to delay the vote.

**Mr. Cullen:** I have fairly and legitimately explained that the interpretation Deputies are putting on the Bill is not correct. It is for the opposite reasons that we must have the legislation in place to deal with major works. I do not think anybody wants road construction to cease, so we need this measure to avoid that. I will present more substantial legislation to the House later this year.

Question put and declared carried.

#### **National Monuments (Amendment) Bill 2004: Second Stage.**

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I move: "That the Bill be now read a Second Time."

The protection of our archaeological heritage has been a primary concern of Government since the foundation of the State. This is clear from the considerable body of protective legislation which has been enacted over the years, in particular the National Monuments Acts 1930 to 1994. Ireland has also ratified the European Convention on the Protection of the Archaeological Heritage, known as the Valetta Convention. In implementing this legislation, the national monuments section of my Department has developed a broad administrative and professional structure to oversee the protection of our archaeological heritage.

The scale of development in recent years, as a result of our economic success, has presented a greater challenge to the protection and preservation of our archaeological heritage. Over that time, we have striven to maintain a good balance

between development needs and archaeological protection to achieve sustainable development. The high level of excavation for development purposes has added considerably to our store of knowledge about our past. There are many examples of a good balance being achieved between conservation and development.

The background to this specific amending legislation, while complex, will be familiar to Members of the House. I will now summarise the main issues. On foot of an injunction granted by the Supreme Court in February 2003 restraining Dún Laoghaire-Rathdown County Council from undertaking any works in the vicinity of Carrickmines Castle, work on the section of the south-eastern motorway in the vicinity of the site was suspended last year pending the granting of a consent under section 14 of the National Monuments Act 1930. The work involved had been carried out under section 26 excavation licences, but the effect of the court judgment was that a consent under the much less frequently used section 14 was appropriate in this case.

At the request of Dún Laoghaire-Rathdown County Council, I joined in a consent for works at Carrickmines Castle. In accordance with the legislation then existing, I also made the National Monuments (Approval of Joint Consent) Order 2003 on 3 July 2003. This was then laid before each House of the Oireachtas as required.

I assure the House that the decisions were not made lightly. A total of 23 submissions relating to the case were received and considered. Of these, 17 submissions supported the early completion of the project and there were six objections. I also had regard to the advice of my Department's national monuments section regarding further conditions to be inserted in the joint consent to ensure that the works to be undertaken at Carrickmines would be carried out in accordance with best archaeological practice.

The national monuments legislation has always envisaged that it may be necessary, in certain cases, to interfere with a national monument. These can be for reasons of public health and safety, in the interests of archaeology or for other reasons. In this case, the application from the road authority, Dún Laoghaire-Rathdown County Council, was expressly made on public interest grounds and it was in this context that the order was made.

My decision at the time was based on the overall assessment that the public interest in allowing construction of the south-eastern motorway along its approved route justified consenting to the works impacting on archaeology at the site. In my view it had been satisfactorily demonstrated that a systematic approach was adopted by the county council to the archaeological resolution of the Carrickmines site and that the archaeological work undertaken would preserve the main archaeological elements of the site, either by record or *in situ*.

On the 23 December 2003, an application for a judicial review of these decisions was made. Fol-

lowing hearings in the High Court and Supreme Court, the High Court held that the Heritage (Transfer of Functions of Commissioners of Public Works) Order 1996, in so far as it purported to transfer the functions of the Commissioners of Public Works under section 14(1)(a) of the National Monuments Acts to the Minister for Arts, Culture and Gaeltacht, was outside the powers conferred on the Government under the Ministers and Secretaries Acts. A 2002 transfer order was similarly found to be invalid. Consequently, the High Court quashed the approval order issued by me. The court stated that a "technical glitch" had led to its decision. As I already stated, one of the purposes of this Bill is to resolve this matter.

It is not surprising that legislation which is more than 70 years old needs amendment to meet modern regulatory requirements. For example, environmental impact assessments, which include assessment of archaeological impacts and appropriate mitigation measures, are requirements for development consent for some considerable time but were not a feature in the 1930s.

The Bill clarifies the roles of the Minister for the Environment, Heritage and Local Government, the Minister for Finance, the Minister for Arts, Sports and Tourism and the Commissioners of Public Works under the National Monuments Acts so that there is no doubt raised arising from previous transfer of functions orders. A new section 14 consent process is set out which resolves the technical difficulty to which I referred earlier while also being in line with current best regulatory practice. The Bill also provides that road schemes where an approval process includes an EIA setting out archaeological mitigation do not need further licences under the Act. However, the Minister can issue directions in respect of the mitigation. A procedure for dealing with newly discovered national monuments on such approved road schemes, which have not been identified in the EIS, is also provided. The Bill also contains a specific provision in respect of the completion of the south-eastern motorway at Carrickmines.

Section 1 is a standard provision which defines the term "principal Act" as meaning the National Monuments Act 1930. Section 2 deletes the definition of Minister from the 1930 Act because it is now dealt with in section 3 and defines the word "works" as including development works of national, regional or local importance.

Section 3 is to clarify the roles of various Ministers following a number of transfer of functions orders. It defines the Minister, for the purposes of the National Monuments Acts, as being the Minister for the Environment, Heritage and Local Government, unless the context requires otherwise. Where a reference in the Acts relates to the function of the day-to-day administration of any property in the guardianship, ownership or management of the Minister for the Environment, Heritage and Local Government, the Minister for Finance is defined as the Minister.



[Mr. Cullen.]

This reflects the agreement last year that the Office of Public Works is responsible for the operational aspects of heritage properties. The functions vested in the Minister for Arts, Sport and Tourism under the various transfer of departmental administration and ministerial functions orders and other functions of the Minister for Finance under the Acts are not affected by this section of the Bill.

Section 4, for the avoidance of doubt, confirms the transfers of functions previously vested in the Commissioners of Public Works under the National Monuments Acts 1930 to 1994, and which were not previously transferred to the Minister for Arts, Culture and the Gaeltacht, to the Minister for the Environment, Heritage and Local Government or the Minister for Finance, as appropriate.

Section 5 replaces section 14 of the principal Act. Section 14 of the 1930 Act allowed the Minister to grant a consent for the carrying out of works to a national monument, notwithstanding that such works may involve injury to, interference with, or the destruction, in whole or in part, of the monument. I propose to replace section 14 with a new section 14 and sections 14A, B and C.

Section 14 now sets out a single tier process for consenting to works which interfere with national monuments in the ownership of the Minister, a local authority or where a preservation order is in force. This section sets out the factors which the Minister may take into account in reaching a decision on the matter. These include archaeological, environmental, cultural, social, recreational and economic reasons. Where a consent under this section is granted, a separate excavation licence will not be required. The Minister is obliged to consult the director of the National Museum of Ireland before granting any such consent.

There is also provision for increased penalties in respect of interference with a national monument without the necessary consent. For example, the penalty arising from a conviction on indictment will rise from €62,000 to €10 million. The new section 14A provides that the consent of the Minister is not required for works affecting a national monument where the works are connected with an approved road development. This is because the approval process for such roads includes consideration of an environmental impact statement which will have identified the archaeological impacts involved and the extent of the mitigation required. Neither will a separate excavation licence be required. This approach is in line with Government policy on better regulation which seeks to avoid duplication of approval processes.

However, as Minister for the Environment, Heritage and Local Government, I will be able to issue directions in relation to any works of an archaeological nature to be undertaken on such a road development to ensure that best practice is

followed. I will consult the director of the National Museum of Ireland on directions. Much time and effort goes into locating archaeology during the route planning process for road schemes with a view to avoiding such sites to the maximum extent possible or, where this is not possible, to mitigating impacts.

Scrutiny of old records, site walk-overs and aerial photographs have, in recent years, been supplemented by techniques such as geophysical surveying to gain an impression of what may lie below the ground. However, this approach is not entirely conclusive and the full picture can only be determined accurately when the topsoil is removed or other intrusive investigation techniques are employed. Given the nature of archaeology, often unknown and beneath the ground, it is necessary to provide for the mitigation of new monuments of national significance notwithstanding the rigorous environmental assessment and approval process in respect of new road development.

Section 14A, therefore, sets out the detailed procedure for dealing with national monuments that are newly discovered as part of the road development but which had not been anticipated in the environmental impact statement. I am empowered to issue directions relating to the preservation, mitigation or removal works required, having regard not only to archaeological considerations but also to the public interest considerations set out in the section.

Where such directions require a change to the original approved road development, the road authority is obliged to inform An Bord Pleanála. The detailed procedure to be followed by the board is set out in 14B. It can determine if the changes arising from a ministerial direction are a material alteration to the approved scheme and, if so, whether the change has significant adverse impacts on the environment and whether the change should be subject to an EIS. Section 14C covers previous provisions enabling the Minister to give consent for interference with a monument in the interests of public health and safety.

Section 6 amends section 23 of the 1930 Act which relates to the reporting of the discovery of archaeological objects. In essence, archaeological objects found will be dealt with under the Minister's directions which can deal with how these objects will be delivered to the National Museum of Ireland. This reporting arrangement did not apply to discoveries made under licensed excavations. In line with this exemption, section 6 provides that the reporting requirements do not apply to finds made under section 14, 14A, 14B or 14C.

Section 7 updates the provisions for the making of regulations prescribing licence fees. Section 8 provides that Dún Laoghaire-Rathdown County Council will not need to seek any further consent or licence under the National Monuments Acts, in relation to the completion of the south-eastern section of the M50. However, the Bill empowers the Minister to issue directions in respect of

archaeological mitigation and sets out the factors which I may consider when deciding on the nature of such directions.

We are all aware that the south-eastern motorway has been subject to a rigorous route selection process and to an environment impact assessment which provides for the mitigation of the archaeology at Carrickmines. The route selection and EIS process had to balance important factors such as impact on existing housing, archaeology, the natural environment, physical constraints etc. The EIS was published and was considered at a public inquiry. Following consideration of the EIS and the report of the inspector, the then Minister for the Environment and Local Government approved the motorway scheme. Following the approval of the motorway scheme, extensive archaeological excavations were carried out which contribute significantly to the national archaeological record, the understanding of the history and changing settlement patterns of south county Dublin and the knowledge of medieval and post-medieval frontier castle life in the area.

Initial archaeological investigations were carried out on the site of Carrickmines Castle between 3 April and 19 May 2000. Full archaeological excavations commenced in August 2000. An archaeological licence was issued under the National Monuments Acts following consultation with the National Museum of Ireland. As the excavations progressed, the full extent of the work necessary for the complete archaeological excavation, resolution and recording of the area gradually became clear. While this had implications for the time and cost of the road project, the National Roads Authority met all its obligations for archaeological mitigation.

Excavation work at Carrickmines was carried out over a period of more than two years. As many as 130 archaeologists worked on the Carrickmines site. Close contact was maintained at all stages during the process of the excavations between the National Roads Authority, the county council and State archaeologists to ensure that best practice was observed in relation to the archaeology uncovered. The excavations were completed in January 2003, by which time areas to be affected by the motorway scheme and which were accessible had been archaeologically resolved either by preservation by record or preservation *in situ*.

The remaining excavations, such as in the area under the old Glenamuck Road, must await the enactment of this Bill. They will affect less than 10% of the remaining monument which will be preserved for the future. The results of the excavations at Carrickmines, carried out at a total estimated cost in excess of €6 million, have, as I mentioned earlier, significantly enhanced the national archaeological record. What is happening now is that archaeology in Ireland is largely development led and the State is spending a fortune on it. It is right that we should do so. The sums involved are enormous and the State is

giving employment to a large number of archaeologists. I have no difficulty with all of that.

It is question of balancing all these issues. One can take the extreme view and ask how long is a piece of string. I have spoken to many of the archaeologists and I have been out to Carrickmines. A magnificent job has been done there. I presume the Deputies opposite have visited the site.

I went out expecting to find a castle. There is no castle. It is a misnomer to say Carrickmines Castle because there is no castle. The site is disappointing because it is technical — beneath the ground. A considerable amount of money has been spent on the work. Over 130 archaeologists have worked on the site and over €6 million has been spent on that section. Most people would agree that is a reasonable, fair and balanced approach to our responsibilities as a nation.

Given the rigorous route selection process and EIA, the very considerable effort and investment into mitigating the archaeology at Carrickmines, and the significant public interest in preventing further delay in the completion of this project, I am satisfied to recommend that this section be enacted to allow the south-eastern motorway to be completed.

Section 9 defines the Short Title, construction, and collective citation of the Act.

I wish to inform the House, because it is important and I appreciate the points being raised by Deputies opposite, that it is my intention later this year to introduce a Bill to update and consolidate the existing national monuments legislation. This will provide an opportunity to consider the whole national monuments code. In the meanwhile my Department continues to make good progress in protecting the archaeological heritage.

The Archaeological Survey of Ireland is proceeding well. Eighteen surveys have been published covering over half the country and I am to publish surveys this year of part of County Sligo and County Longford. Many Deputies have attended some of these launches. These surveys are extremely valuable. In fairness to those doing this work, it is a great effort on their behalf and it provides a tremendous amount of important information at a local level which will paint a picture of the entire country when complete. It is extremely helpful to local authority councillors when making assessments on protecting particular areas and parts of the land area for which they have responsibility and helps them identify what is important.

The quality of these surveys and the other protection work in Ireland is recognised abroad. People are coming to us because they have seen much of this work and are surprised and taken aback at the depth of the archaeological effort being made in Ireland since most of them have nothing comparable. I commend all those involved in this work.

The activities of my Department do not simply relate to research. Over 8,000 development appli-

[Mr. Cullen.]

cations are examined annually to assess the impacts on the archaeological heritage, up to 2,000 excavation licences are issued so that this activity is carried out to professional standards. Codes of practice have been agreed with Bord na Móna, the NRA, Coillte, the Irish Concrete Federation and ESB National Grid and I expect to conclude one with the Irish Ports Authority later this year.

Greater public awareness is also important. The survey information is published and data is available to planning authorities to make informed decisions. A summary of all excavation reports in a given year is made available on the web and I will announce further initiatives in the near future.

I hope I have allayed the concerns raised by Deputies this morning. We will be coming back later in the year to update and consolidate the raft of existing legislation, which is a huge body of work. We are where we are not just with Carrickmines. We simply had no mitigation process in place because of what happened in the court decisions and which was defined as a technical glitch. We have now righted that in harmony with the National Museum, whose role is well defined and protected. We will work with the National Museum. The Government has no intention of going in, willy nilly, and bulldozing anything. Whatever archaeological effects are found, we must ensure best practice is brought to bear in all the mitigation. I am pleased to commend the Bill to the House.

**Ms O. Mitchell:** I welcome the publication of the Bill and wish it had come sooner. In the months since the court case in January I have become increasingly anxious as traffic conditions have deteriorated and the prospect of two cul-de-sac motorways appeared a distinct possibility. I realise there is more to the legislation than the Carrickmines issue. I realise also that if one does not live in the area perhaps there is not the same sense of urgency.

The Minister has had to deal not only with the Carrickmines issue but the possibility of similar cases arising. Some similar high profile cases have emerged since then on the M3 at Tara and on the N25, the Waterford City bypass with which the Minister will be familiar. The legislation will provide some clarity as to how these issues can be addressed.

I confess my immediate concern is Carrickmines and the problem on the south-eastern motorway. I am being a little parochial but it is understandable if one is familiar with the traffic conditions and the misery people in the area have had to tolerate every day and for much longer than was necessary. The impact on business has been incalculable in the Sandyford industrial estate in Central Park. Some tenants moved out because traffic delays made it impossible to trade. It could take over an hour to move a couple of hundred yards. That was intolerable for people.

The major new town centre which is currently being built in Dundrum and many other significant investments in the area hinge on the completion of the motorway.

The direct costs to the county council, State and consequently to the taxpayer and indirect costs to every commuter, resident and business have been enormous. This is not limited to Dublin as it is part of a major road network and joins the south-east of the city and the whole south-east region with the rest of the country. The absence of this vital link has national ramifications. As far as I am concerned, the Bill could not come soon enough.

I support what the Bill does, but I have some reservation about it. The Minister agrees that it is not comprehensive. The merit of the Bill is that it provides a less cumbersome method of dealing with the issues thrown up by the discovery of a national monument or an archaeological discovery. It gives us some clarity, where previously there was none, and offers a way forward in situations similar to Carrickmines, where the court actions were the only way forward because of the stalemate. The flexibility the Bill provides might have offered a solution in Carrickmines.

One of the suggestions of those protesting in Carrickmines was that the road could be moved, either up from or to the side of the archaeological site. Even if the National Roads Authority or the county council saw that as an option to solve the problem, it could not have been entertained because it would have taken too long as it would mean going back to the very beginning to new plans, a new environmental impact statement, a new public inquiry, new CPOs and so on, effectively a process that could go on indefinitely and it would be back to the merry-go-round again.

**Mr. Cullen:** Without any guarantee that one would not find more archaeological remains.

**Ms O. Mitchell:** Exactly. This Bill gives Bord Pleanála the power to sanction variations to approved works and where it does not so sanction, a decision can be made on the need for a new environmental impact statement rather than waiting for the courts to adjudicate on the matter.

Let me make it absolutely clear that Fine Gael insists that our national monuments be preserved. We have no future if we do not value what we have of value from our past. A decision to interfere with a national monument should only be considered when there is absolutely no alternative. If it is discovered that it is unique and irreplaceable and of archaeological value and significance, no matter how important the road, an alternative must be found.

The nub of the dispute at Carrickmines is whether what was discovered is archaeologically unique or merely of historical interest. The problem is the designation of what constitutes a national monument. How is a national monument designated? I thought it was interesting that the Minister referred to the archaeological remains at

Carrickmines as a national monument, which has never been accepted by the county council. There was no one to adjudicate on it. One side maintained it was a national monument, while the county council said it was not. Because there were no objective criteria, the council was put into an invidious position of having to apply for consent to interfere with a national monument.

**Mr. Cullen:** When I went out to Carrickmines, I expected to see a castle. Most people think there is a big castle.

**Ms O. Mitchell:** The county council, notwithstanding the fact that it did not accept that the discovery at Carrickmines was a national monument, applied for permission to interfere with it, because that was the only way the stalemate could be broken. The Minister gave his consent but that was appealed to the courts and it was subsequently lost on a technicality — nothing to do with the merits of the case.

A major problem with this Bill is that it does not deal with the designation of a monument and that is a glaring omission because it leaves every road project open to the accusations that its path goes through a national monument. We could come to the ludicrous stage that every time a shovel is put in the ground and comes up with a three leg pot it will be called a national monument. There are people who want to subvert the roads programme for a variety of very selfish reasons in many cases — certainly reasons that have nothing to do with the archaeology — and we have to protect against that. The designation of a national monument must be clarified. Everybody natural instinct is to preserve our heritage.

Natural concern was abused in the case of Carrickmines. People believed that a horrible crime was being perpetrated on what was a wonderful castle. They genuinely believed those accusations and that something valuable was being destroyed. Others simply did not want the road built and were professional objectors. That became clear when they were interviewed and their archaeological interest flagged; they immediately switched to becoming experts on planning and traffic management, issues on which they had no expertise. Even if they had, the time was long past when they should be raising such hares.

Legislation is urgently needed and I know the Minister is working on a consolidating Bill, which he hopes to bring before the House later in the year. The Taoiseach stated yesterday that it would be next year, but I hope that it does not cause problems for other roads in the meantime.

When an archaeological discovery is made after a scheme is approved, the Minister may at his discretion give a direction to remove, restore or record the find — in other words the Minister decides what will happen next. I know some people object to this as they maintain that it gives the Minister too much power. I do not see it that way because the Minister has always had the power to consent to the destruction of a national

monument and that in fact was what was struck down on a technicality. I believe the buck has to stop. We have to have faith that the Minister with responsibility for heritage has some interest in preserving our heritage and has the public good at heart. It should not be forgotten that the Minister only becomes involved at the end of a long process, including an archaeological assessment as part of the environmental impact statement.

In view of the powers being given to the Minister and that archaeological treasures are often buried treasures, it behoves all agencies to ensure that the initial investigation and the environmental impact assessment are absolutely exhaustive and carried out in the most thorough manner and limit the number of cases that end up on the desk of the Minister for the Environment, Heritage and Local Government. The tragedy of what happened in Carrickmines is that the hares were not raised in time, when they could have been. With more sensible and sober heads, the issue could have been resolved.

The Minister has great praise for the archaeologists, but I wonder if we get value for money. One can now make a great deal of money from archaeology as a result of environmental impact statements. No excavation takes place until there is a road scheme. Are archaeologists as thorough as they should be? Three very prominent road schemes have been undertaken and it seems that the most precious archaeology is being found right in the path of the roadway.

**Mr. Cullen:** Somebody discovers a three leg pot.

**Ms O. Mitchell:** One becomes slightly suspicious when that happens. I would not say that the archaeological heritage is less precious than others' heritage but they manage to build roads without this happening. My concern is that the Minister will make no decisions, because the legislation states that he may at his discretion make a direction as to how to proceed. The timeframe is too open-ended. The Minister may not have noticed it but he is not compelled to give a direction and there is no time limit on his decision. However, there are time limits for other people, for instance, the National Museum and An Bord Pleanála must make their direction within a certain time.

There are situations in which Governments do not make decisions in the run-up to an election. I am not suggesting this is the case with the Minister. If we are concerned to speed up the roll-out of our infrastructure a time limit should be imposed on the Minister compelling him or her to make a decision within a certain timeframe. I am not suggesting what that should be but there should be some limit on his or her decision. The Minister might consider that by way of an amendment.

The Bill could also be improved in section 5 where An Bord Pleanála has discretion to permit changes to the approved road scheme where

[Ms O. Mitchell.]

there is no major environmental impact. I have already welcomed this provision because it gives a flexibility which is not there at the moment to find, in some cases, practical and timely solutions if a minor redesign or relocation is the solution. However, as the Minister is aware, if a specific piece of land, no matter how small, is required for road-building purposes, for example, if a change in the design is outside what is permitted within the CPO schedule, it cannot be purchased no matter how desirable it is by either the NRA or the local authorities. Will the Minister explore the potential for flexibility in the CPO mechanism similar to that being introduced in the EIS process because if there is no flexibility to move outside the terms of the original CPO schedule, it will negate the value of having flexibility to change the scheme slightly? It is not a matter of going outside the EIS but also going outside the CPO mechanism.

**Mr. Cullen:** The Deputy is raising a very significant issue concerning the CPO legislation. That is another legal minefield with which I agree we must deal.

**Ms O. Mitchell:** Fine Gael does not believe there must be tension between building our infrastructure and preserving our heritage. In this, as in most things, a sense of balance and common sense is the way forward and is essential. What is precious, unique and irreplaceable as a national monument must be preserved and alternative routes found for our roads. If what is unearthed can be examined, mapped, excavated and moved to a museum for public view then that should happen and the road should proceed with all speed.

The value of this Bill is that it lays down clearly the procedures for dealing with discoveries but it is critical that the designation of those discoveries is clear. It cannot simply be a matter of opinion with one self-professed expert on one side saying it is a national monument and another saying it is not. If we have clear, objective criteria and a clear designation process such issues would not have to end up in the courts, forcing otherwise reasonable people into extreme positions and feeding the egos of clever lawyers for whom it is all a game, which is more important to them than the outcome. If the Minister deals with the issues by amendment or in the consolidation Bill this legislation will remove at least some of the barriers to building our infrastructure.

**Mr. Gilmore:** I agree with much that Deputy Olivia Mitchell has said. It has taken a very long time for the Minister to bring a legislative proposal before the House arising from the decision of the Supreme Court in the Carrickmines case. That decision was handed down at the beginning of this year and it is disappointing that the Minister did not bring legislation into the House

before now to allow for the completion of the M50 at Carrickmines.

**Mr. Cullen:** If I could have I would have.

**Mr. Gilmore:** It is curious that the Bill he has brought in was not published until the day of the election which did not allow for any debate of the issue in the run-up to the local and European elections.

**Mr. Cullen:** Many of my colleagues would have preferred if I could have published it weeks ago.

**Mr. Gilmore:** I also wonder why he did not approach it in a different way. The problem which has given rise to the legislation was, as the Minister said, that the Supreme Court stated a "technical glitch" had arisen in the Ministers and Secretaries Acts which found that the transfer order was invalid. If there is a "technical glitch" in legislation the quickest way to deal with that is to bring in primary legislation which corrects it and allows for the order made under the original legislation to stand.

**Mr. Cullen:** It would not.

**Mr. Gilmore:** Perhaps the Minister will explain at a later stage why he did not simply address the "technical glitch" rather than bring in a Bill which as I indicated in an earlier contribution today has wider ramifications. We now have a situation in Carrickmines in which two ends of the M50 motorway are virtually complete but cannot be joined up in the middle. Whatever view one may take of the history of this affair, and I have views to which I will return, the only sensible action possible at this stage is to legislate to allow for the completion of the motorway, obviously in a way that maximises the protection of the archaeological find. The options open at this late stage are limited to the completion of the motorway and I would have no difficulty in accepting a Bill which would have allowed simply for that to happen. This Bill, however, has much wider implications than the completion of the M50 at Carrickmines.

The history of this motorway deserves to be recalled. Deputy Olivia Mitchell will recall that when she and I became enthusiastic new members of the old Dublin County Council in 1985, this week 19 years ago, the road plans were quite different from their present state. The immediate road plan of the then Dublin County Council was to complete a motorway as far as Sandyford and to take the traffic from Sandyford down what was then called the "green route" to Leopardstown Road onto the N11 at White's Cross. There was a long-term objective pencilled into the road plan and the development plan for a motorway which would go from Sandyford past Shankill to link up with the N11. Deputy Mitchell will recall that she and I were among the then councillors who argued that did not make sense. The sensible thing to do was to complete a motor-

way ring around Dublin and I recall arguing for that at the time.

That was 19 years ago and the question is not what has happened in the few months or two years that have elapsed since the discovery of the ruins of the mediaeval castle at Carrickmines and its fosse. The real question is why it has taken us 19 years to get from the consideration of that plan to a point where we need legislation debated in the Dáil to complete the motorway.

There were several delays in this motorway scheme. There was a delay in its design and the route selection. The old Dublin County Council had decided on a route for this motorway in 1992 following an examination by the council's engineers. One of the Minister's predecessors or his Department instructed the county council that it was not to produce a single EIS on that route but that it was also to carry out a second EIS on the alternative route. That process and decision delayed the motorway scheme by between four and five years. An elaborate EIS process was undertaken between that decision in early 1993 and the public inquiry in early 1998, thus creating a five-year EIS process. A great deal of money was paid to consultants to look at every stone, ditch, dwelling, etc., that would be affected by the motorway.

After spending five years and so much money, how did they get it so massively wrong? It is not that the existence of Carrickmines Castle was not known; it was known about and they ignored it. The extent of the site was not known and the issue did not arise at the public inquiry. This State, through its agencies, namely, the county council and the NRA, spent a great deal of money on an EIS which did not identify what has emerged to be probably the largest environmental impact issue at stake in the entire exercise.

Our EIS processes are seriously flawed. They are, in fact, phoney. What is engaged in is a process where there is a pretence undertaken that environmental impacts are being considered. From my experience of this particular motorway scheme, however, it seems that these studies are undertaken more in the interest of glossing over environmental difficulties or finding ways to circumvent them rather than facing up to them and addressing them directly. That is one of the reasons we are in the situation in which we currently find ourselves.

The second reason we are in this situation is that the public inquiry process is phoney. I spent three weeks attending the public inquiry relating to this motorway. I argued the case for the alternative route which, had it been accepted, would not have avoided this location but, because of the direction from which the motorway would have come, might well have avoided there being a major impact on the ultimate archaeological find. I was, however, ignored. Everybody who attended the public inquiry was ignored unless they had with them senior counsel or highly paid lawyers.

I recall various objections being raised by local residents who wanted no more than some mitigation in terms of the amount of noise that the

motorway might cause, but they were ignored and nothing changed. However, in other instances a senior counsel representing a well-heeled landowner would make a case to the inquiry and, following two days of discussions outside the inquiry room with council officials or the legal people representing the council, they would return and state that agreement had been reached. The only people who were listened to at the inquiry were those with access to highly paid lawyers.

This motorway was also delayed because of legal challenges which had nothing to do with archaeology. There has been a great deal of discussion during the past two years about the people who initiated legal challenges in respect of Carrickmines Castle, the degree to which they delayed the building of the motorway and the enormous cost, which continues to accrue with each passing month, to taxpayers. That discussion has some validity. However, we do not hear as much about the four years lost in the legal challenges undertaken in respect of the Southern Cross Route, the earlier part of this motorway, by landowners, some of whom were well connected to sections of the media which choose to ignore the delays caused in this instance. Neither do we hear a great deal about the legal challenges mounted by the landowners, whoever they may be, involved at the relevant tribunal in respect of land located near Carrickmines. These challenges also delayed the building of the motorway.

If we had been presented today with a simple item of legislation which would allow for the completion of the motorway at Carrickmines, notwithstanding my concerns about the  
*12 o'clock* history of the motorway and about the find at Carrickmines — in respect of which steps could have been taken two years ago to reach a solution rather than trying to ignore people's objections — I would have some sympathy with it. However, that is not what has come before us. This legislation gives to the Minister for the Environment, Heritage and Local Government wide-ranging powers, not only in respect of the M50 at Carrickmines but also in respect of any national monument.

Under section 5, the Minister will be given the power, which he can exercise at his discretion, to order that a national monument be demolished, that excavations may take place there, that it should be renovated or restored — something with which no one would disagree — that it should be sold or that it should be exported.

**Mr. Cullen:** Those are all existing powers.

**Mr. Gilmore:** The only restraint placed upon the Minister in exercising that power, at his discretion, is that he must consult in writing with the director of the National Museum. The director must then reply within 14 days. Can Members imagine the National Museum having to make a case within 14 days in respect of a major archaeological find or an archaeological issue which might arise? That is absolutely nonsensical.

[Mr. Gilmore.]

Provision is also made in the Bill regarding how the Minister might exercise his discretion. He is to do so while considering the public interest, which by its nature is quite wide-ranging.

**Mr. F. McGrath:** We will be obliged to trust the Minister.

**Mr. Gilmore:** The Bill also refers to matters to which the Minister may have regard. Some of these relate to archaeological or heritage protection, the environment, the policy of Government — whatever that might be at a particular point — cost implications, etc.

It is clear that the Bill is a prescription to allow the Minister to order that an archaeological obstacle to a particular development be bulldozed.

**Mr. Cullen:** That is not true. It is grossly unfair.

**Mr. Gilmore:** It is not grossly unfair. The Minister gave the game away at the beginning of his contribution when he stated that the protection of our archaeological heritage has been a primary concern of Government since the foundation of the State. That is true and it is to the credit of previous Governments that such a priority, in times when the country was poor, was given to the protection of our archaeological heritage.

**Mr. Cullen:** Nothing was being found in those times.

**Mr. Gilmore:** The Minister proceeded to state that there is no doubt that the scale of development in recent years, as a result of our economic success, has presented a greater challenge to the protection and preservation of our archaeological heritage. What the Minister is saying is that while the protection of our archaeological heritage was a primary concern of the State in the past, now that we are a well-off country with a great deal of development taking place, we need to put that into second place.

**Mr. Cullen:** That is the Deputy's view; it is not my view.

**An Ceann Comhairle:** The Minister should allow Deputy Gilmore to speak without interruption.

**Mr. Gilmore:** That is what it comes down to — allowing for archaeological and heritage considerations to be given a secondary or subsidiary consideration when development works are being undertaken. The Bill will have more significance for the forthcoming road development at Tara and Skryne, the proposed development of the M3, than it will have for Carrickmines. Archaeologists and historians have been before the Oireachtas Joint Committee on the Environment and Local Government to set out their concerns that the proposed motorway development which

will go through the Hill of Tara and Skryne will have major implications for the archaeology and heritage, not just of this country but of the entire Celtic world.

**Mr. Cullen:** The Deputy is raising the temperature straight away. He knows as well as I do the finds on that route are minor. They have not found anything of significance.

**Mr. Gilmore:** I know nothing of the kind.

**An Ceann Comhairle:** The Minister should allow Deputy Gilmore to speak without interruption.

**Mr. Cullen:** The Deputy is raising the temperature.

**Mr. Gilmore:** I am not.

**An Ceann Comhairle:** The Minister will have the right to reply at the conclusion of the debate.

**Mr. Gilmore:** I do not know that the archaeological finds of that area are, as the Minister put it, "minor".

**Mr. Cullen:** No.

**Mr. Gilmore:** Neither does the Minister. What I know is that respected archaeologists using the modern techniques of geophysics have reported significant archaeological finds along the route of the proposed motorway.

**Mr. Cullen:** We will deal with them.

**Mr. Gilmore:** They also suggested these finds cannot be looked at simply as individual and unrelated finds that may be impacted upon by the construction of the motorway but that they form part of the total archaeological collection in that area. They pointed out that the concerns which they raised during the environmental impact study, EIS, process were not taken into account and given adequate weight. There are echoes in that of matters which were known at the time the EIS was done on the M50 and which were not taken into account in respect of Carrickmines.

**Mr. Cullen:** The evidence does not say that.

**Mr. Gilmore:** They are saying nothing more than that before development work takes place on that motorway, it should be re-examined.

**Mr. Cullen:** Six routes have been examined.

**Mr. Gilmore:** That is a reasonable proposition.

**Mr. Cullen:** The Deputy should be fair and balanced. Six routes have been examined.

**An Ceann Comhairle:** The Minister should allow Deputy Gilmore to speak without interruption.

**Mr. Gilmore:** The more the Minister interrupts—

**An Ceann Comhairle:** Second Stage allows the Minister to make an opening speech and at the conclusion of the debate he has an opportunity to reply. Deputy Gilmore is now in possession and he is entitled to speak for 30 minutes without interruption.

**Mr. F. McGrath:** Hear, hear.

**Mr. Gilmore:** I have no objection to the Minister interrupting me because—

**An Ceann Comhairle:** I would not encourage that.

**Mr. Gilmore:** —both the content and tone of the Minister's interruptions are such that he is displaying the prejudice he will bring to bear when an issue relating to archaeology arises, if he is still Minister for the Environment, Heritage and Local Government when that motorway is under construction. He has already decided that these are minor archaeological finds.

**Mr. Cullen:** No, but they are not of the significance that has been presented.

**Mr. Gilmore:** The Minister does not know.

**Mr. Cullen:** No, I do not, but the point is that we should stand back and see. That is all I am saying. I am only trying to be helpful. The indications are that what people thought would be found on the Hill of Tara—

**An Ceann Comhairle:** The Minister should allow Deputy Gilmore to speak without interruption.

**Mr. Cullen:** Am I not allowed to make a point on Second Stage? I do not wish to argue with the Deputy because he is right. I am concerned that before we come to any conclusion on the M3 route, we should all stand back and see what is the case. There was an expectation that considerable finds would be discovered on the Hill of Tara. I understand that is not the case, which is not to say there are not potentially significant finds there. There may well be, but let us take a balanced view. That is all I am saying, nothing more and nothing less.

**An Ceann Comhairle:** Deputy Gilmore should continue. If he addresses his remarks through the Chair he might not invite the Minister to interrupt and we might get through proceedings more quickly.

**Mr. Gilmore:** I do not want to re-visit matters the Ceann Comhairle might not wish to revisit, but we really cannot win on this side of the House.

I do not disagree with what the Minister has to say in terms of the principle of having a balanced look at the issues associated with the Hill of Tara and Skryne. If, as the Minister says, he will re-examine the matter, I would be happy with that. However, as I understand it, the current position is that the Minister takes the view that the motorway scheme is now agreed and it will not be altered. Any issue of archaeology arising in the course of the construction of the motorway will now be dealt with under the terms of this legislation, which implies that if an inconvenient piece of archaeology presents itself in the line of the motorway the Minister will order it to be removed.

The exercise of ministerial discretion will vary between Ministers. There are Ministers who, when exercising this discretion, will seek advice and act on it, and there are those who will not. It is entirely a matter for the Minister's discretion. The present Minister has a pretty good track record of not taking advice.

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

**Mr. Gilmore:** To my knowledge he is the first Minister for the Environment, Heritage and Local Government who ignored the advice he was given in respect of a number of developments where his heritage officials recommended he should appeal developments to An Bord Pleanála and he chose not to. One of these was the development at Trim Castle.

**Mr. Cullen:** I took direct advice—

**An Ceann Comhairle:** The Minister should allow Deputy Gilmore to speak without interruption.

**Mr. Cullen:** —that caused it to be changed.

**An Ceann Comhairle:** The Minister will have an opportunity to reply at the end of the debate.

**Mr. Gilmore:** The Minister's officials—

**Mr. Cullen:** That puts me in a no-win situation.

**Mr. Gilmore:** —recommended to him in respect of Trim Castle that on heritage grounds he should appeal the planning decision of the county council. He exercised his discretion, as he is entitled to do, not to lodge an appeal with An Bord Pleanála.

**Mr. Cullen:** I finished it. Why?

**Mr. Gilmore:** That development is proceeding.

**Mr. Cullen:** The Deputy should be fair.

**Mr. Gilmore:** It is not for me to say why. I am stating the facts. The point I make to the Minister is that he makes decisions that are clearly pro-development, which he is entitled to do. This Bill



[Mr. Gilmore.]  
will give discretion to the Minister for the Environment, Heritage and Local Government to order the demolition of a national monument or its sale or export. The present Minister has already displayed a record of not taking professional advice on heritage matters.

**Mr. Cullen:** May I raise a point of order?

**An Ceann Comhairle:** Time is allotted to the Minister at the end of this debate to respond to the points raised. It would be better for the House if the Minister did not respond to each issue as it arose because as soon as Deputy Gilmore has finished, we will move on to other Deputies who may also raise points that will need a response.

**Mr. Morgan:** If he will not answer questions, why bother standing up to speak?

**An Ceann Comhairle:** The Minister will respond at the conclusion of the debate as is catered for under Standing Orders on Second Stage debate. A question time at this stage, or the Minister's intervening, is not the appropriate way to conduct Second Stage.

**Mr. Cullen:** I was not trying to be argumentative.

**An Ceann Comhairle:** I appreciate that. Deputy Gilmore should continue now without interruption.

**Mr. Gilmore:** This Bill will legalise official vandalism of national monuments. It gives the Minister for the Environment, Heritage and Local Government excessive powers to order destruction of national monuments. It does not provide for the kind of protection or independent examination of the issues involved which would assure us that national monuments will be adequately protected. It goes way beyond the immediate issue of the completion of the M50 at Carrickmines, about which there would not be much disagreement at this late stage, and it prescribes a mechanism by which the Minister can essentially order the destruction of a national monument and of part of our archaeological heritage, where that heritage presents in an inconvenient manner to either the development of a road or any other development taking place.

The provision is not confined to the development of critical infrastructure. The Bill could apply to any development, including private developments. The term "works", for example, in the definition section of the Bill is being changed to include "works of national, regional or local importance". That could mean anything. It is not confined to public works or works of critical infrastructure. The new definition could mean the building of an hotel, an apartment block or anything where the Minister at his discretion could decide it was, for example, of local importance.

The powers being given to the Minister in this Bill are too wide and present real danger to the protection of our environment. In its present form the Labour Party cannot support it.

**Mr. F. McGrath:** I thank the Chair for the opportunity to speak on this Bill. I thought we might have a new Minister for the Environment, Heritage and Local Government here today who would listen to what people are saying. The Government parties should have learned that lesson. The people sent a strong message in the local and European elections that the Government needs to listen to them and the people directly involved, and I hope this listening will be part of today's process.

When I first heard about this Bill, I had an open and positive approach to it and welcomed debate on the issue. However, as the debate has progressed on the issues, my concerns have been raised. My initial reaction was that the overall thrust of the Bill was sensible because we needed to respond to the difficulty and do something about it.

The key words on this issue are "national" and "monuments" because we are talking about historical places of archaeological and national value. Our reaction in this debate must be measured and reflect the importance of these two key words. The issue is important. The number of excavation licences issued every year comes to an amazing figure of 2,000. The public would be unaware there are so many. Most people might think a few dozen or a few hundred licences would be issued. When we see the figure of 2,000 licences, we know something major is taking place and that something of value is being done for the nation. These are the kinds of issues we should discuss in this debate which deals with national monuments.

Before going into the details of the legislation, I would like to mention a number of key issues. I feel strongly that while not living in the past, we should have a great respect for our history and our traditions. My vision of a modern Ireland is one which respects the past but looks to the future. This historic aspect must be considered in the context of this Bill.

From the point of view of education, these sites are a massive resource for the State, the taxpayer and the public. Thousands of primary, second level and third level students visit many of our wonderful sites which, as well as having historical and cultural value, also have serious economic value. We should not take our eyes off the ball in that regard because it is crucial.

The cultural aspect of our national monuments is another important issue. There is great potential to develop this aspect. This morning I met 40 visitors from New York state who are visiting the Dáil. They did not come to Ireland for the weather but to see our culture, history, monuments and Parliament. Had they wanted the sun, they would have gone to Florida or somewhere

else. We should wake up to the fact that cultural tourism is a significant resource.

The protection of archaeological finds should be a priority for us. However, I am realistic enough to know that we cannot allow situations occur where, for example, a roadway cannot be finished or we ignore the real world. I accept that and agree with many of the previous speakers who said we must get the balance right. We must deal with the archaeological issues but also move on and make progress.

Road transport and safety are important issues and proper facilities must be in place for motorists. As far as I am aware — I am open to correction on this — since we have built our new motorways, most of our serious accidents have happened on our smaller more dangerous roads. The motorways appear to have contributed to road safety. I feel strongly about the safety issue. We must face up to that issue and other transport issues.

The spending of public money is a serious issue and I am angered by money being wasted or the lack of accountability for the spending of taxpayers' money. We must be strong and focused on this issue. As legislators, we are elected by the people to look after their money. While I support and respect the protection of our culture and archaeological sites, when I see the estimated costs of €6 million with regard to Carrickmines, I must cry "stop".

**Mr. Cullen:** It is some €6 million plus.

**Mr. F. McGrath:** The red light goes on for me. I feel passionate about how public money is spent. In recent days, I was contacted by a school for those with disabilities in Sandymount — Enable Ireland. The school is short of funding for a programme for 15 disabled children for the month of July. These are severely physically and mentally handicapped children. There is a problem with funding, yet the figures for Carrickmines exceed costs by €6 million. We need to have a debate about credibility, money and enormous costs.

**Mr. Cullen:** The Department is now spending more than €20 million a year on archaeology for Carrickmines alone.

**Mr. F. McGrath:** The figure of €6 million was, therefore, a conservative figure. The Government and the Opposition must act responsibly when taxpayers' money is involved. On the negative side, I am concerned about the provision that the director of the National Museum must respond within 14 days because I regard that as too short a time even though I understand the need for progress and efficiency. On the provision regarding the discretion of the Minister, different Ministers are interested in different things and that is the reality of the world. It is a question of trust. When dealing with issues of archaeology, history and cultural issues, a Minister might not neces-

arily have an interest in those matters and may be interested solely in pet projects and that is a cause for concern.

The decision to set aside the order of the Minister for the Environment, Heritage and Local Government regarding the works on the M50 at Carrickmines was the basis on which the Government orders of 1996 and 2002, transferring certain functions of the OPW under the National Monuments Acts, were deemed invalid. The High Court described this as a "technical glitch" and that is accepted by all. That is a fair comment and technical matters cannot be allowed stand in the way of progress. However, many people were of the opinion that the proposed National Monuments Bill should be a measured response to the issue. The Minister noted that during the drafting of the Bill it became clear that resolution of the issue required a number of amendments to the national monuments code to ensure the proposed revised procedures met the requirements of the EU directives on EISs, hence the delay in drafting the Bill.

The purpose of the Bill is to re-enact section 14 of the National Monuments Act to provide a one-tier consent process for works to a national monument whereby the consent of the Minister for the Environment, Heritage and Local Government is sought. The Bill also provides that the National Museum is consulted when such consent is sought. I raised the matter of 14 days' notice but it is also important that there is provision for consultation with the director of the National Museum.

**Mr. Cullen:** For the Deputy's information, I was not required to do that under the old section 14. I am strengthening the position of the museum by including that provision. It was not a requirement under the Act.

**Mr. F. McGrath:** The Bill gives the Minister further power to issue directions on how any archaeological excavation works are to proceed. I presume the Minister would consult with the Cabinet and that it would not just be a Minister on a solo run. I acknowledge the Minister has direct responsibility but I would prefer a broader response. Some Cabinet members might have a specific interest in areas of archaeological or historical value.

The Bill also provides a new power to deal with unknown national monuments which may be discovered during the course of construction and which had not been identified in the environmental impact survey. In these circumstances, the discovery must be reported to the Minister who may issue a direction. If such a direction requires a change in the road design, it must in turn be reported to An Bord Pleanála which may amend the original approval. If An Bord Pleanála considers an amendment will have significant effects on the environment, it may require a new EIS to be prepared with a further round of public consultation. I regard this provision as important.

[Mr. F. McGrath.]

The Bill clarifies the transfer of functions to different Ministers and to the Commissioners of Public Works under different statutory instruments. These are the main provisions in the Bill.

**An Ceann Comhairle:** I understand the Deputy is sharing time.

**Mr. F. McGrath:** I am sharing time with Deputies Morgan and Sargent. Have I gone over my time?

**An Ceann Comhairle:** The Deputy has used ten minutes.

**Mr. F. McGrath:** Before I am heckled by Deputy O'Connor, I have one final point to make. I am pleased the Minister will introduce a Bill to update and consolidate the existing national monuments legislation. I hope he lives up to the promise.

**Mr. Cullen:** It is badly needed.

**Mr. F. McGrath:** I agree with the Minister.

**Mr. Sargent:** Ba mhaith liom mo bhuíochas a ghabháil leis an Teachta McGrath as a chuid ama a roinnt liom chomh maith. The media coverage of this legislation has focused on the possibility that it may face legal challenge. I am interested to hear what advice the Minister has taken in that regard. This morning I received a long e-mail which I do not propose to read into the record of the House because it would take up more than my allotted time. It was written by a barrister who stated that the Minister's new proposals will effectively remove the ability of the Dáil, the courts, the National Museum and the general public to regulate, prevent or even know about the wholesale destruction of Ireland's internationally significant and still undiscovered heritage, ostensibly because the National Roads Authority cannot detect the presence of archaeological remains before it designs road routes. The proposal will remove and undermine legislative protections enacted and improved upon since the foundation of the State. The effect will be to reduce Ireland's heritage protection legislation from relatively high to low standards overnight.

I presume that position could be open to challenge from the Minister's legal advice. However, it seems there could be a mother of all legal challenges being considered. I hope the Minister would avoid going down the route of confrontation as he stated there is considerable public funding in question. It would be very unwise to exacerbate an already confrontational situation further. It would be preferable to resolve rather than exacerbate the confrontation. In that regard, there needs to be a root and branch examination of why discoveries are being made and challenges undertaken very late in the day. This leads to additional delays and expense which should be avoided.

The PAC investigated suspicions of overspending linked to allegations of incompetence with respect to the National Roads Authority. There is no doubt the NRA has a dominant position. It is not accountable to Members of this House and questions asked are referred to the NRA rather than answered by the line Minister. The NRA is also in a position to retain the best engineers and has the organisational structure to give priority to its own objectives and sideline others. Its activities should be more closely investigated. Government needs to take a broader view in terms of a national transport authority rather than leaving the NRA in an advantageous position with respect to other transport options and the wider public interest.

The Minister stated there is an effort to discover the location of important archaeological sites in advance but I do not believe technology has been closely examined as a means of finding buried structures. I take the point made by the Minister that a certain amount can be done but not everything. Small finds might not show up in a satellite-based system, for example, but advances have been made in that direction.

The requirement regarding discovery of structures should be met long before construction begins. I remain to be convinced that this is the case. The current approach often appears to be to proceed with construction, hope for the best and if structures are found, the project will have progressed sufficiently to force the issue. This is a recipe for conflict.

**Mr. Cullen:** I visited a site recently at which all the geophysical work, aerial photography and so forth had been completed. The archaeologist explained to me that although it showed potential——

**Mr. Sargent:** Will I be given injury time for the Minister's interjection?

**Mr. Cullen:** I was trying to be helpful by agreeing with the Deputy.

**Mr. Sargent:** I ask the Minister to make his points at the conclusion of the debate. I have only ten minutes speaking time, whereas he had 30 minutes.

**Mr. Cullen:** Nothing showed up until the archaeologists went on to the site.

**Mr. Sargent:** I wish to make my points. The Minister can respond at the appropriate time. He is appointing himself adjudicator on a matter on which he should not be in an adjudicating position. He has taken a confrontational line from a parliamentary perspective and has acquired a reputation as——

**Mr. Cullen:** That is not fair.

**Mr. Sargent:** The Minister's comment proves my point. We are heading for another argument

even before I have finished making my point. I will move on to my next point to avoid inviting further intervention.

The e-mail I have received, which runs to six pages, gives me to understand that there is a considerable amount of tension, even in the Department, between those who have a remit to protect archaeology and those who regard archaeology as at best a necessary evil and at worst something of a nuisance. A certain amount of intimidation is taking place, whereby people are being asked not to make life any more difficult by those who would prefer if sites were not discovered because they fear they will create problems.

Other speakers have contrasted procedures here with those in place elsewhere and asked how other countries manage to build roads. Archaeology is given considerable priority in other countries. York in England, for example, is often touted as a place where Viking heritage is celebrated and it generates significant revenue for the city. I hope Waterford will benefit in a similar manner in the years ahead from the undoubtedly important find at Woodstown.

The job of infrastructural development needs to be separated from the archaeology role. This will be impossible if the Minister succeeds in appointing himself adjudicator on both counts, namely, as the custodian of archaeological heritage and the promoter of infrastructural development. It will be very difficult for him to maintain a position of referee when he has vested both roles in himself.

An issue raised by other Deputies provides a good example in this regard and I ask the Minister to comment on it at the end of the debate. If the Minister exercises his prerogative to forgo an appeal to An Bord Pleanála regarding Trim Castle, he will assume responsibility for the outcome of that process. The matter has caused tension and had repercussions in the local elections. As the Minister will be aware, a number of those elected in the Trim area strongly lobbied and campaigned against the decision to give permission for a hotel to be built adjacent to Trim Castle on the basis that it did not conform to proper planning.

**Mr. Cullen:** I substantially reduced the proposal.

**Mr. Sargent:** Nonetheless, I ask the Minister to take into account the perception abroad that the decision did not adhere to proper planning procedures. The issue must be faced and I ask the Minister not to intervene by blocking appeals to An Bord Pleanála. As the body established to adjudicate on planning matters, it is much more expert and qualified than the Minister or any other elected representatives, including me.

Lessons should be learnt, including, for example, from the cases of Mullaghmore and

Lugalla, which pre-date the Minister's time in the Department. It is important not to exacerbate the situation.

It is interesting that questions hang over whether individuals in the Department are suitably qualified in the area of archaeology and their experience in the area of fieldwork. Why are the qualifications of officials who are in controlling positions in the Department in the areas of archaeology and monuments under question? If the Minister is to vest so much power in himself and his advisers, he should ensure that the qualifications of his officials are beyond question.

**Mr. Cullen:** My officials are excellent. I fail to see the Deputy's point.

**Mr. Sargent:** I do not wish to take up time by going further into the matter. Costs must be viewed in terms of their proportion of overall costs. The Minister consistently refers to percentages when discussing waste. Archaeological costs, too, must be considered as a percentage of overall costs, in this case road construction costs. We should use percentages rather than figures. The €20 million figure referred to is one thousandth of the €20 billion overall cost of roads construction.

**Mr. Cullen:** The €20 million is an annual cost.

**Mr. Sargent:** The Minister should refer to percentages, as he does with waste, when discussing archaeology.

**Mr. Cullen:** The cost of roads is not €20 billion per annum.

**Mr. Morgan:** I do not mind if the Minister heckles me. I am getting used to it.

**Mr. Cullen:** I am not in a heckling mood.

**Mr. Morgan:** Unsurprisingly, the Minister has introduced a Bill which seeks to put developers and the interests of the National Roads Authority before safeguarding our heritage. Why does it not surprise me? Like so much of the legislation recently brought before the House by the coalition, this is emergency legislation necessitated by the fact that the Supreme Court ruled that the Government was not empowered to enact orders in 1996 and 2002, which had established a new scheme of consents to any works involving the removal, defacing or destruction of a national monument.

This is anti-heritage legislation designed to overcome conservationists' opposition to the Carrickmines interchange on the M50, the M3 from Clonee to north of Kells and the Waterford bypass. Perhaps it will also impinge on the construction of a four-storey hotel 20 metres from Trim Castle.

**Mr. Cullen:** Regardless of what I do, the Deputy will not be happy but I will give him one thing — he is good at playing the game.

**Mr. Morgan:** I am unhappy with most of what the Minister has done to date, not least the Protection of the Environment Bill, but also many other Bills with which I am happy to disagree with him. The basic, underlying theory of the Bill is to permit the destruction of national monuments to facilitate infrastructural developments. Its introduction makes clear that the Minister is as unsuited to holding responsibility for heritage as he is for holding responsibility for environmental protection. Let us hope the imminent Cabinet reshuffle will throw up a more enlightened person to take responsibility for this important portfolio.

If the Minister for the Environment, Heritage and Local Government had any interest in heritage protection, he should put in place mechanisms to ensure that prior to the commencement of developments such as the Carrickmines interchange proper procedures and impact assessment studies are carried out to ensure that mistakes such as those which led to the Carrickmines debacle are not repeated and that national monuments are detected early and avoided when building infrastructure.

Time and again, the conservationists protesting against the destruction of Carrickmines and the ramming of a motorway through the historically rich valley of Tara-Skryne have made clear that they are not anti-roads. Has the Minister examined the composition of the groups in question? They could hardly be called radicals because they are not part of the rent-a-crowd brigade. They represent the most conservative elements of society and are far from anti-roads or anti-progress.

They, along with many others, seek that roads should be built legally having followed proper planning processes, including the early identification of heritage sites and national monuments so that they can be avoided rather than destroyed. Instead, the Bill provides that the Minister can grant a consent for the carrying out of works to a national monument which may result in the destruction of part or all of the monument after archaeological works have been carried out.

It has been claimed, with some merit, that this Bill will legalise badly designed roads. It will encourage developers, at the very least, to push roads through in a way that suits their own desire to make substantial profits, regardless of whether they cut through heritage sites, safe in the knowledge they will ultimately be permitted to destroy national monuments. Alternatives to both the Carrickmines interchange and the M3 motorway were put forward by conservationists seeking to preserve these sites. The legislation will result in developers having no motivation to compromise

and it will lead to a repeat of the destruction of Viking Dublin at Wood Quay. This was a scenario we hoped would never be seen again, as Governments, under pressure from the EU, have since then put in place increased protection for our heritage, something this Bill seeks to remove.

Under the legislation, the director of the National Museum will have only 14 days to consider proposals to grant permission for the destruction of national monuments. This is inadequate for consideration of a newly discovered national monument. I thought the Minister might have meant 14 months. While I do not advocate a 14 month delay, I will table an amendment providing for a reasonable time for consideration of proposals.

**Mr. Cullen:** How long?

**Mr. Morgan:** The Minister should wait for the amendment. Under section 14(3)(d) as inserted by section 5, the Minister will be permitted to have regard to a matter of policy of the Government or any other Minister and, under section 14(3)(f) as inserted by section 5, to the cost implications that would in his or her opinion result from granting such a consent. This is a wide provision.

I am also concerned by the provision in the new section 14A, which provides that the consent of the Minister is required for works affecting a national monument where they are connected with an approved road development, on the basis that the approval process for such roads includes consideration of an environmental impact statement that will identify the archaeological impact involved. This is blatantly not the case. When the Minister addressed the debacle at Carrickmines in his contribution, he stated, “As the excavations progressed, the full extent of the work necessary for the complete archaeological excavations, resolution and recording of an area gradually become clear.” How can he claim that the archaeological impact will be fully assessed before approval of a road project?

Is the legislation in compliance with various EU directives governing heritage protection? Has it been proofed against these directives? The legislation, which seeks to overcome the Carrickmines scenario where faulty pre-planning and planning practices have led to a stand-off between those seeking to protect our heritage and those seeking to force through an infrastructural development regardless of its impact, is nothing less than a pro-developer, anti-heritage, quick fix solution.

The history and importance of Carrickmines castle has been known for a long time. The castle has been described as a time capsule of the medieval period and has produced the largest collection of medieval objects from a rural site in the history of Irish archaeology. It is the only histori-

cally documented massacre site where men, women and children were slaughtered by Crown forces in 1642. This knowledge should have ensured that the site was avoided by the motorway route. I oppose the legislation.

**Mr. McCormack:** I thank Deputy O'Connor for allowing me to make my contribution during his allotted time. The purpose of the legislation is to provide for the completion of the M50, which is being done for the common good. The Minister stated this means the Government will bulldoze archaeological sites. We will be careful on Committee and Report Stages when we go through the legislation more thoroughly to ensure this does not happen. It must be ensured the legislation does not provide for the wholesale destruction of such sites.

While our national monuments should be preserved, at the same time, a balance must be struck between preservation and the common good. A definition of a national monument should have been included in the legislation. It is regrettable the Minister did not take the opportunity to include such a definition. Common sense must prevail. It is not enough in most cases to designate a site as a national monument. Many monuments are being allowed to deteriorate and fall into ruin. There is not much point in designating a structure as a national monument and then letting it fall down. Many are in a dangerous state. Resources should be made available through the Office of Public Works or, more importantly, local authorities to preserve such structures.

Owners of these sites are sometimes exposed if there are accidents. They cannot do much about this. A national monument is located beside a minor road in my constituency. It is an old castle, which is in ruins. Children play there every day and cars travel within yards of the site. The owner of the site facilitated Galway County Council in relocating the road, which only serves a few houses, on his land away from the national monument to preserve it. However, the council could not grant the man permission to demolish the monument. He did not have the resources to restore it and no funds were available to do so. Meanwhile, he could not get insurance to cover himself against the possibility of the monument collapsing and seriously injuring people. The Minister should examine the position of national monuments, which are a danger to the public. Protection should be provided for landowners or, at the very least, the sites should be made safe.

While people have the right to express objections against projects such as that at Carrickmines and to lobby and protest in support of their beliefs, sometimes they come up with excuses that do not stand up in terms of architectural heritage. Genuine projects are often much delayed as a result. I recall serious flooding in south Galway in 1995. Nine houses were flooded and cut off

entirely. The occupants' only way in or out for eight to ten weeks was via a helicopter. The local community developed a flood relief scheme which comprised a simple three or four mile channel to the sea. Every obstacle was put in the way of the locals as they tried to resolve the problem. Horseshoe bats were found among the rocks.

That scheme was carried out. It cost €120,000 and solved the flooding problem in the south Galway area, which has not flooded since then. The Office of Public Works carried out a site investigation since which cost €1 million to see how the problem could be solved in south Galway, but a spade will never be used in that area again. That scheme could have been delayed for those reasons.

The Minister will be aware of the Mutton Island case, where there were serious objections because there were nesting grounds for terns, although terns had not nested there for 30 or 40 years. The project was delayed for five or six years and lost EU support grants, which meant the Department of the Environment, Heritage and Local Government had to fund the scheme itself. Despite construction of the scheme, terns nested there two years ago. That is the reality of people objecting for the sake of it.

I attended the opening of the Mutton Island scheme and I saw the Minister's name on the plaque. Unfortunately, he could not attend because he was held up in the Dáil by Report Stage of the now failed electronic voting Bill. There is a monument to him on Mutton Island but I will inform people that he was in the Dáil that day trying to have the electronic voting Bill passed and failing in the process, I am glad to say, although there is nothing personal in that.

This Bill relates to the Carrickmines site and the M50. The latter is now like the village in Westmeath, Ballymore, which had two ends and no middle. That was an old saying about Ballymore, but it is no longer the case because there is a middle in it now. Like every other village, it has been filled up. The Carrickmines site is simply two ends of a road which cannot be joined in the middle and common sense must prevail. I recognise that legislation was needed for the common good to enable work to be completed on that necessary roadway. All other precautions should also be taken to ensure that the archaeological finds are protected and secured.

This Bill arises from the January High Court case which set aside an order by the Minister for the Environment, Heritage and Local Government relating to the works on the M50 at Carrickmines. That Government order, which dates back to 1996 and 2002 and transferred certain functions of the OPW under the National Monuments Act, was invalid. This was described by the High Court as a technical hitch and the Minister therefore had no option but to bring forward legislation. All parties in the House acknowledge that

[Mr. McCormack.]

the common good should prevail and there is support for the Minister's proposals. That is common sense, although we must always be careful, because we are the people who enact legislation, that there is no small print in Bills which would allow Ministers now and in the future, according to Deputy Morgan's gospel, to have more authority than is necessary in these cases.

Overall I welcome provisions to allow the necessary work to be completed because one cannot have millions of euro lost because of unreasonable delays in examining sites. I am not technically qualified to say so but, with modern technology, there must be a means of establishing in advance what archaeological remains lie underground. These should be established and put on the record before works commence rather than discovering them when work begins. If such remains were discovered at the site investigation stage of road planning, there would be an opportunity to change routes to avoid them.

**Mr. Cullen:** That is what they are trying to do.

**Mr. McCormack:** It should be done and I encourage the Minister to invest resources in modern technology which would enable us to do so. That would save a lot of frustration, delay and expense in the long run.

**Mr. Cullen:** A fortune is being spent on it.

**Mr. McCormack:** I welcome that. The Minister said that during the drafting of the Bill, he became aware that the issue required some amendments to the national monuments code, and the Bill includes those amendments. The main purpose of the Bill is to re-enact section 14 of the National Monuments Act to provide a one-tier consent process for works on national monuments where the consent of the Minister for the Environment, Heritage and Local Government is sought for such works.

The Bill also provides that the National Museum will be consulted when such consent is sought and I seek clarification on that point. If the National Museum must be consulted, is that another process that will have to be followed after the Minister deliberates on this? Certain approved road schemes with an IAA form are exempt from providing a section 14 consent on the basis of the EIA consent procedure, which will have made recommendations for archaeological considerations. However, the Bill gives the Minister further powers to issue directions on how archaeological excavation works are to proceed. Those sections of the Bill confer extraordinary powers and, while this Minister would not abuse his powers in that way, we must be careful, in adopting the legislation, that a future Minister does not have that opportunity.

The Bill clarifies the transfer of functions between different Ministers and the Commissioners of Public Works under different statutory instruments. The Bill will give discretion to the Minister to grant consent or otherwise and to issue directions in respect of a national monument, notwithstanding that such consent or direction may involve injury to, interference with or even harm to a national monument. These are far-reaching powers for the Minister.

**Mr. Cullen:** They are all in place.

**Mr. McCormack:** The Bill also makes provision for appropriate protection of the archaeological heritage along the routes of approved roads and developments including the south-eastern route section of the M50, which is welcome.

This is the seventh emergency legislative measure the Government has brought in, which indicates that the Government is ploughing from one emergency to another. It is also a sign that the Government is under pressure. Emergency legislation should not be necessary seven times. There are times when it is necessary but now such legislation is becoming the norm. The public has observed those seven legislative measures and the indecisiveness of the Government. Whether that is due to the two-party structure of the Government, I do not know. We had some evidence of that in the past week.

**Mr. Cullen:** It is due to the courts.

**Mr. McCormack:** The Minister should be careful. The pressure is on now and we can see a struggle between the two sections of the Government. At least that is what those on the plinth are saying and they know more about this than I do. Who am I to say what is going on? I only listen to those on the plinth. We might have to endure more emergency legislation given what is going on. This Bill is not emergency legislation but is designed to get over a legal situation.

The Bill gives the Minister an opt out clause. Section 5 states that the Minister may issue directions to road authorities on whether or not to proceed with a road project upon discovery of historical artefacts, but it does not compel the Minister to make such a ruling. I find that a little strange. The Minister could decide to abandon one road project and go ahead with another. That might lead to a situation where proceeding with one road project might be more politically beneficial than proceeding with another. If I were in Government, I would lobby to have the N6 and the outer bypass in Galway sanctioned. If I were able to apply pressure, or if an Independent Deputy were able to do so, to require a project to go ahead, this Bill gives the Minister a clause to ensure that. It is a dangerous weapon.

Far be it from me to say this Minister would ever attempt to use that dangerous weapon but

*1 o'clock*

some Minister might in the future. In a tight situation, when dealing with different parties in Government and Independent Deputies, a Minister might use the opt out clause of not proceeding with a road project because of the discovery of artefacts and decide to go ahead with another road which would be more political advantageous, particularly in the lead up to a general election. That opt out clause for the Minister in section 5 is a dangerous provision.

Fine Gael's approach to this Bill and to the subject in general is quite clear. We do not for one moment believe that the creation of a proper road network and the preservation of our national heritage are mutually exclusive. We believe we can protect the national heritage in a manner which enables us to proceed with major works such as the M50, which is the purpose of this Bill. From that point of view, the Bill is welcome and necessary.

In a country such as Ireland, there is every chance that work on a road project will produce historically significant artefacts because of our history and heritage. The nub of the argument is whether those artefacts should be examined, excavated and moved to museums for public viewing or whether modern life should grind to a halt. Our view is that those artefacts should be removed and viewed in a museum with a small portion of them being preserved on site. If such common ground could have been arrived at between the objectors and the National Roads Authority, we would have solved that problem.

There is a strong argument that the Carrickmines site would have remained in relative obscurity had the works not taken place. There was no scramble at the beginning of the works on the M50 to preserve this site but it was only when the artefacts were subsequently discovered that its importance was realised. That is as it should be, but it seriously calls into question the agenda of those who wish to stop the development of the M50. At the beginning, genuine people seek to preserve our heritage and national monuments but later on, others jump on the band wagon because they like to protest and they like action, the excitement of it and the sense of power it gives them to be involved in such a protest. As I outlined in some other contributions, some people have other motives and use the preservation of artefacts for their own purposes.

**Mr. O'Connor:** I will take a lead from Deputy McCormack and speak as a Government backbencher who does not do the plinth but I am happy to contribute to and support the National Monuments (Amendment) Bill. I am pleased to note the presence of the Acting Chairman, Deputy Glennon, because I know if I am in any trouble and being heckled by anybody from the Opposition, he will protect me but it does not look like I will need that type of protection. I can

only presume the various representatives of the Opposition parties have retreated to their offices and party rooms to study the results of the local and European elections to try to figure out why they did not do better in mid-term elections as was the norm across Europe. I do not want to rise Deputy Durkan, so I will park that point.

**Mr. Durkan:** The Deputy should not worry.

**Mr. O'Connor:** I will try to get through my 20 minutes.

**Mr. Durkan:** We will make it interesting.

**Mr. O'Connor:** I will do my best. Perhaps the Minister of State, Deputy de Valera, will pass on my good wishes to the Minister because I am a well-known admirer of his and wish him well with his duties and this Bill. On a number of occasions, including quite recently, the Minister has taken the opportunity to walk the streets of Tallaght with me. Sometimes those of us who represent major population centres are thought to represent new communities. In my case that is true because Tallaght, Greenhills, Firhouse and Templeogue are new communities.

Funnily enough, I have an interest in history and heritage. I spent a little time this morning reflecting on my history.

**Mr. Durkan:** This could be serious.

**Mr. O'Connor:** Sometimes people in Tallaght say to me that I am not really from Tallaght and they ask me how long I have lived there. When I say I have lived there for 35 years, they say that is not very long.

**Mr. Durkan:** The Deputy is almost a fossil at this stage.

**Mr. O'Connor:** Strangely enough, I started off in this neck of the woods. I was born in Holles Street and my family lived in St. Stephen's Street. I mention that fact because where we lived at the bottom of St. Stephen's Street is now owned by Dunnes Store and is a very important archaeological site.

**Mr. Durkan:** I hope there is a plaque.

**Mr. O'Connor:** Recently, a number of Viking bodies have been found there. I have suddenly become very aware of heritage and history. Even where my parents were married 59 years ago today, the church of Saints Michael and John, is very much an historical site. Despite what some colleagues might think or perceive I do, I have a great interest in old Dublin and in history.

When people think about Tallaght, they think about the Square, the hospital, the civic centre, the institute of technology, the national basket-



[Mr. O'Connor.]

ball arena and about all the buildings one would expect to find in a new town. However, Tallaght did not fall out of the sky 20 or so years ago. It has a rich history and heritage. There are a number of historical sites there, such as the Katherine Tynan site in Kingswood.

While I am no expert on the business before us, I have an understanding and appreciation of it. I have been interested in a number of the contributions to this debate. Some of them have been along the usual lines of having a go at the Government for the sake of it.

**Mr. Durkan:** No.

**Mr. O'Connor:** They have also had a go at a Minister who is clearly doing his job well. He has many admirers on Deputy Durkan's side of the House. I know Deputy Durkan cannot come into the House, break party ranks and say that, but the Minister is doing his job. I know the Deputy privately concedes that.

**Mr. Durkan:** He ran away with €60 million of taxpayers' money on an experiment.

**Mr. O'Connor:** The Deputy can heckle me at the end of contribution but he should let me get through it. I listened to the Deputy's colleague, Deputy Olivia Mitchell, who made an excellent and positive contribution. She would know a great deal about this business given that she represents Dublin South. The M50 cuts through Dublin South-West, which I represent. Deputy Olivia Mitchell would know a little more than I about the geography of the area that is the subject of the Bill, on which I compliment her.

In researching my contributions, which I try to keep short, I often read background material from which I discover facts and information that has expanded my interest and knowledge in the subject matter of the Bill being discussed. That is a good learning experience for me and I am happy to do that.

Regarding this Bill, I appreciate from my research the level of public capital, professional time and vested interest involved in what we all think is a simple matter. We need a road, we select its route, we start to build it and if part of our history appears under the excavators, all hell breaks out. We hear from lobbyists, lawyers, media briefings and competing experts seeking their day in the sun on our national television stations and in the media, and in this international age of the web, international protests are made by informed or ill-informed but well-meaning supporters of Ireland in North America, the United Kingdom, Australia and elsewhere. Only this morning I received another round of e-mails which I am going through. For the record, I always read my e-mails and reply to them, unless there is a good reason for me not to do so.

**Mr. Durkan:** The Deputy would have received a few interesting ones in the past week.

**Mr. O'Connor:** If the Deputy is trying to rise me, I will raise my voice by a decibel. I represent the Tallaght area. The Deputy suggested that all hell was breaking loose and the roof was falling in, but in Tallaght Central we had one seat prior to the elections and now we still have one seat. In Tallaght South, we have two seats. Therefore, there is no sign of the roof falling in there.

**Mr. Durkan:** It is creaking.

**Mr. O'Connor:** The Government is doing its job. We must take a more caring approach and that is what the Minister of State, Deputy de Valera, and her colleagues will be doing. I hope every Member here can say that he or she, like me, is a democrat. My party will always accept the will of the people and listen to them. That is what I want to do and I will respond to what the people say to me. I am not afraid to speak my mind from the Government benches.

In regard to what I said about the lobbyists, lawyers and so on, all they seem to have in common is a wish to acknowledge our past, yet for some strange reason they seem unwilling to adapt to our future. This Bill has been introduced as a result of the ongoing difficulties with the south-eastern motorway which is the final stage of the M50 link from the M1 at the airport to the M11 at Bray. The Acting Chairman will know as much about that link as I do.

**Mr. Durkan:** The Acting Chairman is a regular traveller on that route.

**Mr. O'Connor:** He and I will be able to drive from my constituency to his and to Bray to enjoy the seaside.

I do not need to explain to any Member of this House the urgent social and economic need for the completion of this stretch of motorway as soon as possible, a point which even Deputy Olivia Mitchell made. I congratulate my colleague, the Minister for Transport, Deputy Brennan—

**Mr. Durkan:** With the hard hat.

**Mr. O'Connor:** —who also represents Dublin South together with the Minister of State, Deputy Kitt, on the recent opening of the Drummartin link road and on the announcement that, this December, the sections either side of the Carrickmines area will be open to traffic and we will be able to use them. I might bring Deputy Durkan on a tour of it if he has an hour to spare some day.

**Mr. Durkan:** I do not need a tour of it as I know that area.

**Mr. O'Connor:** The congestion we have all experienced over the past five years in the Sandyford area will be consigned to history and the M50 from the M1 to the M11 will be completed.

When researching for this contribution I also discovered the impact our heritage can have on the development of the common good. I was a member of South Dublin County Council from 1991 up to last September. I am disappointed that I am no longer a member and that I was not seeking election last week.

**Mr. Durkan:** Who did that?

**Mr. O'Connor:** It is one of those things.

**Mr. Durkan:** The bold little Minister did that.

**Mr. O'Connor:** It was the right decision, and even the Deputy agrees with that——

**Mr. Durkan:** The little cheeky brat of a Minister did that.

**Mr. O'Connor:** ——but that does not mean I cannot express the view that I miss the council, which I do. I drive by the council building in Tallaght every morning and wish I could go in, but I do not have time as I must continue to do my job on the national stage, and that is what we are all doing.

**Mr. Durkan:** That breaks my heart.

**Mr. O'Connor:** Having been a member of the council for many years, I am fully aware of environmental impact statements and, on reading the report on Carrickmines, was reminded, as I know were other colleagues, that the public inquiry and approval for the project was granted back in 1998. That was six years ago and, with the passing of this Bill, the projected completion date is July 2005. It took a total of seven years to construct a motorway that is 10 kilometres long and should have taken a little over two years.

The extent of archaeological work is such that it presents itself as a booming business that would make a Celtic tiger envious. Up to 200 archaeologists were involved on the scheme at any one time, with as many as 130 on the Carrickmines site. Expenditure to date on such work has been quoted at €10 million and, in the heel of the hunt, cases brought by individuals through the courts, as is their right in a democracy, have resulted in the need for this Bill. When one considers that the plans for the road were adjusted many years ago to allow for a section of the medieval wall, two medieval structures and parts of the defences to be preserved *in situ* with the rest of the site excavated, what was the necessity for objectors to consider the greater need in their campaign? The repeated complaints to the European Com-

mission by one of Dublin's prominent MEPs, and I will not get involved in party politics——

**Mr. Durkan:** Go on, be a devil.

**Mr. O'Connor:** Let us try to be civil with each other. I am simply pointing out the disregard of that MEP for the larger picture, and the fact that the costs involved could and would have been invested elsewhere in the roads network only serves to show that political opportunism and publicity continues to be the benchmark of the Opposition parties.

Not to be party political, I am looking forward to Deputy Eoin Ryan representing Dublin in Europe because, as a Fianna Fáil MEP, he will do a tremendous job in standing up for Dublin and looking after its interests.

**Mr. Durkan:** Royston would have done a good job too.

**Mr. O'Connor:** I look forward to Deputy Eoin Ryan doing that. The merits of this Bill have been recorded by the Minister for the Environment, Heritage and Local Government, Deputy Cullen. I support the details of the Bill. With the need to provide for future infrastructure, be it the Waterford bypass or the M3 on the edge of the Tara-Skryne valley, it is important that while we preserve as far as possible our heritage and monuments, a balance needs to be struck between those who want no change and the better good. I strongly support the involvement of the National Museum staff in the investigation of the benefits of excavation. I note that while the director of the National Museum is taking what I consider to be a pragmatic view on the Waterford discovery, others in the sector disagree. We should not get caught up in the hype that the findings in Waterford will result in hundreds of thousands of visitors similar to the Jorvik site at York, about which Deputy Sargent spoke. This site is only a part of the many wider attractions that bring visitors to that historic and culturally rich city.

I mentioned Tallaght, it being a relatively new community, and the attractions there. It has become as much a tourist resort as anywhere else. I mentioned during the debate on Private Members' business on crime and Garda numbers that the Minister of State, Deputy de Valera, represented that area as a Deputy a few years ago and that Tallaght is now a different place. The place she served so well and left in such good order has now developed from what we use to describe as a place which had the population of a city but, unfortunately, through different circumstances, still only had the status of a village. I am pleased that position is now different and Tallaght is now rich in its progress and in the development of the various facilities and services one would expect in a major town.

[Mr. O'Connor.]

I acknowledge that we should have regard for our heritage and history. Other colleagues made the point about reaching out to young people in that regard. Whether we represent urban or rural constituencies, we all have a role and a responsibility to promote an awareness of our heritage and history among young people. While some may believe that young people are cynical and sceptical about politics, I notice that when they come here on schools visits, they have an enormous appreciation of the rich history of this House. That is especially due to the excellent work of the staff who conduct tours of Leinster House. I have often listened to what is said as young people are brought on tours of the Houses of the Oireachtas, and they get a clear view of our history and heritage.

Earlier today, I was ambushed by the Minister for Social and Family Affairs who asked me to take about 12 photographs of a group visiting from Donegal. I hope the pictures come out because, as I told them, I am a politician, not a photographer. It is good to promote our sense of history, however, as well as our heritage. Sometimes I sit here, close my eyes and think about the history of these buildings and the people who have passed through over the years. While I am not referring to myself in this regard, I hope some current Deputies will be remembered.

**Mr. Durkan:** The Deputy would not want to close his eyes for too long here.

**Mr. O'Connor:** It does not matter how long I will be here; I am happy to let the people decide. If I do something else down the road, that will be fine also. When I became a Dáil Deputy, somebody said to me that God has all these things worked out. I am quite happy about that.

**Mr. Durkan:** Really?

**Mr. O'Connor:** It is true. Does the Deputy not believe that?

**Mr. Durkan:** Is He in the same constituency?

**Mr. O'Connor:** I take it that you are protecting me from the hecklers, Sir.

An Bord Pleanála carried out the longest public hearings in the history of the State concerning the M3 scheme and an environmental impact statement outlined the procedures that will be in place to protect historic sites. One must ask, however, why protest groups are unable to respect the integrity of the local authority, An Bord Pleanála, and the National Roads Authority. They should work with them to monitor the work in progress.

I am not a fan of the National Roads Authority and have often been critical of it. I wish the NRA would accelerate the road building programme I

am seeking in Tallaght. I will continue to press for that, I hope with the support of my colleagues. Perhaps Deputy Durkan could have a chat with what is left of the Fine Gael organisation in Tallaght, so they might support me in that regard.

**Mr. Durkan:** The Deputy should not go there. It is a very sensitive time for his party. If I were him, I would be careful. He might be washed over by a wave.

**Mr. O'Connor:** I am always happy to support good legislation and will not refrain from doing so. As a result of the good work of Ministers, every Member of the House will be able to state that construction on local road schemes is waiting to start. I hope the Bill will go some way towards ensuring that delays will be treated in a professional manner, and that failings and associated excess costs can be relocated to advance many road schemes that are still at the planning stage.

Colleagues are entitled to score their little points but ultimately I hope Members on both sides of the House will support this legislation. I will listen to the remainder of the debate to see if that turns out to be true. The Bill has general support here and will have general support in the community. I commend the Bill to the House.

**Mr. Durkan:** I am glad of the opportunity to speak on this Bill but, unlike the previous speaker, I do not necessarily regard it as good legislation. It has been forced upon the House, the Minister and the country by a series of mistakes made by the Minister and his Department over several years. It is extremely costly legislation, as it now transpires, following a series of blunders, which eventually ended up in the courts, as both sides weighed up the various options. At least €50 million has been lost in the course of building a road that should have been finished long ago. In any other country, it would have been completed long ago for a fraction of the cost. In Australia, 1,000 km of road have been built for the same sum. The cost involved in the construction of the M50 cannot be justified. The conflicting issues in this case have been progress versus protection of heritage. Both have to be acknowledged and must co-exist because if they cannot do so, the situation will remain unchanged.

State of the art technology can identify historical sites from the air, so I cannot understand why modern geophysical techniques were not employed in this case. Why did we have to await the commencement of major roadworks to discover the remains of a Viking settlement near Waterford? Technology is now available to identify such sites well in advance of any excavations, so why was it not employed? If it was done, was it done properly? Perhaps it was just a desk-top examination, which has happened in other cases.

The Minister of State, Deputy de Valera, will be familiar with the Committee of Public Accounts' examination of the Kilrush marina creek — a famous case many years ago. All the information provided in that examination was wrong and failed to stand up afterwards. It cost four times the original projected price because insufficient examination was undertaken of the site in question. It had nothing to do with the preservation of a monument but concerned subterranean rock formations. It transpired that what was known as a desk-top examination had been undertaken, which proved to be expensive relative to the eventual overall cost of the project. It is sad that we had to await an examination to discover that fact.

In recent years, I have tabled numerous parliamentary questions concerning historical sites that require protection, including ring forts. I do not understand why excavations cannot be undertaken without the involvement of major roadworks or other developments. Why not carry out excavations as a separate project with a view to protecting and preserving historical sites for future generations? In that way, locals and tourists alike would be able to visit such sites and learn from them. Millions of tourists visit such sites all over the world every year, so I cannot understand why we do not organise matters in that way. We are preoccupied with keeping historical sites buried for future generations, but at what future date will we uncover these sites. Some people say it will happen when technology advances to the extent that we can obtain more initial information from potential excavation sites. If we wait that long, however, something else may happen and we may never get to enjoy our heritage to the extent that we should.

Some time ago I had occasion to inquire about an area of recent afforestation in a certain part of the country. In this context, I inquired about the whereabouts of an underground cave, which was of considerable historical significance, but nobody knew anything about it. However, every local authority has access to a satellite image system that can merge with Ordnance Survey maps, whereby every location is shown quite clearly, without exception. I cannot understand how it was possible to carry out afforestation over a wide area and ignore the existence of a major historic site such as that, but it happened in the last four or five years and must therefore happen all the time. Why is that the case?

The first thing a developer will do if he or she is involved in developments in respect of which there is a danger of the discovery of something of that nature, is try to progress the project as quickly as possible so no one will discover it until afterwards. I do not blame them for doing so because the authorities fail to examine or explore the sites beforehand as they should do. I strongly dispute the view held in some quarters that we

should preserve everything underground forever because that is the reason we are in this position and have this legislation before us.

I acknowledge that Dúchas, An Taisce and other parties were involved and signed off on the Carrickmines project in recent years. However, some people sought to pursue the objections further with the result that the motorway has been held up at a cost of €50 million and there is a strong suggestion that there has been a serious infringement on an historic site. This cannot be allowed to continue.

The people who allowed this project to go ahead with such costs, from whatever quarter, need to be called to answer some serious questions. The country cannot afford to proceed in this manner. We cannot proceed in the manner of cases such as that involving the snails in Kildare town because we will become a laughing stock. In the desire to be politically correct we will eventually arrive at a position where nothing will happen because all objectors will need to do is point to a sacred site or whatever. I appeal to the planners not to infringe on such sites, rather they should circumnavigate them, giving them plenty of space.

Consideration is being given to an already well-advanced project involving a motorway through the Boyne Valley. I strongly support the need for the motorway to alleviate traffic congestion travelling into and out of Dublin and on the arterial routes. However, we have now discovered there is a series of archaeological sites upon which the motorway will seriously impinge. This is despite the fact that modern technology is available to the local authorities, the Department of the Environment, Heritage and Local Government and through the private sector. Is it not possible at this stage, before the project goes off the rails at tremendous cost, to use the available technology to identify the most sensitive areas and circumnavigate them?

It will be argued that this has already been done and agreed to, but I am not so certain. If the same argument develops as did in respect of Carrickmines, I assure the House that in ten years' time, Deputies will still be talking about the delayed motorway through the Boyne Valley. I appeal to the Minister and all those involved to get their act together and deal with the issue. They should ensure that the environment and our heritage are protected and that we can advance like every other country in the world. If we do not, eventually everything will come to a halt. I emphasise the necessity of carrying out independent evaluations and geophysical surveys on an ongoing basis, without pressure from any quarter in respect of a major development. After the survey is carried out, it can be placed on the local authority's or the Department's database.

Given that the technology, including satellite imaging, is available to local authorities, I do not

[Mr. Durkan.]

understand why we still seem to find ourselves with a motorway, roadway or other construction half developed before someone identifies something which should have been identified long before. In that context, I already referred to the Viking site in Waterford. Similarly, in Kildare town, formerly part of my constituency, €15 million or €20 million extra had to be spent on the bypass to carry out the same works because of delays. Situations such as this suit the contractors because they increase their costs and can undertake other work while the project is held up.

In order to deal with this position, we must anticipate such problems in advance. The Kildare town case could have been dealt with in advance. We must ensure that projects are not progressed until an EIS is prepared which is sufficient to guarantee clearance of the project — it should cover everything. Where the position is not clear, the local authority should carry out an EIS in certain sensitive areas.

Environmental impact statements have been carried out in most of the cases to which I have referred. However, I cannot understand why if an individual applies for planning permission for a house within 150 or 200 metres of an historic site, he or she will quickly be told they cannot build there because it impinges on a vista and so on. How can the local authority find out all the information when it affects a single person applying for permission for a house and yet, when bulldozers are working on a motorway through the area, they cannot do so. I presume it is because the latter is for the common good.

Nevertheless, we have reached the point at which enough mistakes have been made to give us a clear indication as to how the Government and the local authorities should proceed. There is no substitute for sufficient prior examination and investigation of the sites involved. If that lesson has not been learned by now, I am wasting my time here, as is the Minister of State. If we go around this roundabout one more time, it will be to our shame because we should have learned from our mistakes. We found out to our cost what can happen in this type of situation.

There is a tendency to blame the objectors. I do not normally tolerate them but their objections must be examined and tested to find out if they are well and soundly based. If they are, we must act accordingly. If they have not already been fired, people should have been fired for the Carrickmines situation which is before us. We should not have to pay €50 million to anyone to ensure that everything is resolved to the satisfaction of everyone and that the legal fees are paid, when all we will get is a simple road. These are serious issues which must be discussed.

I would like to have more time on this issue. I have a particular affection for historic sites because I was born in the west of Ireland, where

there was a ring fort at least every 150 metres which coincided with existing settlements. There were more of them then because the population was higher. I would like to see excavations carried out on such sites and the results made available to school children.

There is nothing to beat local history in terms of education. Local history is hugely beneficial to the new generation and gives them something we did not always have. We saw the sites and heard the folklore but did not have the authoritative information to back it up. I hope in the not too distant future there will be a serious programme of excavation and education relating to all archaeological sites. They are there for the benefit of future generations but if the present generation does not see them, except when a motorway is being built across them, we are wasting our time and we are not doing the State, the country or our heritage a service.

The Bill is about progress versus protection of our heritage, to which must be added the delays that cause the increased costs. We should try to learn from our mistakes now rather than in ten years' time. If it has cost us greatly now, why not take action now? Why not put in place the necessary measures to ensure this debacle is not repeated? For example, over two years there were countless court cases concerning people living in trees in the Glen of the Downs. I am a tree enthusiast.

**Mr. Browne:** The Deputy does not live in one.

**Mr. Durkan:** For my sins, I have planted approximately 60 or 70 species of trees in my lifetime.

**Cecilia Keaveney:** The Deputy is branching out.

**Mr. Durkan:** I have made my contribution to the growing of trees. I was watching what was going on in the trees at that time and certainly it was neither to the benefit of the trees nor anybody else. I do not know what all the fuss was about because a tree is a renewable resource contrary to what many think. Some trees are better than others, some are more valuable than others and some look better than others.

**Cecilia Keaveney:** They have better branches.

**Mr. Durkan:** When all was said and done a considerable amount of money was wasted. Making a protest is one thing but it went beyond that to a clash of interests between progress and protection of the environment. We have to be realistic in the future and assess what is likely to happen and plan accordingly before the project commences. If it proves impossible to plan a project in that fashion there is something wrong with how we plan it, conduct the EIS, cost the scheme or

in the way information is provided to those who may have a legitimate reason to object. Have any lessons been learned from this episode? Perhaps the Minister would indicate who was removed from office, who did not follow warnings, who did not take note of the possibilities and who did not protect the Exchequer by virtue of information which should have been available to them at that time?

**Cecilia Keaveney:** I am pleased to contribute to the debate on this Bill. While I am chair of the Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs I speak from my own perspective. It is fascinating to discuss the balance of progress and the past, particularly when it relates to the building of a motorway. I would like to have a motorway earmarked for the north-west in order that we could begin to address the question of EIS or archaeological sites when, I have no doubt, a few issues would have to be dealt with. I would like to be in a position where I would be discussing issues of archaeological finds, planning and the location of a motorway into the north west.

Deputy Durkan claimed that finding archaeological sites was a recent phenomenon and suggested that technology should be ahead and able to identify such sites so that the area could be circumented. In a sense it is like what we do everyday. We try to find a simple answer to any problem that crops up. I may be wrong, but I think the population here pre the famine was greater than it is today. I assume, therefore, because there were quite a number of people living in Ireland in the past, there are many significant places, old cloghans and archaeological finds. It is suggested that there are only certain areas where will be a find sites of some significance. Perhaps we have to do quite a bit of digging before we find the significant places. Perhaps in our digging we will find many less significant finds. The question arises as to what defines significant value and what defines something of heritage value. How can we presume to know this until the top layer of soil is taken off and we find something and begin to evaluate? If there were only particular areas, perhaps technology would be able to provide the answer but life is not usually as easy as that. In everything we try to do difficult decisions have to be made and the unexpected always crops up.

The amount of money lost on this issue is of concern. Out of that concern there has also been a significant number of finds over two years by 131 archaeologists. Those finds must be of benefit to our generation and future generations. I hope the information gleaned will be available on site or will be easily accessible to people.

The reason I say that is slightly relevant. My grandfather spent time in Ballykinlar camp in County Down in 1920-21. I tried to find some

information about it and came across a lady in Dublin who had photographs of every hut in one of the camps in Ballykinlar but she did not know who the people were and was looking for people who had relations to come and identify them in order that she could put names to the faces. My grandfather was in a separate camp from the camp for which she had all the photographs which left me upset. The point she made to me was that she did not want to give the photographs to a museum to be put into a drawer or an attic and become even less alive than they are to her and her immediate family. With regard to any of these archaeological sites that are dug out, if an item is deemed sufficiently important to be taken out of the clay it should be important enough to be made available to the public. A web page is as good a way as any other. We are talking about technology being available to identify things. Computers are the way forward in terms of giving people access. The lady said she had all the information but would give it only on the basis that it would become a live piece of history for people to see and that it would not be put away. I hope archaeological finds become live to our children and future generations. We need to be able to show the reasons heritage is important.

Given that the Bill is particular to Carrickmines, I will touch on the issues it raises, namely, progress and destruction. The word "balance" is easy to say but hard to achieve because generally people are entrenched in their view on one side or the other. It is difficult to set out the steps to work toward achieving a balance. This Bill and the projects to which it relates shows up the juxtaposition of the right to keep what is historically important safe and yet advance the potential offered by development today. The challenge is to balance both, which the Minister is striving to do.

People have been critical of the planning of the Carrickmines project, but that is in the past and we are here to deal with the situation as it is. The protection of the site has been the primary concern of Government and legislation has been put in place. While a certain amount of finance must be allocated to meet the provisions of the Bill, what is equally important is that the community has a role in deciding what is important and what should be done with the sites in their locality.

The *La Trinidad Valencera* was found very close to Greencastle and much of the treasure from it, such as the cannon, was sent to Dublin, even though there is a maritime museum in Greencastle. It would have been much better to have housed the cannon in Greencastle if the facilities existed to keep it, and the community believes that they did and do. Decentralisation is a live topic, but why are all the archaeological finds centralised in Dublin? I chair the Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs and I believe that all the

[Cecilia Keaveney.]

finds in a locality should be, where possible, housed there because it is a selling point for the area.

The community in Greencastle is working with the owners of the castle, which has national monument status and which I hope will come into State hands in the near future. The community wishes to ensure that those who access the castle without realising the danger to themselves or to the physical structure of the monument will in future be behind some form of protective barrier and will learn the story of the castle from the signs around it. The community wishes to set out a plan so that as manpower and resources become available, the castle would be restored. It is all very well to read the story of the castle, but it comes alive when one can point to a building and show how people lived from excavations.

Too often we are not sufficiently interested in what happened in our locality, and there is plenty of history if we explored it. In primary school, history should be a subject where children are given opportunities to reach out, touch and see what is tangible in their locality. I mention the castle in Greencastle because it is live issue and I wish the Department well in securing it as a State property. I hope the Department will leave the door open to the community because, in the Border areas, communities may access funding to expedite works to make the castle safe. No door should be closed.

It is important to take all the different interests into account. In the case of Carrickmines, where the State is trying to progress a motorway, it is important to weigh up what is in the public interest. I know the Minister has made a decision to try to facilitate the construction of the south-eastern motorway and, at the same time, the main archaeological elements of the site would be protected either by record or *in situ*. The importance of what existed is recognised but we must also see to the future.

The Bill also provides that road schemes with an approved environment impact statement setting out archaeological mitigation do not need further licences, but the Minister may issue directions relating to the mitigation, which is a procedure for dealing with newly discovered national monuments which had not been identified in the environmental impact statement. That balance is very important.

In section 2, the word “works” is defined as including development works of national, regional or local importance. To define what is important is very difficult because one may define it in the national context, but an issue of local importance may not have the same relevance at national level. From where I am coming, I am glad the definition incorporates works of local importance.

Section 3 clarifies the role of the Minister. The Department of the Environment, Heritage and Local Government, the Department of Finance, the Department of Arts, Sport and Tourism and possibly other Departments have some role in property-environmental issues. When I wished to raise an issue of marine tourism, I approached the Department of Communications, Marine and Natural Resources and was told to approach the Department of Arts, Sport and Tourism. There is a need for an interdepartmental agency to ensure the best service when two or more Departments are involved. I would like to see greater co-operation between Departments. All those involved would have an interest in the issues, but do people have the opportunity to talk to each other?

Section 5 replaces section 14 of the principal Act. In the single-tier process, the balance is between people having an input and not all people having responsibilities. The obligation on the Minister to consult the National Museum of Ireland is important, as is the increase in the penalty from €62,000 to €10 million for interfering with a national monument without the necessary consent. It is very important that the Minister’s consent is not required for works affecting a national monument where works are connected with an approved development because it avoids duplication. If a road has undergone a certain process surely it should not have to go through that process again. This raises the question of whether the first process is adequate but it should not be necessary to take the same course of action twice. I welcome section 5 which amends section 14 of the 1930 Act whereby, regarding national monuments newly discovered as part of the road development but not anticipated in the environmental impact statement, An Bord Pleanála can determine if the changes arising constitute a material alteration or are less or more significant. Reporting of the objects found under section 6 echoes my earlier comment, namely, we must have a situation whereby if items are to be found and are of significance people must be able to see them and they must continue to be a living issue.

For years in Donegal we did not make much effort in regard to listed buildings. When I asked why allocations for listed buildings were so small I was told the lack of numbers on the register meant we got a proportional allocation nationally but we have made progress on this. People have mixed views as they discover the limitations associated with listing such as curtailment of a planning application in the vicinity, or restriction on the type of adaptations that can be made, or the definition of the type of material that can be used in house improvement. This reopens the question of balance. If some people must maintain their property in a more costly fashion than others by using specific materials, not the cheapest materials, they need support.

2 o'clock

This may not be relevant, but the thatching grants have been very important and while one cannot describe a thatched cottage as a national monument, it shows us what life was like many years ago and where we came from. Even though the number of thatched houses is diminishing they are very significant and remind us of our past from the time of the Famine to the present. Therefore, it is important to provide the thatching grant. While they are diminishing in my area, their significance is growing. We could do more to preserve what is there. We should also look at the clochans and small places like Ballymagaraghy and my own area, where as families have died out others have moved out. We should try to make history live.

I have mentioned the Greencastle Castle, and another site of local interest is General Montgomery's home in my town, yet it is falling into rack and ruin. Many would say the State should take it over but if we took over every significant building from where would come the funding to buy or maintain it? That is one of the anomalies in this debate. We are very interested in what lies under the clay that has not been discovered, yet there is so much above the clay that is already visible and is being lost every day to the elements. It is difficult to see Malin Head not being exploited as the most northerly point on the island but it good to see that the Donagh Cross has been taken away and improved and brought back to Carndonagh. I would like to see more done at the Grianan Ailigh particularly with regard to access for the disabled. Many positive things are happening with regard to signage for many of these places. There is a schoolhouse in Cooley just outside Moville and a graveyard. CE schemes have played a role in preserving places such as St. Mura's graveyard in Fahanthat is linked to Florence Nightingale, and many other sites. We must look after what is above the ground as well as what is below. It is a very difficult balance but this Bill will assist in achieving it. As Deputy Durkan said, one could speak for a long time on this topic and I am glad another Bill on it will be produced before the end of the year.

**Dr. Cowley:** I am glad to speak on this Bill which also deals with the consequences of breaking up Dúchas, some of whose responsibility has gone to the Department of the Environment, Heritage and Local Government and to the Office of Public Works. A major change in the Bill is that it gives sweeping new and extraordinary powers to the Minister for the Environment, Heritage and Local Government. It is necessary, it is said, to allow the M50 development proceed and stop injunctions and so forth being brought against the continued construction of the motorway. The difficulty with this agitation is that it has left archaeologists with a very bad name, as if they were responsible for all the objections and

injunctions. In fact other people, who are not archaeologists, are taking injunctions to halt construction projects. This Bill obviously does many things in that it gives very sweeping, extraordinary powers to the Minister under section 5 which amends section 14 of the 1930 Act, whereby the Minister can consent to all sorts of activities as outlined in subsection (1):

(a) to demolish or remove it wholly or in part or to disfigure, deface, alter, or in any manner injure or interfere with it, or

(b) to excavate, dig, plough or otherwise disturb the ground within, around, or in proximity to it, or

(c) to renovate or restore it, or

(d) to sell it or any part of it for exportation or to export it or any part of it,

To do all this the Minister must consult in writing with the director of the National Museum of Ireland but we do not know what "consult" means. Does it mean that the Minister just sends off a fax? He must do it no more than 14 days from the day the process of consultation was commenced, which is not too onerous, under the amended section 14(2)(b)(i) and (ii) and (c). This consent is subject to conditions determined by the Minister, not by the director of the National Museum. It is a very cosy and amazing arrangement. Once the Minister has sent off his fax within 14 days, he has consulted with the director of the National Museum and everything is fine. He does not have to consider archaeological grounds alone, he must also consider the public interest which would override the archaeological considerations. He is entitled to consider the public interest in allowing the carrying out of works notwithstanding that such works may involve all the things that nobody should do to monuments:

(i) injury to or interference with the national monument concerned, or

(ii) the destruction in whole or in part of the national monument concerned.

He must consider the public interest even when it involves these base acts against valuable archaeological sites. He has a discretionary regard to the extent that these things appear to be relevant to the Minister. He should take several factors into account but does not have to, he may have regard to them which is discretionary. This is a very sweeping power for the Minister.

We are all in favour of development and agree that it is extremely important but this is a *carte blanche* to the Minister to do whatever he likes, no matter how significant the archaeological treasure in question. That is a bit Irish, even if we are in Ireland. While there is urgency in getting on with this development it deserves more consideration than going through the Oireachtas in this way. It deserves at least an archaeological debate



[Dr. Cowley.]

to ensure that experts can come up with the right balance. This seems to be another example of the Government's rapid legislation response which it may live to regret.

If one could be sure that the final decision was based on the learned opinion of responsible archaeologists such as the director of the National Museum, who will merely be consulted, one could be more confident. However, the power lies with the Minister. This sets a precedent for the rail-roading through of whatever the Government desires. The Government should think more about its actions and about the people. This Administration has lost its heart and is governed by the god of economic gain.

The Bill deals with the south-east route of the M50. How would the Government deal with this matter if the road in question were the N5? Is it not time that we tried to achieve some form of regional balance? The mid-term review shows that the west has not fared well. The west is losing out and I am obliged to ask whether the Bill would be passed if it related to the N5 as opposed to the M50. I sincerely doubt that this would be the case. It is time that there was some positive discrimination.

I wish to comment on third party and vexatious or hoax objectives. The Bill does not deal with such matters. I was engaged in a valuable social housing project in respect of which I received a hoax objection. Someone wrote a letter to the local authority which accepted it on face value merely because a name and address were included. I had the matter investigated by the Garda, the local authority and a private detective and they all came to the conclusion that the person named in the letter and the Dublin address provided did not exist. They discovered on the site a block of flats in which many non-nationals were living. The private detective met the owner of the flats who stated that he had never heard of the person. The letter was a hoax but the local authority accepted it on face value, thereby delaying the project.

Behaviour of this kind interferes with valuable projects and causes them to be delayed or scuppered. In the instance to which I refer, the local authority seemed only to be concerned by the fact that it would encounter difficulty in trying to issue notices to this fictitious person with regard to what was happening. It was not concerned with my plight or what I was trying to do in terms of trying to provide housing for members of the local community and immigrants.

Hoax objectors need to be rooted out and behaviour of the kind to which I refer must be criminalised. There are also many objections which are vexatious in nature and a mechanism must be put in place to deal with these. It is not acceptable that people should be able to make vexatious objections. I accept that we live in a

democracy but there are objections which are simply not acceptable. The Government must address these matters.

I asked the Minister for the Environment, Heritage and Local Government if he intended to criminalise hoax letters of objection. He stated that he intended to bring draft proposals before Government but that he had no proposal to amend the position regarding hoax objections. I asked if he would change the planning laws to make it a criminal offence to submit hoax letters of objection to planning applications and he informed me that regulations made under the Planning and Development Act 2000 provide that any person or body, on payment of the prescribed fee, may make a submission or observation in writing to a planning authority in respect of a planning application within a period of five weeks beginning on the date of receipt by the authority of the application. The person whose name was written at the end of the letter of objection to which I referred earlier did not exist but he or she was still classed as a "person or body" under the legislation. How can the Minister stand over that?

I was also informed by the Minister that any submission or observation received must state the name, address, telephone number and e-mail address. Once these are included, even if the person is fictitious and does not exist, he or she is still perceived as a bona fide person according to the Minister and must be accepted as an objector. Local authorities must acknowledge all submissions in writing but how can they acknowledge a letter from someone who does not exist? The only matter of concern on the part of the local authority in this case was that it would have difficulty in contacting the person, who did not exist, and providing them with notices. It was a perverse situation. I ask that the Department give consideration to this matter.

I wish to comment now on the need for people from rural areas to be able to live in such areas. An Taisce is a wonderful organisation in terms of how it deals with the preservation of Georgian houses, etc., and I have always had a great regard for it. However, it lost the plot when it came to rural planning. It was thanks to An Taisce that the Irish Rural Dwellers Association, of which I am a founder member, was born. That association engaged in consultations with the Minister and made submissions to the Government which has brought forward guidelines. We hope that progress will be made in this area. Perverse arguments were being put forward which ensured that people were not able to stay on the land. Farmers were supposedly the only people who could remain on the land. The latter are becoming a rare species in the west.

If the matter under discussion concerning the M50 related to the N5, the main road into Mayo, would the Government be taking steps to ensure

that legislation was brought forward? Is it not time that legislation was introduced to deal with the neglect of the west and the lack of development of roads such as the N5? It is time that there was some positive discrimination, some balanced regional development or even a measure of equality.

The Bill gives the Minister the power to consult. I do not believe that is sufficient and I am of the opinion that the legislation should be withdrawn. At the very least, it should be amended in order that the person with whom the power should lie should be the director of the National Museum and not the Minister. Consulting is not sufficient. If the power lies with the director of the National Museum, it will give rise to greater confidence. The person named in the legislation should be the director because this could override third party objections.

As regards the development of the west, the national development plan was supposedly designed to provide balanced regional development. Indecon's mid-term review, however, clearly indicates that the NDP, the period of which runs to 2006, is behind schedule. There is no evidence of significant convergence between the Border, midlands and west region and the south and east region. Serious questions arise regarding value for money and the fact that funding appears to have been allocated to all regions with the exception of the west. The national spatial strategy was published in November 2002, almost three years after the publication of the NDP. If that is supposed to be the coherent national planning framework for Ireland for the next 20 years, what was the point in delaying the NDP to such a degree?

The country has done well in recent years. This Bill is concerned with developing a road into the south of the country. Despite a great deal of growth nationally, the west is lagging far behind. In my view, the Bill should address matters such as regional development because this would benefit the entire country and not just the south and east. It would also halt the migration to Dublin which, in turn, would reduce the cost of housing and make it more affordable. We are aware of the pressures on transport in the Dublin area. It is both difficult to get around the city or in and out of it. Traffic has been reduced to the pace of an ass and cart. People are only going as fast as they did 100 years ago. People may think they are riding high on the Celtic tiger but they are reduced to the pace of an ass and cart.

Does it make sense to put so much money into the south and east when the real opportunities lie in balanced regional development? This would ensure people would not have to come to Dublin to find jobs; they could find them in the west. This would help alleviate the congestion on roads in the south and east. I know what the roads are like

in this area, as I have travelled on them and what I say is true.

In 2000, 9.8% of all new graduates with primary degrees were employed in the Galway, Mayo and Roscommon areas, while 62% found work in counties Dublin, Kildare, Meath and Wicklow. It is no wonder traffic in the east is reduced to a snail's pace when so many people are in the area leading to congestion with which the roads and infrastructure cannot cope. Balanced regional development would allow people to stay in their local areas.

Nationally, net industrial output growth from the mid to late 1990s averaged 19% per annum, while the equivalent figure for the west was just over 7%. The western region has done badly in terms of industrial output compared with the mid-west contribution of 12.5%, 26.7% in the Dublin area and 27.6% in the south-east, yet the aim of the Bill appears to be to improve roads in the south and east. We are all for better roads and do not begrudge that area better roads, but what about providing better roads in the west as well? We should have a better standard of road throughout the country.

Is it not time to stop industrial grants going to the east and south? Why not keep them for where development is really needed — the west? This would lead to balanced regional development. Industrialists follow the money and if grants are provided for the west, people would go west and development would take place there.

According to the Central Statistics Office, disposable income in the western region was 7.8% below the State average in 2001. That indicates a disimprovement on the previous year's figure. Disposable income in Mayo and Roscommon is 15.5% and 14.7%, respectively, below the national average. Comparing the 2001 figure with five years earlier, it is evident that while the position of Galway improved in the period, the positions of Mayo and Roscommon disimproved.

The west is really slipping. The value of goods and services, gross value added, GVA, produced in that region shows the average output per person in the west is at minus 23.8%, significantly below the national average. It has increased by less than 0.5% above its 1996 level. That further proves the western region is not attracting its share of high value-added growth employment, the reason being that we do not have the infrastructure to support that investment.

The aim of the national development plan was supposed to be the delivery of investment in infrastructure through the economic and social infrastructure operational programme, but that has not happened. The Bill focuses on the road network in the south and east which will result in even greater investment in that area.

The projected figure for road investment in the south and east for 2000 and 2002 was €1.4649 billion and the actual expenditure was €2.0231

[Dr. Cowley.]

billion, which was 138.1% more than forecast. In the west, the projected expenditure was €858.3 million in 2000 and 2002 while the actual expenditure was €592.7 million, only 69.1% of the sum forecast.

One should compare the traffic congestion and other problems in the south and east with the west. Balanced regional development should be introduced and this must be reflected in the Bill.

**Mr. Haughey:** I congratulate Deputy Cowley on making a case for the west and the need for balanced regional development. I do not suppose he is suggesting national monuments are an impediment to the creation of balanced regional development. I appreciate the points he made on roads infrastructure and how the Bill is being given priority in the context of the completion of the M50, which is extremely important for the economic life of the country. I do not claim to be an expert on the issues involved. I bring a lay person's view to these matters despite the fact that I am a member of the Oireachtas Joint Committee on the Environment, Heritage and Local Government.

The Bill has been drafted to address both the immediate consequences of the High Court decision in regard to the Carrickmines site and the longer term implications of that decision. The Bill will enable the necessary completion of the south-eastern motorway as well as providing a statutory structure for dealing with archaeological heritage in the context of the provision of other major road infrastructure.

The Bill re-enacts section 14 of the National Monuments Act to provide a one-tier consent process for works to a national monument whereby the consent of the Minister for the Environment, Heritage and Local Government is sought for such works. The Bill also provides that the National Museum is to be consulted when such consent is sought. It exempts certain approved road schemes with an environmental impact assessment, EIA, from the need for consent on the basis that the EIA consent procedure will itself have made recommendations for archaeological mitigation. However, the Bill gives the Minister further power to issue directions on how any archaeological excavations or works are to proceed.

Regarding Carrickmines, the Bill explicitly exempts the M50 motorway from any further consent or licences so that excavations there can be finished once the legislation is enacted. The Bill also provides a new power to deal with unknown national monuments which may be discovered during the course of construction and which had not been identified in the environmental impact statement, EIS. In the most serious cases, it may require a new EIS to be prepared with a further round of public consultation. In

addition, the Bill clarifies the transfer of functions to different Ministers and the Commissioners of Public Works under different statutory instruments.

The purpose of the Bill is essentially the completion of various road projects in the pipeline. These include the south-eastern route of the M50, the M3 motorway and the site at Woodstown on the N25 in Waterford, with which the Minister would be familiar, in addition to other road projects under consideration.

Many speakers have highlighted the importance of our archaeological heritage. The past is important and needs to be taken into account as we plan for the future. While archaeological heritage is also important from the point of view of tourism, I do not wish to over-emphasise that aspect.

I am not talking about commercial tourism but more about heritage tourism.

We are heading for the summer recess and I am reminded of a book I read during last year's recess, *A Ghost Upon Your Path* by John McCarthy who with Brian Keenan was a hostage in the Middle East. He came to Kerry to rediscover himself and come to terms with what happened to him.

**Mr. Deenihan:** Many people come to Kerry to rediscover themselves.

**Mr. Haughey:** We all do that from time to time. Much of the book describes his travels around the county visiting old national monuments, old stones and high crosses. He describes in graphic detail what he has to do to find these places — go up boreens, over mountains, through woods, etc. It is an interesting read and demonstrates the abundance of archaeological treasures we have throughout the country. Kerry is only one example. Tom Barrington's book *Discovering Kerry* takes stock of archaeology in Kerry, among other matters, and is an example of how much is available on our doorstep. It demonstrates how important it is to ensure we protect our national heritage.

We need to consider the connection between our education system and our national heritage. Children, particularly in primary schools, should be encouraged to examine what is on their doorstep and what they pass by on their way to school. While there has been some flexibility in our education system in recent years, it is important to ensure the curriculum includes local archaeology so children know what is on their doorstep and acquire some concept of their heritage.

This Bill deals essentially with the Carrickmines issue. As a Dublin Deputy and a former Dublin city councillor I have not been involved in the planning for this particular project. However, my observations of the situation lead me to believe the planning of this project is not a

shining example of how a major infrastructural project should be implemented. The litany of errors made on the project has been well documented. Delay after delay was the order of the day. We need to examine the legalities of such road projects and review how we build our motorways and roads.

Legislation is promised to fast-track infrastructural projects. The Carrickmines situation demonstrates the need for such legislation, particularly in the context of roads, but we must be careful about its introduction. We must have procedures in place for serious and adequate consultation and the legislation must have provisions which ensure local democracy.

This raises the essential dilemma referred to by other speakers. The unprecedented economic growth of recent years has made it clear that there is a conflict between the need to facilitate economic development and the need to protect our archaeological heritage. We must get the balance right. The Minister would need the wisdom of Solomon to do so. Achieving the balance will always be difficult, as we have seen in today's debate. Some people believe the Minister is taking too much power onto himself in the Bill and promised legislation while others feel there has been too much lethargy in the planning of such infrastructural projects.

I must make a case for the completion of the M50 and the south-eastern route. This road must be completed. We have often heard that all politics are local. I have listened to many of my constituents on Dublin's northside who are fond of holidaying in County Wexford in places such as Kilmuckridge, Rosslare, Courtown Harbour and elsewhere. The bottleneck on the route is of great concern to them. The particular people who have highlighted the problem to me are holidaymakers. The M50, however, is important for all sorts of people and for the economic life of the city. We have had enough delays on this issue. This Bill is necessary in order to ensure the project is completed and I hope it has a speedy passage through both Houses.

I was interested to read that there were protests at the gate of Leinster House yesterday with regard to this Bill and I read carefully what the protesters were saying. They believe that in the context of this Bill the Minister is taking too much power upon himself with regard to national monuments. Nevertheless, I was of the opinion that the existing National Monuments Acts always provided the power to consent to the interference with or removal of a national monument. I understand, therefore, that no major additional powers are being given to the Minister in this Bill and I hope he will give me an assurance on that.

I want to raise an issue which is of concern to me in a local context and to make a suggestion which I hope the Minister will take on board. In

1981 some 48 young people tragically lost their lives in the Stardust fire in Artane. After coming to terms with that terrible tragedy, the Stardust victims' committee took it upon itself to pursue a number of issues arising from that disaster. In December 1991, Dublin Corporation, as it was then known, invited artists to make submissions for the provision of a sculpture for the proposed memorial to be constructed in the Stardust memorial park in Coolock. In all, nine submissions were received and the winning entry was submitted by Robin Buick of Monkstown, County Dublin. The final selection was made by the public art advisory group of Dublin City Council in association with the Stardust victims' committee.

Dublin City Council has provided a major park in Coolock, known as the Stardust Memorial Park. In a section of that park there is a memorial to the Stardust victims and a piece of sculpture has been erected there. This section of the park is a beautiful place of reflection and is a commemoration of the Stardust victims. I suggest this place should be designated as a national monument to commemorate all victims of fire tragedies throughout the country, a national monument, so to speak. The families of the victims of the Stardust fire would welcome such an action. The Stardust victims' committee has a long agenda of issues which it wishes to pursue to ensure such fires never happen again. The families would be very pleased if this garden were designated as some form of national monument. I am not clear whether it can be done in the context of this Bill.

I ask the Minister for Environment, Heritage and Local Government to examine this proposal as he also has overall responsibility for the fire services. This is not an old monument as it is a relatively new place which has been constructed by Dublin City Council. Within the Department of the Environment, Heritage and Local Government, there should be scope to advance this proposal further and to make the Stardust Memorial Park and, in particular, the monument therein a national monument to commemorate the victims of fire tragedies throughout the country. I will pursue the matter with the Minister perhaps in the context of the second national monuments bill which is promised or in the context of other legislation dealing with fire safety and fire legislation generally.

I am pleased to have the opportunity to comment on this Bill which Dubliners will welcome. They wish to see the M50 completed. The balance between economic development and the need to protect our archaeological history is recognised by the Minister in this legislation and in existing and future legislation. It is a difficult balance to achieve. There are many competing and vested interests. The Minister will need the wisdom of Solomon to sort out all the conflicts. I believe the

[Mr. Haughey.]

balance has been achieved. I wish this Bill a speedy passage through the Oireachtas.

**Mr. Eamon Ryan:** I enjoyed listening to Deputy Haughey's literary references, particularly his comment about a book by John McCarthy which I may be spurred to read. He writes about his return to his ancestral roots in County Kerry to try to discover himself following his ordeal. What struck me in particular in what Deputy Haughey said was that it was the journey towards these monuments which Mr. McCarthy was investigating as part of his own recovery that made up a significant part of the attraction of his visit to Kerry. I imagine him searching out on small quiet country roads, on foot in many cases. I imagine him seeing small things and seeing nature up close as he searches for an ogham stone or whatever.

Deputy Haughey's contribution made me think of another literary work, by Milan Kundera, the title of which I cannot recall. In the book the author expresses the idea that the journey is very important. He writes that we must be careful not to develop a society and a culture where the journey is ignored. One of my criticisms about the road building programme is the attention paid to getting Deputy Haughey's constituents down to Rosslare, even though it is a very admirable and worthwhile ambition. If we create a transport system in such a way that the actual journey is a dead experience on a motorway, we will have lost something. We must be careful the road building programme does not destroy our sense of ourselves.

I do not believe our programme is economically sound and it is environmentally disastrous. Our everyday journeys in life should not be grey, anodyne experiences, looking at a wall of concrete and competing with each other in cars as we rush along these new motorways which are all the same wherever they are. We are changing our cultured country dramatically. As well as being economic beings, we are beings who require spiritual and cultural sustenance and a sense of place, history and culture. In a way, that is the theme of this debate. We are almost down to a cost-benefit analysis between development for infrastructural purposes and this piece of archaeology or history or this monument in Carrickmines which could help us to develop a sense of ourselves and a sense of place.

Deputy Haughey said the argument was about whether the motorway should proceed. I do not believe that is the question. No one on this side of the argument is saying the motorway should not proceed, given the extent to which it has been built and it now being a matter of connecting up the other existing roads, and given the hardship being imposed on some of my constituents and others around Dublin. The argument is about the

detail of that motorway plan when it comes to the national monument at Carrickmines castle. The argument will go beyond that to the development of the planned M3 motorway between Clonee and Tara.

This Bill also has implications not just for the motorway at Carrickmines but also for all future developments in the State and especially for motorway development. Given the level of motorway and road building in the State, this Bill will have significant implications for our sense of ourselves, our sense of place and how we protect our archaeological and historic remains. This is a very important Bill and it is a misguided response to a problem which should have been solved in a different manner had this Minister and his Government shown any sense of humility or flexibility.

I have visited the Carrickmines site and studied the plans in detail. It seems clear to me and is clearly stated by all the campaigners that an alternative solution existed which would have protected most of the castle site, allowed the motorway to continue and not have significant cost implications. It proposed the downscaling or removal of the intersection or roundabout which comes off the motorway at this site. It is the roundabout rather than the motorway which will cover most of the castle area. Why was this alteration not considered? Rather than losing in court seven times, as he did due to his stubborn insistence on proceeding with the section of the road in question as planned, why did the Minister not amend the route, particularly as regards the roundabout?

A developer recently sought an alteration to an intersection close to the proposed Cherrywood town centre, which was similar to the Carrickmines intersection. He wanted to widen the road by adding further lanes even though the roads in the area are wide enough to cater for a new city, not to mention a planned new town centre. He encountered no difficulties and the new road plan was immediately processed with an oral hearing held by An Bord Pleanála and funding provided. The change, which was similar in scale to that required in the Carrickmines case, was given full Government support and effected immediately. For some strange reason, however, on the question of amending a roundabout and intersection of the motorway feeding the lands which have been the subject of so much controversy in the never ending planning tribunals, the Government refused to countenance change. Its decision is disgraceful and is the reason we are dealing with this reactionary Bill which runs completely counter to the original 1930 Bill. The latter was introduced to protect national monuments, whereas this Bill has been drawn up to allow the Minister for the Environment, Heritage and Local Government and the National Roads Authority ignore the original Act and effectively remove national

monuments if they are located on the route of new road building.

To return to the Carrickmines site, while I am in favour of finishing the motorway at this stage, questions need to be asked about the type of planning taking place in our transport system, particularly in the area in which the Government is insisting the roundabout in question be located. Speaking on the necessity of the road and roundabout proceeding, the director of traffic in Dún Laoghaire-Rathdown County Council stated the M50 was an urban motorway, serving an urban area. Anyone who knows the land and area in question will know it is not an urban but a country area with small and narrow roads, such as the Glenamuck Road. The area should be protected as the last remaining green belt between ever sprawling Dublin and County Wicklow.

The Minister who is asking us through this legislation to give him massive powers and to trust him to protect our national monuments has shown recently that he does not regard this area of Dún Laoghaire-Rathdown as a necessary green belt and is not concerned about Dublin sprawling into it. When the development plan democratically agreed by councillors was presented, for the first time ever, the Minister intervened stating that insufficient land had been zoned. He made no such interventions in Meath, Kildare, Wicklow and other surrounding counties where massive over-zoning occurred. In those cases, he had the right to intervene — almost a necessity in terms of the strategic planning guidelines — in order to try to stop mad rezoning of this nature from taking place. In the case of Dún Laoghaire-Rathdown County Council he did precisely the opposite on the grounds that it had not zoned sufficient land. As a result, massive further rezoning and development has occurred around the junction which, when built, will flatten Carrickmines Castle.

People now know the area in question. If one heads to Dublin from Enniskerry, which has also expanded dramatically, the only area left on which no building has taken place will be the small area around the Scalp on which it is impossible to build housing due to its cliff face. The rest of Dublin will merge into County Wicklow. The same process is taking place in the Shankill area closer to the coast. We have one large urban continuous sprawl which will be served by the roundabout it is being insisted must be built.

The roundabout will also serve the very lands which were so controversially rezoned. The route of the M50 motorway was not decided on the basis of transport needs or environmental considerations but on the basis of rezoning. It was chosen to favour the development of certain lands and the fact that a national monument was in the way did not enter the equation.

We still have a purely development-oriented Government. Someone quipped recently that the

Government's definition of sustainable development is "sustained development" and that no consideration is given to the need to protect our culture and environment. This approach will eventually come back to haunt us by biting the economic hand that feeds us. A society that does not take into account its sense of culture and place loses its sense of values and, ultimately, becomes a poor place for economic growth and development.

I will make a further point regarding the area through which the M50 extension will run and in that respect Deputy Haughey is correct that all politics are local. Is the light rail line proposed for the area in which we insist on building a massive junction and road network being built? Despite the fact that it could help create and serve a real urban area, the answer is "No". Communities could be developed close to the Luas line, thus avoiding traffic jams. That is the obvious solution to developing urban centres and providing housing in the area but the Government has failed to provide money for it, although it provides money for motorways and changes legislation at the last minute to provide for massive roundabouts. Would it do the same to get a light rail extended which would make a massive difference to the daily lives of those who live in housing estates such as The Gallops, Ballyogan and Stepside, from which children travel by car to 30 different schools every morning? The area has no public transport except a No. 44 bus which arrives once every hour.

All that is proposed are roundabouts and motorways which ultimately never work. No matter how many roads or spaghetti flyovers we build, the result will be more cars arriving on another part of the Dublin road network which cannot support them. Mathematically, this approach to traffic and transport management does not work and the sooner we learn that from almost every other developed country in the world, the better. We need to change tack by developing public transport instead.

During his row with the Labour Party spokesperson, Deputy Gilmore, the Minister happily stated that no sites of major archaeological significance had been found on the proposed Clonee to Kells bypass on the M3. I am informed that the NRA had originally stated in regard to this site that it expected two archaeological sites to be found. The route of the road was decided before any real analysis was done, which is a lesson we have not learned from a series of cases from Wood Quay through to Carrickmines. Before selecting any site, we should find out what archaeological sites are on the route. On this occasion, having chosen the route, we have found out from the NRA's own internal report that some 28 sites of archaeological interest are located along it. This is another example of how the NRA bases route selection on transport considerations only.

[Mr. Eamon Ryan.]

As Deputy Gilmore stated, the environmental impact statement system is phoney. In most cases the people who pay the piper receive from the consultants the EIS they want. They are written around the needs and aspirations of the developer, in this case the NRA. The same problem will occur on the Clonee section of the M3. At the last minute, sites of major importance will be found forcing a decision on whether to demolish them.

I will briefly address the intent of the Bill. Section 5, the real body of the legislation, replaces section 14 of the original 1930 Act. It

was interesting and slightly ironic to note that the footnote in the Bill refers to “injury to national monuments”, whereas the footnote in the original Bill refers to “prohibition of injury to national monuments”. The footnotes say it all because the legislation will allow the Minister and, in particular, the NRA to injure national monuments where they see fit. The free-ranging conditions given to the NRA and the absence in most circumstances of a requirement to seek consent with regard to the action it proposes to take on national monuments, are remarkable. At a time when Ministers are being divested of regulatory functions and powers in other areas of Government which are then given to independent regulators, the Minister is pulling power back to himself in this Bill. Those powers will be particularly controversial in many cases. That is not appropriate.

Under the new section 14A(4)(a), the National Roads Authority is not required to seek sanction for altering or demolishing a national monument and the new section 14A(4)(d) sets out the Minister’s discretion to issue directions to the NRA. If that body has not done what is required, the Minister can issue directions to have a variety of things done to a national monument. The monument can be preserved, renovated, excavated or recorded, but the most remarkable wording is in the new section 14A(4)(d)(v), which states that a national monument can be demolished, removed, disfigured, defaced, altered, injured or interfered with. That remarkable subsection gives the Minister the power to do whatever he wants to any national monument should it get in the way of the cost-benefit analysis he has carried out.

The new section 14A sets out what the Minister must take regard of and the extent of his discretionary powers. Section 14A(6)(b) provides that he or she must take into account the cost implications, if any, occurring as a result of a direction being issued, or not as the case may be. That sort of clause would not have been introduced according to the very essence of the initial National Monuments Bill. Our country has changed for the worse. The 1930 Bill provided for alterations and changes to be made to monuments but carrying out changes purely on the basis of a cost-benefit analysis tells a sad tale about modern Ireland.

The Minister said that the Supreme Court decision on his issuing of a notice that the Carrickmines site could be changed was stopped on a technical hitch. A ministerial order amending original legislation is some technical hitch. I am told that with the six submissions the Minister received before making that order, he was informed clearly by those involved, the “Carrickmindes”, that he would not be able to act because of this so-called technical hitch. He still went ahead and was defeated in the Supreme Court. Rather than taking a series of court cases and getting into a legal quagmire, why did the Minister not work out what was or was not possible with those with whom he was negotiating? If he had listened, rather than acting on his own instincts, he might have saved a great deal of time and money in this case.

The 1996 order was set out on a good principle. Under the original order we were looking to learn some of the lessons from Wood Quay, as we were with the 1987 amendment to the original Act, which sought a full list of national monuments and sites. We failed to do that. We also failed to learn the lessons from Wood Quay and are now failing to learn the lessons of the Carrickmines case. We are proceeding with massive developments elsewhere which will have implications for the kind of country we have.

I praise those who have received huge criticism and opprobrium for their actions, like Mark Clinton, the archaeologist on the Carrickmines site. It was very difficult for him because he was employed there as an archaeologist but, courageously, he said that greed and ineptitude characterised the controversy over the castle and the building of the motorway and that it had been a disaster from day one. That was a remarkable comment from the archaeologist involved.

Likewise, while those taking legal cases may drive the NRA and others mad — those living in the area must be wondering why they have been waiting for so long — they are characterised not by a desire to act for the fun or power, as some speakers have said. They are motivated by a concern for our heritage, culture and environment. They have put themselves in a very difficult position and some of them face huge financial losses. If we had proper political discourse on environmental issues and a Government which did not ignore environmental issues, there would not be such a need for legal recourse. Issues could be sorted out at a political level if we had a Government which cared about the environment and which was willing to listen.

**Mr. Kelleher:** I welcome the chance to discuss the Bill. Although it is narrow in its focus — Carrickmines — we must take a broader focus on public transport and development of our road and rail infrastructure. I take issue with Deputy Eamon Ryan. Most of the people I see on the roads are members of the public. The roads are a form of public transport and we cannot dismiss the fact that the vast majority of people are for-

ced to travel by road because we do not have a proper rail or bus infrastructure. We must realise that people are entitled to quality public transport. That does not just mean rail and bus services but a proper road infrastructure.

There is a sense from the Green Party and others that the only public transport mechanisms are rail and bus services. The facts are that we do not have this major investment in those services yet, although we are slowly getting there, and people must get from A to B. At present, the development of a proper road structure, in conjunction with developing rail and bus networks, is probably the cheapest way to do that. The tone of the debate today and for many years is that as soon as it is proposed to build anything, an objection is lodged. Often those objections come from the Green Party, which objects to almost everything possible. It objects to roads, golf courses—

**Mr. Eamon Ryan:** We wanted the Metro and Luas extensions.

**Mr. Kelleher:** —high-rise developments and rezoning. People in Dublin in particular should ask Deputy Ryan where they are to live. Where can they live? If we adopted Green Party policy we would rezone no lands, we would not allow high-rise developments and we would run out of land very quickly. While we have difficulties with high housing prices at present, if the Deputy's policies were pursued, exorbitant cost factors would be built into house prices.

**Mr. Eamon Ryan:** I would develop Cork, Galway and Limerick. Would the Deputy object to that?

**Mr. Kelleher:** I would welcome that but to develop Cork, Galway and Limerick we would have to rezone lands. There were major objections in those cities to rezoning potential. It seems to be part and parcel of Green Party policy that regardless of merit, there is an automatic objection to any development, be it student accommodation or high-rise apartments. I could list a myriad objections.

We have an obligation to protect the past but we are also obliged to develop a proper infrastructure in this country to allow people to have a decent standard of living. This generation also needs to leave a legacy behind it. We must protect the past but we also have an obligation to ensure that, in the future, people can look back and say that decisions made in the 21st century were meritorious, positive and dynamic. If we live in the past, protecting it without ever looking to the future, then we would have a very dull, grey society. Deputy Eamon Ryan spoke of journeys on which people find themselves. People will find themselves stuck at bad corners on dangerous roads with no potential to progress.

The legislation only focuses on the M50 at Carrickmines but the broader thrust of the Govern-

ment and society is to develop a dynamic economic policy which provides people with a good quality of life. Deputy Ryan's version of quality of life may be slightly different to mine but sitting in a lay-by between Cork and Dublin—

**Mr. Eamon Ryan:** Sitting in traffic jams destroys quality of life and they result from road building.

**Mr. Kelleher:** As one travels between Cork and Dublin, I assure the Deputy the Rock of Cashel is a beautiful sight but I do not want to sit outside Cashel in a traffic jam for half an hour admiring it. I would prefer to take the new ring road to avoid the town and look at it from a distance.

**Mr. Eamon Ryan:** Cashel is an enjoyable one and a half hour train ride from Dublin or Cork.

**Mr. Kelleher:** If I want to visit the Rock of Cashel, I will be able to leave the bypass and enter the town. Traffic must be taken out of towns to improve quality of life.

**Mr. Eamon Ryan:** I am all in favour of bypasses.

**Mr. Kelleher:** Most members of the Green Party continually object to road developments, wherever they are proposed, regardless of their merit or whether a site of historic importance is nearby.

**Mr. Eamon Ryan:** That is not true. We have called for the Ennis bypass for years and there are many similar examples. That is not what the Government is doing.

**Mr. Kelleher:** There have been footprints on our island for millennia. No matter where a road is proposed, a site of significant historical importance will be discovered and it may not necessarily be a national monument. If every site of historical importance was designated, a field would not be ploughed nor a motorway built.

**Mr. Eamon Ryan:** This legislation covers national monuments.

**An Leas-Cheann Comhairle:** Deputy Kelleher, without interruption.

**Mr. Kelleher:** I refer to sites of historical importance, including the sites of national monuments. We have a duty to move forward in an understanding manner.

The Carrickmines project was taken to the courts. The courts uphold the laws passed by us. The court made its decision on the basis of outdated precedents and laws. The Government is trying to introduce legislation and debate it in a positive manner.

Deputy Eamon Ryan referred to democratic accountability. It has been decided the Minister will make decisions. The current Minister is



[Mr. Kelleher.]

democratically elected but the Deputy has castigated him for giving the Minister of the day the necessary powers. The Deputy gives out about the National Roads Authority and other bodies but the minute the Government made provision for decisions to be made by a Minister who is democratically accountable to the people, he complained. We must have a fair and rational debate and the Deputy cannot cherry pick issues to suit his agenda.

**Mr. Eamon Ryan:** With regard to Carrickmines, the Minister ignored the plans of the local authority. That was undemocratic.

**Mr. Kelleher:** However, when the Minister brought forward proposals to ensure democratic accountability whereby no outside quango would make the final decision, the Deputy complained. That is difficult to understand considering the Green Party continually states democratic accountability is the most important issue.

Rezoning is also important. House prices are causing major difficulties. The Green Party objects to every housing proposal, including social housing developments. While the party does not object to the principle of social housing, it will object to its location because of a lack of infrastructural development. While I understand that, we have a duty to house our own people.

**Mr. Eamon Ryan:** I fully support the development of fixed, significantly high-density communities close to the centre of Dublin. There is significant potential for the development of Dublin and other high quality infield housing developments. That is the way forward, rather than developing the remainder of the green belt on the outskirts of Dublin, where the proper infrastructure is not in place. That is our positive vision of the future.

**Mr. Kelleher:** I thank the Deputy.

**An Leas-Cheann Comhairle:** It would be helpful if Deputy Kelleher addressed the Chair rather than an individual Deputy.

**Mr. Kelleher:** It is important to hear the views of Opposition Members. They should be able to live by them.

As soon as proposals for high rise or affordable developments in Dublin city that will allow for proper development of rail and bus transport, which the Green Party supports, are made, there is an objection. Objections to proposals for developments such as golf courses in rural areas are made automatically, regardless of the merits of the proposals and without consulting local communities. I refer to developments in County Mayo and Doonbeg, County Clare. The local communities are supportive of the developments but people who may not even be members of the communities continually object. That is difficult to accept in the context of local democratic

accountability. Local communities and their local authorities should make decisions on these developments. However, elements will ensure an objection is made and it will be fought in an aggressive manner without taking account of the needs of local communities. While I accept the Government must ensure the past is protected, we also have a fundamental duty to address issues affecting our future.

I refer to Farmleigh House and Government Buildings. Significant objections were made in the mid-1980s to their preservation when it was proposed. Commentators said it was a waste of money and the funding should have been spent elsewhere. If we adopted that attitude, nothing would be preserved. However, Opposition Members constantly say public funds are being wasted when such historic buildings are being refurbished. We are leaving treasures behind us and future generations can look back and acknowledge that, at the beginning of the 21st century, we did something positive to ensure our heritage and significant historic buildings were protected.

More often than not, people lodge objections to the preservation of these buildings and they make political capital in the short term. They maintain they have a vision for the future while protecting the past. It is cynical of those people to object out of one side of their mouths about expending funds on developments such as the plaza on O'Connell Street in Dublin. The street has major historic significance for the city and the State. A proposal was made to enhance the street and make it more dynamic so that people could enjoy it. Then fellows arrived on the street to chain themselves to trees as a political stunt. This is a positive development which people will enjoy for many years.

If the Green Party wants to be taken seriously, it must recognise people living in mainstream society who want to live in a vibrant economic community while, at the same time, protecting our culture and heritage. Those two concepts have not been married by the party.

**Mr. Eamon Ryan:** They have not been married by the Government. That is what we want.

**Mr. Kelleher:** The party has been exposed because most of its public representatives, particularly in the European Parliament, have objected to almost every proposal that has been brought forward in this regard. They were found out in Dublin in the recent election. Other parties who also object to every proposals will also be found out.

**Mr. Eamon Ryan:** Can the Deputy explain his party's failure in the recent election?

**Mr. Kelleher:** We will explain that following the next general election. The Opposition should not take comfort from the recent elections.

I compliment the Minister and the Department on acknowledging the significant traffic problem in Dublin city. The construction of the M50 should enhance the quality of life of communities along the commuter belt as it will be easier for people to travel to work and to other parts of Ireland. People want to travel and to enjoy a weekend break, whether in Rosslare or in the west. Deputy Eamon Ryan is basically saying people should not travel.

**Mr. Eamon Ryan:** I am not.

**Mr. Kelleher:** That is effectively what he is saying.

**Mr. Eamon Ryan:** No, I am not.

**Mr. Kelleher:** He is saying to the people of Dublin that he is sorry but they should not be allowed to travel to the west, to west Cork—

**Mr. Eamon Ryan:** I want them to have a choice.

**An Leas-Cheann Comhairle:** Deputy Ryan should cease interrupting and Deputy Kelleher should address the Chair.

**Mr. Kelleher:** I can safely say that west Cork is a beautiful area but if we are realistic, there will not be a railway line to Bantry in the short term. Whether or not Paddy Sheehan, a former Deputy, wants one, it will not happen. In the meantime, we should have a quality road network to the west so that Dublin people can enjoy it and *vice versa* so that people from the west can come to the capital city which is not only Deputy Eamon Ryan's capital, but is our capital also. We should be able to enjoy the capital city at the weekend or enjoy a coffee in a plaza-type atmosphere in O'Connell Street, yet most of the proposals have been objected to by the Green Party time and again.

**Mr. Eamon Ryan:** That is not true.

**Mr. Kelleher:** I commend the Bill. While we must have democratic accountability, the minute it is proposed, it is objected to. There is the accusation that power is being given to the Minister to make cynical decisions. I do not understand the logic behind that accusation. The National Roads Authority is attacked for not being democratic but when the Minister brings forward proposals to ensure accountability in the Parliament, there are objections.

I wish the Minister well. A dynamic programme of public transport, including rail, bus and roads infrastructure, will be rolled out over the coming years.

**Mr. Eamon Ryan:** It is not happening. There is a ratio of 4:1 in favour of roads in current spending.

**Mr. Kelleher:** I commend the Bill and castigate the cynicism of some of those who have spoken.

**Mr. Deenihan:** This amendment to the National Monuments Acts 1930 and 1994 is necessary to clarify certain matters relating to the division of responsibilities between the Ministers concerned, namely, the Minister for the Environment, Heritage and Local Government, the Minister for Arts, Sport and Tourism and the Minister for Finance together with the Commissioners of Public Works. This is an aspect of the Bill which many speakers have overlooked and have not addressed. They have focused on Carrickmines and on future roadworks. The break-up of the former Department of Arts, Culture and the Gaeltacht was a major step backwards. That Department was developing and was forming a distinctive, cohesive approach to our culture and heritage. However, just as it was becoming effective, it was scrapped.

There is major confusion as to which Department is responsible for different areas. The cohesion which was developing under the former Department of Arts, Culture and the Gaeltacht is no longer there. A previous speaker mentioned a conflict of interest in regard to the Department of the Environment, Heritage and Local Government because on the one hand, it is all about building roads, housing schemes and sanitary facilities while on the other, it is about protecting the environment. The Minister said the Bill is about trying to strike the balance between economic development and the protection of archaeological remains. That will be difficult for him and I see difficulties ahead for this Bill and for this approach.

Overall consideration will have to be given to how we deal with heritage, including the protection of national monuments. What people fail to understand is that not every monument in this country is a national one. Some monuments are in State care while others are not even listed. We should be careful and protective of our rich heritage which has been left to us as a result of several waves of immigration over the past 10,000 or so years. Throughout the world, Ireland is regarded as a country that is rich in archaeology and artefacts from the past. Many tourists come to this country because of our archaeology and landscape and it is important we protect them.

I welcome the provision in the Bill to allow the road at Carrickmines to go ahead. Were it not for the roadworks we would not have unearthed the rich archaeological site at Carrickmines and it would not have been excavated to the extent it was. It is worth noting that up to 130 archaeologists were employed at Carrickmines at a cost of approximately €20 million, as was mentioned by

[Mr. Deenihan.]  
the Minister. Only 10% of the site will be affected by this major road. The artefacts discovered at Carrickmines will be on public display in the National Museum of Ireland or elsewhere. Perhaps it might be a good idea to provide an exhibition centre at Carrickmines in that it could be another attraction.

I agree with what is happening in regard to the M50 motorway. This Bill enables the Minister to ensure important infrastructure, such as the M3 from Clonee to Kells in County Meath and the Waterford ring road, which will face difficulty given the discovery of the oldest Viking settlement in Ireland, can be developed. I am sure every speaker would agree it is important that proper archaeological excavations are carried out, that they are not conducted in a rushed fashion and that modern technology is used to ensure we do not damage the rich archaeological heritage beneath the surface throughout the country.

We have become a little careless in regard to our national monuments. It is almost a regular occurrence that monuments in State care, in particular, can be interfered with. Nobody is taking responsibility for the implementation of legislation at local level. Local authorities have, to some extent, been given responsibility, but it has not been fully clarified and they have not been given the resources. There is, for example, a heritage officer in most counties but he or she has many responsibilities. Some counties have appointed archaeologists. There is much work to be done and most of these archaeologists are tied up with some of the major infrastructural work going on throughout the country. Some monuments which are not in State care are being damaged but nobody is responsible for them. These monuments may become national monuments when we have taken care of existing ones. That is a major issue.

I repeat the point I made earlier that when the former Department of Arts, Culture and the Gaeltacht was in place there was a greater focus, more cohesion and confidence.

Responsibility for our heritage is being dispersed over a number of Departments. The Department of the Environment, Heritage and Local Government is not the appropriate one to have responsibility for this matter. A serious overview must be taken of how we should proceed in this area in the future. I hope future legislation will reflect that.

Debate adjourned.

#### Message from Select Committee.

**An Leas-Cheann Comhairle:** The Select Committee on Enterprise and Small Business has completed its consideration of the following Esti-

mates for Public Services for the year ending 31 December 2004 — Vote 34.

### Ceisteanna — Questions.

#### Priority Questions.

#### Insurance Industry.

1. **Mr. Hogan** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on whether the establishment of the Personal Injuries Assessment Board will reduce insurance premium costs; her estimate of the amount by which they will be reduced; and if she will make a statement on the matter. [18153/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The establishment of the Personal Injuries Assessment Board is a significant milestone in the Government's insurance reform programme, which I am confident will lead to reduced insurance premia to the benefit of both consumers and business alike. By eliminating the need for litigation costs where legal issues are not in dispute, the PIAB will significantly reduce the cost of delivering compensation. The PIAB will also offer speedier assessments to the benefit of claimants.

It is generally recognised that litigation costs add between 40% and 50% to the cost of a personal injury claim. It is intended that the PIAB will make significant inroads into this figure. The PIAB will, however, carry out a cost benefit analysis of the new system as against the system prior to the introduction of the board and this will indicate the reduction in the level of litigation.

The pricing and underwriting of insurance is a matter for individual insurance companies and EU law prevents governments from intervening directly in regard to premia levels. However, it is expected that reductions in litigation costs will lead to corresponding reductions in premium levels.

**Mr. Hogan:** Members on all sides of the House welcome the introduction of the Personal Injuries Assessment Board and are prepared to give it a fair chance to achieve the objective, as set out by the Tánaiste, of reducing insurance premia. There was an unexpected delay of six months in it commencing operation. We had expected that it would be in operation by 1 January.

There is considerable concern among those operating small businesses about the increasing level of premia being charged by insurance companies for employer's liability and public liability insurance. There is a levelling out of costs, but arising from the serious increase in insurance premia over the past four or five years, to the tune of 200% or 300% in many cases in many categories of business, will the Minister estimate the

amount by which insurance premia are likely to reduce following the successful implementation of the Personal Injuries Assessment Board?

**Ms Harney:** As the Deputy is aware, the Bill establishing the board was passed towards the end of last year. It was signed into law on 28 December by the President. I signed the ministerial order on 13 April, which was just under four months from the start of the year. We wish we could have done that sooner, but the board had to have the necessary expertise and personnel in place before it could open for business to deal with personal injury claims arising in the workplace, which began on 1 June.

According to the CSO, motor insurance premia are down 14% year on year and it is estimated that level could be reduced by that percentage again or perhaps more. I have anecdotal evidence from people I know of insurance premia having decreased by 30% or 40% but the average is 14%.

On the employer's liability side, the reduction in premia is moving towards 15% to 20%, with some companies experiencing higher reductions. A number of companies have applied for licences to do business here, and I understand there will be some significant announcement in that regard during July. If we can attract one new company to enter each market, that will have a dramatic effect on reducing the cost of insurance.

I acknowledge the support of Members on all sides of the House, including Deputies Hogan, Howlin and others, for the Government's reform programme, a key part of which is the courts and civil liability Bill which the Minister for Justice, Equality and Law Reform has promised me he will have ready before the summer recess.

**Mr. Hogan:** Is the Minister prepared to indicate her estimate, which she would have gleaned from personnel she had appointed to the Personal Injuries Assessment Board, Ms Dowling or others, of what small businesses are likely to expect in a reduction in their insurance costs during the year? They have to proceed with financial planning.

I welcome more competition in the market. I also welcome what the Minister said regarding potential new licence holders who will trade in the market. That is an important step.

Given all the planning that has taken place to establish this board, it was indicated that there would be a 31% reduction in the event of the insurance reform agenda being fully complied with and fully completed. I am disappointed the Minister is not prepared to give an estimate of the likely reduction in insurance costs, particularly in terms of employer's liability and public liability insurance for small businesses arising from the establishment of the PIAB. That is what matters, namely, what the establishment of the PIAB will mean in terms of the reduction of insurance costs

for the consumer. The Minister might be more forthright in indicating what she expects from the establishment of PIAB in terms of a reduction in insurance costs.

**Ms Harney:** It is the market and competition that will drive down the costs. Given my recent estimate on figures in advance of the local elections, the Deputy will understand that I am hesitant to give any more estimates.

**Mr. Hogan:** I am not surprised. The Minister got the multiplier wrong.

**Ms Harney:** Yes. We could see the same levels of reductions again. That is what most experts in the field believe is likely when the courts and civil liability Bill takes effect to deal with exaggerated and false claims. I am meeting lawyers throughout the country who have informed me that their salaries will fall by 40% or 50%, if we can factor that into the costs of insurance.

**Mr. Hogan:** I do not know if that would help.

**Ms Harney:** I think the Deputy can take it that we will see further substantial reductions. Employer's liability and public liability insurance premia are only beginning to reduce. I understand it is expected that by the autumn the reduction will be fairly significant.

#### **Semi-State Bodies.**

2. **Mr. Howlin** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the serious concern expressed by trade unions, commercial firms in the region and the board of the company itself regarding her proposals to break up Shannon Development; if an independent assessment has been done of her proposal to transfer the company's rental income from the Shannon free zone to the Shannon Airport authority; the reasons behind her proposal to transfer 100 jobs from Shannon Development to Enterprise Ireland; and if she will make a statement on the matter. [18151/04]

**Ms Harney:** As the House is aware, a number of recent developments will impact on the mid-west region and the State agencies located there. First, under decentralisation policy, some 1,210 staff from Departments and State agencies will transfer from Dublin to the mid-west region and the headquarters of Enterprise Ireland involving 300 of the agency's Dublin based staff will be moved to Shannon.

Second, it has been agreed that the management of Shannon town should be transferred from Shannon Development and vested in Clare County Council. The proposal by the Minister for Transport, which is again supported by the board of Shannon Development, to establish an inde-

[Ms Harney.]

pendent Shannon Airport authority is also important in this context.

In light of these changed circumstances, I met the chairman, some members of the board of Shannon Development and the chief executive of the company on several occasions recently to explain and expand on matters under consideration. At the meetings, I also asked the board to bring forward detailed proposals in regard to the role that Shannon Development can play in the future development of the region and this discussion is ongoing.

I am aware of concerns expressed by trade unions, companies in the region and other interested parties. In this regard, I wish to stress my commitment to the future of Shannon and the mid-west region as a whole. My concern is to ensure that we put in place the most dynamic, sensible and efficient structures and manage the region's most valuable and strategic assets so as to optimise their benefit for the entire region.

**Mr. Howlin:** Will the Minister agree it is unusual for a Minister to break up one of the most successful semi-State companies under that Minister's control? Will she accept that the track record of Shannon Development is without parallel in the country, that it is the only statutory regional development engine, that it has achieved the industrialisation of the mid-west, which is second only to Dublin, and that its break up will have an enormous negative impact on regional development, particularly the development of that region?

Does she agree with the comments made by the managing director of Avocent, the computer firm, when he said the region needed a strong airport but also a strong regional development authority and that one should not be at the expense of the other? What coherent reason is there for breaking up Shannon Development?

**Ms Harney:** Change is often resisted. The reality is that since the early 1990s Shannon Development only helped indigenous companies on an agency basis for Enterprise Ireland. That role was removed from it in the reforms put in place after the Culliton report. On an agency basis, it was given the role of supporting indigenous companies.

Obviously, when Enterprise Ireland was moving to Shannon, it did not make sense that the work being done by Shannon Development, on an agency basis, for Enterprise Ireland should continue to be done by Shannon Development. In fact, the board of Shannon Development wrote to me stating that since Enterprise Ireland was moving to Shannon, it proposed that the staff doing the work for Enterprise Ireland should move to the new agency. That involves up to 100 people, although the exact number is not clear. Frontline project management staff may account

for 50 or 60, while the remainder are background, clerical, administrative and information technology staff. That was going to happen in any event.

When the 12.5% tax rate was introduced for the entire country, and when the Shannon Free Zone no longer had a favourable tax regime compared with any other area, there was no longer a need for a licence to enter the zone. The Revenue authorities have now taken over the responsibility for those matters. An economic development agency should not run a town. It is more appropriate for the local authority to do so. All these matters were happening with the support of Shannon Development.

The most important asset in the region is the airport. Unless we can get more passengers using that facility and provide more services to Europe in particular to help business and tourism, the region will not be able to grow to its potential. In that context, the free zone is under the aegis of the Department of Transport which owns the property. Shannon Development leases it and this matter has not been resolved. It is by no means a *fait accompli* and has not been agreed. Contrary to much speculation, both today and on earlier occasions, these matters have not been finalised.

There is a need to strengthen the asset base at Shannon Airport. Shannon Development has an asset base of approximately €260 million. The Government must focus not on how it organises itself in the region but on what needs to be done to make the region vibrant. We need a strong Shannon Development with a new focus and role. Last Friday, I had a good discussion with the chief executive and a number of board members about the new scenario. We must have an open mind on the best way of organising the State's assets in that region, to bring the greatest benefit to the area and, in particular, to the airport which is the largest asset in the region.

**Mr. Howlin:** The Tánaiste's first reply was more characteristic of the Taoiseach, in talking about extraneous matters such as decentralisation and the amount of jobs that are being located in the area. Her second response, however, was more forthright and focused. The real reason, however, is to give some economic justification to the break-up of Aer Rianta and the stand-alone policies of the airport. Is it not a fact that the only reason the Tánaiste is taking this decision is to transfer the rental income of the Shannon Development Company to the airport to put a gloss on the economic situation? In that way, the proposals by her colleague, the Minister for Transport, to break up Aer Rianta and establish each of the airports on a stand-alone basis has at least some semblance of economic sense. The Tánaiste should simply state that that is the only reason. All the rest is only fluff to hide the motivation which is purely ideological.

**Ms Harney:** No, it is not the only reason. Shannon Development will have no role to help indigenous companies. That role is reverting to Enterprise Ireland which will operate from the region, so Shannon Development will not be dealing with companies. Both Cork and Dublin airports have industrial development parks, which is not unusual. Aer Rianta has serious problems and even if it were to remain intact, those problems could no longer be masked. We need three vibrant airports competing with each other, doing deals with airlines, getting passengers in and opening up more access routes. We must keep an open mind about how the State organises its activities to bring about the most vibrant and dynamic set of circumstances in the region in so far as the State can do so. Shannon Development has played a crucial role in the development of the mid-west region and there is no doubt about that.

It is true, as Deputy Howlin said, that no other region has done as well as Shannon. There is no other regional authority equivalent to Shannon Development. We all know the history of how and why it was established.

**An Leas-Cheann Comhairle:** We must move on to the next question.

**Ms Harney:** It has been extraordinarily successful.

**Mr. Howlin:** The Tánaiste should replicate it, rather than damaging it.

**Ms Harney:** As it goes forward, however, it must have a clear remit as regards what it is supposed to do and what its targets are so that we can measure the outcome. I am working with the company to achieve that and I believe we will achieve it.

### Regional Development.

3. **Dr. Cowley** asked the Tánaiste and Minister for Enterprise, Trade and Employment if, in view of the fact that west and north Mayo is the most socio-economically affected area of Ireland according to the previous census, she will take steps to rectify the situation and ensure survival of the area into the next century; and if she will make a statement on the matter. [18154/04]

**Ms Harney:** Much of the area referred to in this question falls outside my remit as it is part of the remit of Údarás na Gaeltachta. However, in so far as my area of responsibility is concerned, the State development agencies under the aegis of my Department — IDA Ireland, Enterprise Ireland and Mayo County Enterprise Board — continue to promote the establishment and expansion of enterprises in north and west Mayo. These areas come within the Border, midlands and west region, which is eligible for a more favourable

incentive package compared with the rest of the country.

IDA Ireland has made substantial progress with regard to the proportion of new greenfield jobs locating in the BMW region and is fully committed to achieving a target of 50% of all new greenfield projects over the 2000 to 2006 period. This is consistent with the regional policy objectives set out in the National Development Plan.

Enterprise Ireland has concentrated much of its attention on providing community enterprise centres in County Mayo and, as a result, Mayo has a greater number of such centres than any other county in the western region. A total of ten county enterprise centres have been approved to date in the county.

Mayo County Enterprise Board is also working with the other development agencies in promoting enterprise in the area generally. Where appropriate, the county enterprise board provides grant support to eligible enterprises.

The services of FÁS are also available, if required, to assist workers to find alternative employment if the need arises. Placement officers from FÁS have met employees who have been made redundant in recent years to discuss other career opportunities or further training.

I am satisfied that a combined agency approach, together with the involvement of local and community interests, will assist in the ongoing development of north and west Mayo in the future.

**Dr. Cowley:** I thank the Tánaiste for her reply. When I asked the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, about this the other day, he said it was the responsibility of another Department. It must be somebody's responsibility. At a time of unparalleled growth, north-west Mayo has lost 1,600 of its population in six years. If that area had shared in the growth that occurred everywhere else, north-west Mayo would have doubled its population. It is the largest area of country which is in such a crisis, as shown by the 2002 census. If that level of depopulation continues into the future, north and west Mayo, from Killala to Newport, will be deserted by the end of the century. If any other species was declining in that region at the rate of *homo sapiens*, there would be an outcry.

What specific plans does the Tánaiste have in mind to arrest the population decline that is occurring in Mayo? I am not making these figures up; they are real. What special incentives will be given to the region, which is larger than many counties? Is the Tánaiste considering a special tax incentive scheme? Will she stop IDA grants to the east coast and the south until the west, particularly the north-west Mayo area, can achieve balanced regional development?

Promises have been made to supply natural gas to Mayo, but will that happen? I would be interested to hear the Tánaiste's reply. Two

[Dr. Cowley.]

hotels have already closed in the Achill area, along with three flagship restaurants and dozens of bed and breakfast establishments, because insurance costs have quadrupled. The summer season is down to only four weeks at its peak, so how can hotels compete when they face the same overheads as establishments in Dublin, including rates, heating and insurance? The Tánaiste should explain what is going to happen in this respect.

**Ms Harney:** According to last year's census, there were 12,184 more people working in County Mayo than when the 1996 census was published. The population of Mayo has risen by 5.3% to 117,466. Last year alone, I issued 788 work permits to companies in Mayo because they could not find local employees. Some 1,431 new houses were built in Mayo over the past year, which represents an increase of 41%. For example, 401 Mayo people were treated under the treatment purchase fund.

Many positive things are happening in Mayo but, as with other counties, the towns are doing better than the more peripheral regions to which the Deputy has referred. We must be realistic because it will not be easy to get economic activity to the some of the more remote places in north Mayo. The focus is around places like Ballina, Castlebar and Westport, as well as Knock Airport where some decentralisation will take place.

These places will do best but it is to be hoped the whole county will benefit as a result of the economic activity which will be generated there.

In regard to the IDA not giving any money to the west coast, when the Good Friday Agreement was being negotiated, it was suggested that we should have a single agency for inward investment for the island which would operate on the basis that, for every two projects we gained for the South, one would have to go to the North. In theory, this sounds fair but the reality is that if we gained two projects for the South and could not get one for the North, we could not progress the existing projects. Some things do not work in reality.

The €1.6 billion Intel plant which we recently negotiated will benefit the entire country, including the revenue base and education system. We must be realistic. The target is for 50% of the new greenfield jobs to be located in the BMW region. Now that the IDA pipeline is so good, we believe we can reach that target by 2006.

**Dr. Cowley:** I am not talking about rural areas but rather an area of Mayo which comprises half the county and is larger than many counties. I am not referring to urban centres alone but rather half of County Mayo where the population has dropped significantly.

Central Statistics Office figures indicate that disposable income in the west was 7.8% below the State average. In Mayo and Roscommon the figures were, respectively, 15.5% and 14.7% below the national average. When the 2000 figures are compared with five years earlier, Galway has improved but Mayo and Roscommon are slipping all the time. When one examines the gross value added of goods and service, GVA, in the CSO data, the average output level per person in the west is significantly below the national average at 23.8%, an increase of 0.3% over the 1996 level. This is further evidence that the western region is not attracting its share of high value growth employment.

Some 62% of our graduates must find work in Dublin, Kildare, Meath and Wicklow. Would it not be better to end supports for the high population areas, which already have so many people that they are travelling at the pace of an ass and cart, and instead invest in Mayo, particularly north-west Mayo, which needs it? The Tánaiste referred to Shannon Development. In that context, why can we not have a Shannon Development-type scheme for north-west Mayo? Otherwise, no one will be left there by the end of the century. It is not only I who state this fact. The census figures prove it.

**Ms Harney:** I referred to the ten enterprise centres, some of which are in north-west Mayo, as the Deputy knows. There is also an institute of technology in Castlebar which is helping to get companies interested in investing in the area. However, the investment will be in the larger towns because that is where we have acquired the land and have installed technology facilities. We could put bricks and mortar into some of the places the Deputy suggests, but if we do not get an occupant, it is a waste of public money. The population of Mayo is rising and the numbers at work are rising too.

#### Consumer Issues.

4. **Mr. Hogan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the details of the work programme of the consumer consultative panel; the efforts the panel has taken to be inclusive in its consideration of issues of relevance to consumers; and if she will make a statement on the matter. [18150/04]

**Ms Harney:** The consumer strategy group launched its new website, [www.irishconsumer.ie](http://www.irishconsumer.ie), earlier this month. The group has also announced its public consultation on consumer issues and invited individual consumers, representative organisations, businesses and any other interested parties to contact it with views and submissions by 9 July next. The group has produced a consultation paper, Components of Consumer Policy, which should assist those wishing to make a submission. The group is focusing on the key principles guiding the consumer agenda, namely,

access, safeguards, advice and support, redress, consumer power, business interest and consumers.

The group proposes to obtain detailed research on consumer attitudes via focus groups and face-to-face interviews to ensure that all issues of concern are identified. The results of this research together with the responses to the public consultation will form the foundations for the group's work. The group is due to produce a final report by the end of 2004 and it may also produce such interim reports to me as it considers appropriate. I encourage all interested parties to make a submission to the group and thereby lay the foundation for a strong national consumer policy, which will further empower consumers and enhance Irish business competitiveness.

**Mr. Hogan:** Does the Tánaiste agree it is disappointing that, after seven years in office, she has discovered she needs a new consumer policy because she has none? Why has it taken her seven years to discover that people were being overcharged and ripped off, that prices were going out of control and that household incomes were being challenged on that basis?

Were it not for the pressure being applied by consumer groups and Fine Gael, through the establishment of its own website, to highlight these issues, the Tánaiste would have continued *ad infinitum* without discovering she needs new consultation with various groups to devise a consumer policy. It is an important area which has been neglected by the Tánaiste over that period. After seven years in office, the Tánaiste should feed in her own proposals rather than have another advisory group make recommendations to her about issues she should know about anyway.

**Ms Harney:** Let us put matters in perspective. At the Estimates meeting this morning, I stated that we pay ourselves the second highest wage rates in the European Union. If we think we can continue to do so and have the cheapest prices, we need to get real. This is a question of supply and demand and the economic development which has taken place in Ireland has fuelled increased prices for housing and other commodities. One sure way of driving prices down would be if Intel and Hewlett Packard closed in Leixlip — it would take €100,000 or €150,000 off the price of every house in Lucan, Leixlip, Celbridge, Maynooth and so on. Recession is one way of driving prices down.

Nonetheless, according to recent survey, Spain and Ireland have the cheapest petrol prices. Therefore, it is not the case that Ireland is the most expensive in every category. I examined Fine Gael's suggestions in its local elections manifesto. It wants local authorities to employ consumer gurus to go into companies and check margins. I would love to see the guru in Kildare going

into Intel and ask to have a look at the company's margin. It is a Kremlin-like activity.

**Mr. Hogan:** I will send the Tánaiste a copy of the document.

**Ms Harney:** Perhaps the Deputy could send it to the consumer advisory group to see what it thinks of it.

**Mr. Hogan:** I will send it to the Tánaiste instead.

**Ms Harney:** No. I have read it and I think it is daft. The Deputy also knows it is daft.

**Mr. Hogan:** The Tánaiste has no policy.

**Ms Harney:** It is competition that drives down prices and nothing else. Where there are monopoly suppliers, whether they are private or public, prices are always higher. Where we have introduced real competition, we have seen the benefit for consumers and I hope we can continue to introduce even more. However, one cannot control prices through legislation, which we all know. Moreover, in certain categories such as footwear, prices have fallen substantially in the past decade.

**Mr. Hogan:** It is hypocritical of the Tánaiste to state that competition is the basis upon which we can reduce prices given that she has approved many mergers and monopolies in the past seven years.

**Ms Harney:** I have approved no monopolies.

**Mr. Hogan:** The Tánaiste has ensured that there is no competition between insurance companies, in particular, through the number of mergers she has approved since she became Minister for Enterprise, Trade and Employment.

**Ms Harney:** Will the Deputy name the mergers I approved?

**Mr. Hogan:** Norwich Union and Hibernian merged during the Tánaiste's term of office.

**Ms Harney:** Where was that decision made?

**Mr. Hogan:** The Tánaiste approved it.

**Ms Harney:** Was that decision made in Dublin or Brussels? The Deputy does not know the facts.

**Mr. Hogan:** The Department of Enterprise, Trade and Employment approved the mergers.

**Mr. Howlin:** The Tánaiste is supposed to answer the questions.



**Ms Harney:** I will answer them if the questioner has the correct information.

**Mr. Hogan:** Does the Tánaiste agree that the 27 stealth taxes introduced since the previous general election have contributed to higher costs? There is no competition in the electricity or gas business or in many of our public utilities, yet the Tánaiste is the leader of a political party which has supposedly made its name on its stated desire to liberalise the economy and create more competition.

Ireland is the most expensive country in Europe, Dublin is the fourth most expensive city in Europe and our level of competitiveness is falling all the time which, unfortunately, is the political outcome of the Tánaiste's seven year term of office. Now I know why she is anxious to move on. Some 27 stealth taxes have been introduced along with a 1% increase in VAT on electricity and to be added to excise duty. A total of 75% of all the costs and charges associated with inflation are Government-related and the Tánaiste has been a member of that Government for the past seven years.

**Ms Harney:** As I stated this morning, the take-home pay of the average industrial worker has increased by €10,800. Inflation, including utility charges——

**Mr. Hogan:** Their disposable income has not increased.

**Ms Harney:** Total income is €29,000. Disposable income is up by nearly €11,000. Inflation and the utility increases——

**Mr. Hogan:** What are the costs?

**Ms Harney:** I will tell the Deputy if he will let me answer. Inflation and utility bills take up some €2,500 of that figure, but people are better off to the tune of €7,500, even when one discounts all the items to which the Deputy has referred.

**Mr. Hogan:** The Tánaiste has learnt nothing.

**Ms Harney:** This is the second most competitive and most successful economy in Europe. We gained twice as much foreign direct investment last year as any other European country.

Prices rise when there is economic growth.

**Mr. Hogan:** The people do not believe the Tánaiste.

**Mr. Durkan:** We have rising prices.

**Ms Harney:** Yes. One way of making sure prices fall would be to have a recession.

**Mr. Hogan:** I do not know why the party of which the Tánaiste is a member did not double its number of seats. The Tánaiste is never wrong.

**Ms Harney:** The Deputy does not understand basic economics.

**Mr. Hogan:** The Tánaiste understands better. She knows everything. She knows best. That is why the party of which she is a member lost half its seats.

**Ms Harney:** We did not lose half our seats.

### Oil Prices.

5. **Mr. Eamon Ryan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her Department has carried out a review of the implications for industrial policy here of the doubling of oil prices in the past two years and the likelihood of further dramatic increases in energy prices, as a peak in worldwide global oil production is being approached. [18236/04]

**Ms Harney:** The price of oil has traded at significantly high levels for some time reflecting a number of interacting factors including unanticipated strong demand, tight capacities, geopolitical uncertainties and some market speculation. Disruption to supply has not been a factor, though anxiety about possible disruption has fuelled the market. However, since OPEC's announcement on increased production at the beginning of June, crude prices have fallen back slightly from their recent high levels, although market volatility and concerns about supply and demand issues could mean that relatively high prices will remain a feature of the international oil market for some time. It remains to be seen if OPEC's recent announcement of expanded production will have a calming effect on the market in the longer term.

The situation will be taken into account in the Economic Review and Outlook which is prepared by the Department of Finance and due to be published later this year. If energy costs continue to rise I would be concerned about their impact on growth, employment and inflation but it is difficult to assess the longer-term outlook until OPEC's recent market calming initiatives have worked into the market.

The International Energy Agency has warned that a sustained increase in oil prices will have an adverse effect on GDP in eurozone economies. We have no control over international factors that influence world oil prices, but their impact re-emphasises the critical importance of strengthening competitiveness and energy efficiency. Our ability to adapt and remain competitive is a key issue for Ireland in the face of sudden or prolonged adverse global economic conditions over which we have no control.

**Mr. Eamon Ryan:** The reply mirrors the response I got from the Ministers for Transport and Communications, Marine and Natural Resources on what they see as our future prospects. It appears all three say there is no long-

term analysis. The Minister for Transport said he was not even predicting to the end of this year and, therefore, why would he predict ten years down the line. Most international indicators suggest the peak in oil production is close, following which there will be significant increases in oil prices that will make the recent increase look like minor blips.

We are uniquely exposed given that 60% of our prime energy consumption is in the form of imported oil — the European average is approximately 45%. Has the Tánaiste's Department any intention of planning for that? It could be on the basis of the investments we make in our science foundation, finally deciding to invest in sustainable technologies where there will be future markets or changing the policy on carbon taxes. If the revenue was returned in the form of lower employers' PRSI one could try, in advance of the oil shock, to turn the Irish economy towards labour intensive rather than energy intensive industries. That would be a clever preparation for such an event given our exposure.

Why does the Government have no long-term plan in this area? The only response I ever get to that question is that the market is up but it is hoped it will be down in a few months' time. Why is it the Government does not look five or ten years down the line? Would the Tánaiste consider it a clever idea to adjust some of the other policies within her Department to take into account that a peak in oil production is due and that the Irish economy is uniquely exposed?

**Ms Harney:** It is an inaccuracy to say Ireland is uniquely exposed. In 2002 the economy grew by 6.9% whereas energy consumption grew by 0.1%. We have been extraordinarily efficient users of energy. By way of comparison, Finland uses twice as much energy to produce one unit of GDP as does Ireland. While we are energy efficient there is no room for complacency. Energy has a huge role to play in industrial success and competitiveness. It is important to bring on stream the gas find off the coast of Mayo to help our energy needs. The party of which the Deputy is a member was not supportive of the Government's efforts in that regard.

**Mr. Eamon Ryan:** Is the Tánaiste aware that gas supply might meet our gas needs for a maximum of one and a half to two years? Is she concerned that a nine kilometre pipeline there is exposed and is unique. No other country in the world is laying a nine kilometre onshore pipeline from an offshore facility.

**Mr. Fahey:** It would be terrible if it lasted longer.

**Mr. Hogan:** The Tánaiste does not need any help from the Minister of State, Deputy Fahey.

**An Ceann Comhairle:** Please allow Deputy Ryan who has submitted the question to continue because time is running out.

**Mr. Eamon Ryan:** I would be delighted if that happened. Ireland is uniquely dependent. We import 87% of our energy needs in the form of fossil fuels. No other country in the European Union has as high an input.

**An Ceann Comhairle:** I have to draw this question to a conclusion. Perhaps the Deputy has a simple question to put to the Tánaiste.

**Mr. Eamon Ryan:** Is the Tánaiste doing any long-term planning for future price increases?

**Ms Harney:** Many of the countries to which the Deputy has referred depend on nuclear power for a large amount of their energy.

**Mr. Eamon Ryan:** That is the same answer.

**Ms Harney:** These are the facts.

**Mr. Eamon Ryan:** Every Minister gives the same answer.

**Ms Harney:** During the past 12 years our energy intensity has fallen by 9% per annum, which is unique in the European Union. The price of oil will be determined in the international marketplace and not in Ireland. Hopefully, we can find our own source which would be terrific. If it can supply our needs for longer than two years that would be even better.

#### Semi-State Bodies.

6. **Mr. P. Breen** asked the Tánaiste and Minister for Enterprise, Trade and Employment her plans for Shannon Development following her decision to move 100 jobs to Enterprise Ireland; and if she will make a statement on the matter. [17939/04]

54. **Mr. Boyle** asked the Tánaiste and Minister for Enterprise, Trade and Employment the Government's strategy for the Shannon Development in view of the proposed transfer of 100 staff from the agency to Enterprise Ireland. [18121/04]

**Ms Harney:** I propose to take Questions Nos. 6 and 54 together.

As I have indicated in response to previous similar parliamentary questions and the earlier question from Deputy Howlin, Shannon Development at present performs a range of functions on a delegated authority basis for Enterprise Ireland. Under the decentralisation proposals, the headquarters of Enterprise Ireland, involving 300 of its Dublin based staff, will move to Shannon. In these circumstances it has been decided that these functions should revert to Enterprise Ireland. This is an entirely practical development as it would make little

[Ms Harney.]

sense to have two agencies in the same town performing the same functions. The decision, which is fully supported by the board of Shannon Development, will result in the transfer of between 50 and 100 Shannon Development staff engaged in these functions to Enterprise Ireland.

There have been other developments impacting on the mid-west region which necessitate a review of the role of Shannon Development. First, it has been agreed that the management of Shannon town should be transferred from Shannon Development and vested in Clare County Council. This is a decision that has been made for practical reasons and both Shannon Development and Clare County Council are in agreement.

The Minister for Transport proposes to establish an independent Shannon Airport authority and this proposal also has the support of the board of Shannon Development. Without an independent and viable Shannon Airport, the task of guaranteeing the entire region's future as a tourism destination and as a location for investment would be made considerably more difficult. In that regard, one of the options under consideration is to transfer the assets of the Shannon free zone to the new airport authority. No decision has been taken on this issue. The transfer of the assets would mean no change to either the status of the zone or its attractiveness as an investment location.

In light of these changed circumstances, I met with the chairman, some members of the board of Shannon Development and the chief executive of the company on several occasions to explain and expand on matters under consideration. At all of these meetings, I also asked the board to bring forward detailed proposals in regard to the role Shannon Development can play in the future in the context of the changes under way.

**Mr. Howlin:** I have already asked a similar priority question. I am intrigued by the Tánaiste's response to this question in which she said her proposal, "is fully supported by the board of Shannon Development". I was looking for a public comment by the board. The only one I could see was from Mr. Liam McElligott in *The Irish Times* of 21 May 2004 in which he described the Government's proposals as flawed.

**An Ceann Comhairle:** It is not appropriate to quote on Question Time.

**Mr. Howlin:** I refer to his comments where he said it would seriously undermine Shannon Airport's capability to play a meaningful role in regional development. That was the attitude of the chairman of Shannon Development to the Tánaiste's proposals at the end of May. I understand that reflected the view of the board. Has the Tánaiste managed to persuade the chairman of a different view? Are there any public utterances to support her contention that the board is

fully supportive of what it described as "flawed" a few weeks ago?

**Ms Harney:** In case there is any misunderstanding, what the board fully supports is both the transfer of the town to Clare County Council and the transfer of the staff working in Shannon Development on an agency basis to Enterprise Ireland. I will send the Deputy a letter to that effect. The board does not support the asset issue in relation to the zone. As I said earlier, the Department of Transport is the owner of the property and the zone and leases them to Shannon Development. What is important is that we use the assets in the region to make the region dynamic and vibrant.

Every fair-minded person who has looked at the Shannon region from a business perspective believes the airport must be supported as an independent autonomous airport so that it is in a position to be able to do deals with airlines and others. If the Shannon Development asset base can make a contribution to that, we should be open-minded about it. In case I misled the Deputy, I do not want any misunderstanding that the chairman is in favour of that, because he is not.

**Mr. Howlin:** Is it not a fact that the only reason for the asset transfer is simply to give a veneer of economic credibility to the plan to break up Aer Rianta? Does the Minister agree that a proposal was never put to the Dáil to destroy one of the most successful companies under her control?

**Ms Harney:** In the early 1990s when the Culliton proposals were being implemented the foreign direct investment, FDI, role was taken from Shannon Development, for the very good reason that it was very hard to explain to companies in north America that one agency in Ireland called Shannon Development was knocking on their door and another agency called IDA Ireland was also knocking on the door from a small island with fewer than 4 million people. The only FDI piece that was left was the zone. The role for supporting indigenous companies was also taken from it and given to Enterprise Ireland or, as it was then known, Forbairt, but it was allowed to continue to do the work on an agency basis. The reality is that supporting indigenous companies will be entirely a matter for Enterprise Ireland and it will not be a matter for Shannon Development. Supporting foreign direct investment is a matter for IDA Ireland with the exception of the zone and with all those changes.

In the context of 2004, we must look at a new role for Shannon Development. The agency has described itself to me as the glue that makes things happen in the region. I agree that it has done so. There are fantastic people on the board and fantastic, committed executives and staff in the organisation. My Department and the board

of Shannon Development are seeking to agree a remit for Shannon Development as we go forward so that it is clear what it will be doing. Shannon Development has a major role in tourism, as the Deputy is aware, but it will no longer have a role in supporting indigenous companies, and that is a fundamental change. We were in discussions with Shannon Development on its new role long before the issue of the airport. Shannon Development has been undergoing a process of internal review in the organisation and that is continuing. I hope it will come to a conclusion before the recess, which is only three weeks away, if not sooner.

### Employment Legislation.

7. **Mr. O'Shea** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has satisfied herself with the level of implementation of the Organisation of Working Time Act 1997; and if she will make a statement on the matter. [18066/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):** The Organisation of Working Time Act 1997 came fully into effect on 1 March 1998. If an employee considers that his or her employer has contravened the provisions in this Act governing holidays, rest breaks, rest periods and maximum average weekly working hours, he or she may refer the matter to a rights commissioner for adjudication. The number of cases referred to the rights commissioner service under the 1997 Act in the period 1998 to 2003 is set out in the following table.

The labour inspectorate of my Department has a limited role in regard to the keeping of records provisions of the 1997 Act. In this connection, when inspectors pursue complaints concerning alleged infringements of other employment rights entitlements, they will also check that an employer, in accordance with the prescribed format required by the 1997 Act, is maintaining relevant records. During 2003, inspectors undertook 1,005 such inspections and the figure to date in 2004 is 360. In all of the circumstances, I am satisfied with the level of implementation of the Organisation of Working Time Act 1997.

Year	Number of cases referred to rights commissioners under the Organisation of Working Time Act 1997
1998	395
1999	526
2000	620
2001	740
2002	967
2003	631

**Mr. Howlin:** Will the Minister confirm that there were no prosecutions or conviction under the Organisation of Working Time Act 1997 last year and so far this year? Is that an indication of full compliance or inadequate policing of the Act?

In regard to amending directive 2000/34/EC which extends the original working time directive to doctors in training, where exactly do we stand as it must be transposed into Irish law by 1 August 2004? I accept that some of the responsibility for that will fall to the Minister for Health and Children. Where do we stand on the review of Directive 93/104/EC concerning aspects of the Organisation of Working Time?

**Mr. Fahey:** I have no information on convictions at present, but I will provide the information to the Deputy. The working time directive as it applies to doctors in training is a matter for the Minister for Health and Children. I am not aware of the up-to-date situation, but I am aware that negotiations have been ongoing. There are discussions on the implementation of the directive as it applies to the Department of Enterprise, Trade and Employment. The proposals made by the European Commission have been submitted to the social partners for consideration. When the process of consultation with the social partners will be completed, the council will make a decision on the matter.

**Mr. Howlin:** Directive 2000/34/EC is the extension of the original directive to doctors, and the Taoiseach indicated on the Order of Business that there may be a proposal for a derogation from it. Has there been an agreement at council for any such derogation or will that apply from 1 August 2004, as originally intended.

**Mr. Fahey:** The matter is under discussion but no agreement has been reached.

### County Enterprise Boards.

8. **Mr. Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment the plans she has to review the eligibility criteria for funding from county enterprise boards; and if she will make a statement on the matter. [17955/04]

**Ms Harney:** My Department, through Forfás, recently commissioned an independent review of the role of the city and county enterprise boards, CEBs. This review was conducted by Fitzpatrick's Associates. It involved consultations with all relevant interested parties and represents an in-depth, objective study of the work of the boards.

Notwithstanding the success of the county enterprise boards in promoting entrepreneurship and development of new micro-enterprises over the ten years of their existence, it was considered timely to review their operation against the back-

[Ms Harney.]

ground of the major economic changes which took place in Ireland over the period. The review largely endorsed the role of the boards and concluded that there is justification for continued State support for micro-enterprises and that the county enterprise board network should continue to play a useful role in the overall national enterprise development policy.

There are a series of recommendations contained within the review relating to the future activities and structure of the county enterprise boards. These include recommendations for county enterprise boards to renew the focus on the core enterprise mission, tighten the criteria on the provision of financial support so as to address the issues of potential deadweight, displacement and duplication more systematically, and move more towards the use of repayable funding.

The City and County Enterprise Board Network represents only one element of the national enterprise policy and I am considering the Fitzpatrick's report and its findings with a view to bringing recommendations to the Government at an early date.

**Mr. Hogan:** I welcome the conclusions of the report that there is a role for county enterprise boards in micro-enterprises in various counties. We are aware of the opportunities that have grown from small beginnings, particularly from seed capital from the county enterprise boards. I hope the Tánaiste will be recommending to Government a role for the county enterprise boards.

Several enterprise boards have been in contact seeking greater certainty about their future and their financial viability. Would the Tánaiste consider, in the context of the 2005 Estimates, that there will be an increased role and extra funds available to county enterprise boards? Could they be brought more into the mainstream of local authority activities and become more directly accountable to local authorities? There is representation.

I am in favour of accountability through public representatives but not through people who are unelected. Public representatives have a role and are directly elected by the people. Would the Tánaiste consider that in the context of the devolution of powers and greater accountability through public representatives regarding the work being done at county enterprise board level?

**Ms Harney:** I cannot anticipate how the 2004 Estimates process for 2005 will pan out. There will be a great deal of competition for the resources in health and education, and several other areas, including this one.

**Mr. Hogan:** There are plenty of resources coming from the Revenue Commissioners.

**Mr. Howlin:** For what Department is the Tánaiste arguing?

**Ms Harney:** I will be arguing for all the appropriate priorities.

**Mr. Howlin:** It will be a trade mission.

**Mr. Hogan:** Interesting.

**Ms Harney:** One of the interesting conclusions in the report is that the boards need to be more focused on supporting enterprise that does not displace other enterprise. It cites several examples of where it was simply dead weight, the activity would have happened anyway or it affected someone else nearby. It said that the retail sector should not be supported.

**Mr. Hogan:** That happens in Kerry.

**Ms Harney:** It says hairdressers and gardeners should not be supported, or accountants and solicitors who, believe it or not, were supported in some places. Professional services such as gardeners were supported.

**Mr. Hogan:** That is why I asked the question.

**Ms Harney:** If I had answered this question six months ago in advance of the report which I read only last week, I would have been very favourably disposed to seeing the responsibility go to the local authorities. When the local development committees were being established I expressed the view that they be amalgamated with the county enterprise boards. This report strongly suggests that the accountability should be in a national rather than a localised process if we are to achieve uniformity and best value for money. It suggests bringing it into the wider family of enterprise policy, keeping the boards separate but having them working more closely with Enterprise Ireland, for example, so the two fit in together.

**Mr. Hogan:** So much for devolution.

**Ms Harney:** It may be a good idea for me to submit this report to the appropriate Oireachtas committee.

**Mr. Howlin:** That is a good idea.

**Mr. Hogan:** Before the Tánaiste leaves office.

**Ms Harney:** I would be interested in hearing the Deputies' views before I bring proposals to Cabinet.

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern):** The Deputy's party won so many seats in the local elections it wants to take over the enterprise boards.

**Mr. Hogan:** I feel strongly about this particular issue. I do not say this in a political way but if we are to have any respect for public representatives we must give them a role. There will be no respect for public representation at local level if it is not given a meaningful role. Many of the actions identified in that report such as the funding of endeavours that should not be funded, do not come from local government. They come from central government without proper procedures being adopted. There is no virtue in going over that at this stage.

**Mr. Howlin:** Deputy Hogan has won that one already.

**Mr. Hogan:** There are many quangos in local government

**Mr. M. Ahern:** I suppose that is because Fine Gael has won so many extra seats.

**Mr. Hogan:** I am trying to be constructive but the Minister of State does not want to listen.

**Mr. M. Ahern:** We know what the Deputy and his party are at.

**Mr. Hogan:** If the Minister of State has learned nothing from his party's experience in the past week, that is fine but at least we have a slightly stronger mandate with which to address the Government.

**An Ceann Comhairle:** Deputy Ahern should allow Deputy Hogan to ask a question.

**Mr. Hogan:** Would the Tánaiste consider all the groups associated with enterprise and local government in the context of the review of the county enterprise boards? If there is an amalgamation, public representatives might play a meaningful role in terms of accountability, through local authorities, in the context of the recommendations she will make on foot of the report. I welcome her assertion that she will bring the report in draft form to the committee before final decisions are made.

**Ms Harney:** It would be useful given that the boards have existed for ten or 12 years. It is estimated they have supported 16,000 projects and 30,000 jobs and received grant aid of €179 million, which is very good value for money if that is the case. They need, however, to be more focused. I am aware of examples where a nursing home was supported because it was on one side of the road

in County X, but the home on the other side of the road was not supported. One can imagine the confusion, upset and difficulties that causes. We need greater uniformity. The report is finalised and I will send it to the Oireachtas Joint Committee on Enterprise and Small Business for consideration.

### Research Funding.

9. **Mr. Gilmore** asked the Tánaiste and Minister for Enterprise, Trade and Employment the response she has received to her recent call for improved collaboration between private industry and universities to allow Europe to catch up with the US on research and development; if there are specific steps she intends to take here to facilitate such co-operation; and if she will make a statement on the matter. [18048/04]

**Ms Harney:** At European Union level it is clear that industry in most member states, including Ireland, needs to improve its levels of research in order to compete more effectively on global markets with the US and Japan. A major part of the focus of Irish research, technology and innovation is centred on developing the capacity of the higher education system. This development encompasses all aspects of the national system of innovation including basic research, the development of graduates with high level skills, the commercialisation of university research and direct collaboration with industrial partners, nationally and in the context of the EU framework programme.

The Irish EU Presidency has encouraged all member states to respond effectively to the Barcelona summit target of 2002 that overall spending on research and development in the Union should be increased to 3% of GDP by 2010. This March a snapshot of the state of progress towards the 3% across the EU was made by the European Commission. A cross-departmental group which I set up last year to identify the actions which Ireland needs to take to reach this 3% target, is due to report to me over coming weeks. We already have several important policy actions focused on this linkage from a research and industrial development perspective.

Enterprise Ireland spends some €35 million per annum on its national collaboration programme. This is made up of a range of separate schemes promoting links between companies and the research infrastructure at national level. Enterprise Ireland has also committed a further €30 million in support of the universities and institutes of technology in providing incubation spaces for campus enterprises to grow. Support is included where needed for research space. Science Foundation Ireland has invested almost €79 million in funding to centres for science, engineering and technology in third level colleges. There is also an important educational perspec-

[Ms Harney.]  
tive in promoting industry-third level linkages. The programmes for research in third level institutions administered by the HEA offer third level institutions an opportunity to build infrastructure and to develop the careers of Ireland's brightest researchers. The facilities and schemes put in place under the programme are attracting industrial interest and its researchers have already made some 60 patent applications. An independent review of the programme is under way.

There is a general acknowledgement that this is a time of change and development for Ireland's universities. Factors impacting on this include changing demographics, the increased emphasis on research and growing interaction with the enterprise sector and outreach to society generally. Against this background, my colleague, the Minister for Education and Science, has commissioned a wide-ranging review of higher education in Ireland by the OECD to be completed later this year. The review will include considering the role of higher education in contributing to national economic goals in the knowledge area.

**Mr. Howlin:** The question asked whether the Tánaiste had received a response to her call in Galway to know how we could do better to capture that raw research. It was not quite an alarm bell but an expression of concern at the news that 40% of research and development funding from European companies had gone to North America. What has happened since she made that call? In regard to achieving the objectives set out in her initial response, for example, the commercialisation of intellectual property, who is looking at that now? Is there any direct link between her Department and the Department of Education and Science? Has she sat down with the Minister for Education and Science to see how raw research which is very good here can be better commercialised? Is there any particular overarching structure to deal with thorny issues like intellectual property rights and patenting? Is this matter getting the attention it needs on a cross-departmental level? Does she see a role for herself in driving such co-operation?

**Ms Harney:** The first factor is that 40% of the research of pharmaceutical companies in Europe is now done in America. The figure was 26% approximately six or seven years ago so it is going in the wrong direction. During our Presidency of the EU we have succeeded in obtaining some agreement from member states in respect of the funding of basic research. Heretofore, such research was not funded on the basis of excellence but rather on a *pro rata* basis across a number of different programmes. The only basis on which EU money should be invested in research of this nature is that they should be the best projects involving the best people and should be

internationally peer group reviewed to ensure that this happens.

The second factor is that, regardless of how the financial perspectives pan out, more of the European Union budget must be invested in the area of innovation. Commissioner Busquin has had a great deal to say about that matter. During our Presidency we have taken a hands-on role in respect of EU funding and programmes. We have, in particular, urged that there be a reduction in the bureaucracy surrounding the programmes. For example, the sixth framework programme, which is the current programme to support research in the European Union, is so bureaucratic that many researchers have stated that they would go anywhere for funding but to the EU because they are obliged to spend so much time completing forms and dealing with bureaucratic issues at the expense of their research.

The Irish Council for Science and Technology has an overarching role and it recently produced a code of practice for the commercialisation of research because one of the issues that arises is who owns the intellectual property.

Deputy Howlin is correct that we need greater coherence. I have just circulated a memorandum to my colleagues in the Cabinet suggesting that, similar to the position in other countries, we appoint a new scientific adviser to the Government. In addition, I have recommended that we put in place a new structure, including a Cabinet sub-committee that would be chaired, for example, by the Taoiseach, so that there would be an overarching role across the areas of education, health, agriculture etc., and that matters would not be merely confined to one area. I hope we can win support for that. Just as the Attorney General advises us in respect of legal issues, we need a scientific guru to advise the Government in respect of research and to act as a driver of coherence, particularly as we are spending such enormous sums of money. I am of the opinion that my proposal will receive the support of the Cabinet in the near future.

**Mr. Howlin:** I wish to ask a brief supplementary question in light of the fact that I have no competition from other Deputies.

**An Ceann Comhairle:** The Deputy has the House to himself.

**Mr. Howlin:** I regard this as one of the most pressing issues for our future, not only in terms of enterprise and employment in this country but also in terms of education. I heartily welcome the notion of a science adviser to the Government. However, does the Tánaiste accept that consideration might be given to having, as is the case in Northern Ireland, a Minister for higher education who could focus exclusively on issues that go well

beyond the education sphere? Subsequent to our visit to Canada, has she given consideration to how universities in that country develop intellectual resources, commercialise them on campus and use the existing infrastructure to support all aspects of that commercialisation? Is there a need for a fundamental partnership change in this country for that model to be replicated here? Does the Tánaiste believe that this could be realised under the education structure in place in Ireland?

**Ms Harney:** Deputy Howlin is correct to state that the link between industrial development and prosperity in education is enormous. It will be even greater in the future. One cannot have too much education. I believe it was the former president of Harvard University who once said: "If you think education is expensive, try ignorance." There are a number of serious issues about the funding of higher education. I cannot remember the name of the university the Deputy and I visited in New York but it obtains \$100 million per year in licensing from activities that are generated on the research side. If we can get it right, Irish universities have the capacity to make a considerable amount from the intellectual activity under way on their campuses. We are looking at best international practice in this area.

It is interesting that the Deputy should refer to a Ministry for higher education. As I was entering the Chamber, my press officer advised me that he had received a telephone call from a journalist speculating that higher education and training must be put together. That was the first time I ever heard that assertion. In my experience, breaking things up is not a good idea. If we want coherence in education, we should ensure that the system remains whole. That would be my strong advice. Even if it was felt that it might be desirable to establish such a Ministry, it would take years to put it into effect. I would not be in favour of breaking up the Department of Education and Science because we need coherence between the various levels in education. However, we need to ensure that there are appropriate resources for higher education in order that we can produce the intellectual brain power we need for our society and our economy as we go forward.

#### **Public Holidays.**

10. **Mr. S. Ryan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of public holidays enjoyed by workers here and the way in which this compares with the EU average; if she has plans to increase the number of public holidays; and if she will make a statement on the matter. [18088/04]

**Mr. Fahey:** The Organisation of Working Time Act 1997 provides for the entitlement of

employees to the following nine public holidays per year: New Year's Day; St. Patrick's Day; Easter Monday; the first Monday in May; the first Monday in June; the first Monday in August; the last Monday in October; Christmas Day and St. Stephen's Day. The average public holiday entitlement in the EU at present is approximately 11 days annually. There are no plans to increase the number of public holidays in Ireland.

**Mr. Howlin:** Does the Minister of State accept that Ireland is among those member states with the lowest number of days' leave and that countries which are highly successful economically, such as Austria and Finland, have considerably more day's leave than Ireland? Has he considered the impact of our paucity of paid public holidays in the context of the initiative that he and the Tánaiste have taken in balancing work and family life? The Tánaiste made a clear expression on the public record that such a balance is key to a prosperous, balanced future for our country. Does the Minister of State, therefore, accept that the entire focus cannot be placed on matters such as economic growth and number crunching, particularly if people's physical, family and social well-being will be negatively impacted upon? In that context, would he not consider increasing, at least by one, the number of paid public holidays in this country to bring us closer in line with the average, which is two days more than in Ireland, throughout the EU?

**Mr. Fahey:** There has not been any great demand for an increase in the number of holidays——

**Mr. Howlin:** If I was the Minister of State I would put it to a vote and the level of demand would become apparent.

**Mr. Fahey:** ——among the social partners. I concur with the views the Deputy expressed about the work and family life balance. The Tánaiste and I have endeavoured to continue to support the further development of all aspects of providing for a good work-life balance. As the Deputy stated, a person who is happy at work tends to produce more. There are nine public holidays. I suggest that increasing that number would be better dealt with in the social partnership discussions than it would be by a Minister.

**Mr. Howlin:** Does the Minister of State accept that at least one of his predecessors, Deputy Quinn, dealt with the matter when he inaugurated the May Day holiday, the most recent additional public holiday to be created in this country? There are new and evolving pressures on family life in this country and to achieve the objective of the balancing work and family life initiative, which is being promoted strongly by his



[Mr. Howlin.]

Department, the Minister of State should open his mind to change in this area. Does the Minister of State not accept that this is not exclusively a matter for others, such as the social partners, to deal with and that it should be part of his agenda to achieve a balance, particularly in light of the fixed school year at primary and secondary level introduced by the Minister for Education and Science, in order that people might spend certain days with their children?

**Mr. Fahey:** The reaction of many people on the employer's side to the addition of 1 May as a public holiday was that it would have a costly impact on our competitiveness. While everyone would welcome further public holidays, we must be careful in terms of matters such as competitiveness, productivity etc. Given that progress has taken place in the talks on Sustaining Progress and previous national agreements, the appropriate place for discussion for any further improvement in public holidays is in that forum. I respectfully suggest that is the place where it should be dealt with.

#### National Minimum Wage.

11. **Mr. M. Higgins** asked the Tánaiste and Minister for Enterprise, Trade and Employment if it is intended to review the level of the national minimum wage during the current negotiations between the social partners; and if she will make a statement on the matter. [18051/04]

**Mr. Fahey:** Discussions regarding the national minimum wage are taking place in the course of the current talks on the second phase of the pay element of Sustaining Progress. As the talks are still ongoing it would be inappropriate for me to comment further on this issue.

**Mr. Howlin:** I do not accept it is inappropriate for the Minister of State to divulge Government policy to this House. Does he not accept he has a duty to keep the House informed about Government thinking on matters? Does he further accept we have lost sufficient authority in the House to mechanisms that have worked well for the economy but have impacted on our democratic accountability processes?

What exactly is his view regarding IBEC's contention that, as I see referenced in its initial statements, not one extra cent should go to the low waged? Is it Government policy that there should be a focus on low pay and that the balance of any increase in wages should be received by those on the minimum wage or those in receipt of the lowest wages in the State? Is that Government thinking and what is the Government perspective in regard to these talks?

**Mr. Fahey:** It is certainly Government policy that there should be a national minimum wage, unlike the policy of previous Governments. It is for that reason the Tánaiste introduced a national minimum wage in April 2000, which was a most welcome development. The increase from £4.40 to €7 since then has been reasonable.

**Mr. Howlin:** Does the Minister of State think so?

**Mr. Fahey:** The Government is anxious to ensure people on lower pay are adequately rewarded and that every effort is made to ensure the minimum wage increases in line with the consumer price index or by more. That has been happening to date and this issue is being considered in the talks.

It is Government policy to ensure the minimum wage increases to protect the interests of workers on lower wages. It is significant that it was in the lifetime of the previous Government that the minimum wage was first introduced. I accept Deputy Howlin is concerned but that concern was not apparent when his party held the finance Ministry.

**Mr. Howlin:** I thank the Minister for his historical lecture but I would rather he focused on the questions that are current and affect the lives of people today. Does the Government support the strategy put forward to close the gap between those on the lowest level of pay and those on higher levels of pay, or will the Government allow that gap to increase after the conclusion of the current pay round? What attitude of mind does the Government bring to the current talks?

**Mr. Fahey:** It is important the gap does not widen. The thrust of Government policy has been to ensure people on low wages are brought up to speed and, in addition, that the tax burden for people on low wages continues to be decreased. The Deputy can take it that it is Government policy that this should continue. That is the position regarding the current talks, in addition to a desire to further decrease taxation and take more people out of the tax net in the forthcoming budget.

**Mr. Howlin:** I have a brief question.

**An Ceann Comhairle:** It is now 4.45 p.m. and the time for Question Time has concluded,

**Mr. Howlin:** I have about 30 seconds.

**An Ceann Comhairle:** There will not be 30 seconds for the Minister to answer it.

**Mr. Howlin:** In ten seconds, does the Minister accept 52% of PAYE employees on the average industrial wage pay the higher rate of tax, which

is unprecedented in the State? This needs to change if there is to be a real focus on those on the minimum wage and low pay.

### **Adjournment Debate Matters.**

**An Ceann Comhairle:** I wish to advise the House of the following matter in respect of which notice has been given under Standing Order 21 and the name of the Member: Deputy Ó Snodaigh — the need for the Minister to take urgent action to redress the chronic underfunding of mental health services at St. James's Hospital. The matter raised by the Deputy has been selected for discussion.

### **Adjournment Debate.**

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

**Aengus Ó Snodaigh:** Gabhaim buíochas leis an Cheann Comhairle as ucht an deis a thabhairt dom an cheist thábhachtach seo a ardú inniu. Is trua gur gá dúinn teacht go dtí an Teach seo chun na ceisteanna seo a ardú. Ba chóir go ndéileálfáil leo roimh ré. I represent the constituency of Dublin South-Central, which is an urban area in great need. This fact is recognised by the Government in its official designation of the majority of this area as a RAPID area requiring increased investment because of the deprivation and poverty existing there. Drugs task forces operate there and high rates of homelessness are also a feature. All these factors demonstrably lead to an increased risk of mental illness and an increased concentration of those with mental illness in need of care and assistance in the area. The location of a major hospital in the area is another factor for consideration.

The area is the second most densely populated deprived area in the State. In spite of that, funding for mental health services for this community is the lowest in the State, which is a scandal. This matter needs to be both exposed and addressed. We cannot allow the situation to continue any longer.

I wish to focus on the chronic underfunding of mental health services at St. James's Hospital, which up to now served just the Dublin 8 area but in recent months has also begun to serve the Drimnagh area. The underfunding of the hospital is criminal. The area has only half the *per capita* funding of a similar sized rural area such as that of Cavan and Monaghan. Parts of Galway receive three times the funding received by this area.

An under-resourced service such as this cannot properly deal with its workload. Adding to it another under-resourced area such as Drimnagh further exacerbates the problem which was already at crisis point. Doctors at St. James's

Hospital have said an additional €2.5 million is required just to maintain the service as it was prior to the amalgamation because of the previous shortfall in funding. The needs of the Drimnagh area were added to that of an already struggling service without the provision of an additional psychologist, occupational therapist or rehabilitation service. Neither is there any assertiveness outreach or supportive accommodation. Drimnagh lost out in the amalgamation, as did the mental health services at St. James's Hospital because no additional funding was given to ensure the service could expand. As a result of the lack of resources prior to the amalgamation with the Drimnagh area, the entire area has lost out.

The South Western Area Health Board has less acute psychiatric beds than any other health board. Tallaght Hospital is also in need of more in-patient beds. If the beds issue is not addressed, there will be a shortfall in the capacity to deliver the comprehensive service that is required. The current threshold demands a population of 25,000 before a psychiatrist is provided. All health professionals agree that figure should not be adhered to in deprived urban areas and that more psychiatrists should be provided in those areas.

The chronic under-provision and underfunding of mental health services is a major human rights issue and is the subject of an Amnesty International campaign. I demand to know what plans the Government has to rectify the situation, particularly in the Dublin 8, Drimnagh service.

**Minister of State at the Department of Health and Children (Mr. Callely):** I thank Deputy Ó Snodaigh for giving me the opportunity to respond on this Adjournment matter.

The Deputy is incorrect in saying there is chronic underfunding of mental health services at St. James's Hospital or that it has the lowest national funding despite the high level of need. I will go down the road some way with the Deputy and agree there are gaps in services and variances in the regions. We recognise that and the health reform package should address that.

However, a reform package will not resolve everything. We need to pull the package together through the right skill mix and the assistance of outreach workers. It is important the mix is right but it is not easy to get the appropriate multidisciplinary approach required at the same time and within a timeframe the Deputy and I would like to see it *in situ*. It takes some time to get a team working together to maximum capacity. If a member leaves suddenly or is moved, it takes time to build up the team again.

I hope the Deputy understands the need to pull different people together. A mix of people is required to participate in the provision of services in the section of the city to which he referred. Some of these services are statutory and some

[Mr. Callely.]

voluntary but they must work together. How we see this depends on how we count the number of beds. Is the Deputy talking about the total number of beds or the number provided by the health board? Is he counting the number of beds provided by the health board and the voluntary services and others working in the system? The Deputy has a perception or understanding that there is chronic underfunding and that funding in St. James's Hospital is the lowest nationally. However, if he looks at the overall picture, he will find the picture is changed.

Most Members of the House appreciate there has been tremendous change in recent years in the provision of services for people with a mental illness, especially since publication of the Planning for the Future policy which promotes integration in society. We should not lose sight of the fact that there has been tremendous change and that the quality of people's lives has improved greatly. People previously kept in an institutionalised setting are now being given opportunities in the community that heretofore they did not receive.

**Aengus Ó Snodaigh:** The health board accepts the funding for St. James's Hospital is the lowest.

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

**Mr. Callely:** The responsibility for the provision of mental health services at St. James's Hospital is a matter for the Eastern Regional Health Authority and the South Western Area Health Board, SWAHB. According to figures supplied to the Department, St. James's Hospital and area three mental health services will receive in excess of €9 million this year.

South Western Area Health Board mental health services are provided in partnership with St. Patrick's Hospital and St. James's Hospital on behalf of the South Western Area Health Board. The Dublin south city service caters for a population of approximately 130,000 across two sectors. Camac serves the south inner city and Owendoher serves the outer sector as far as Rathfarnham.

Community mental health services are provided by St. Patrick's Hospital. In-patient care is provided at the Jonathan Swift clinic at St James's Hospital which has 50 beds, including nine specialist beds for psychiatry of old age. This is in line with the bed ratio as recommended in the policy document, Planning for the Future.

**Aengus Ó Snodaigh:** They do not cater for Drimnagh.

**Mr. Callely:** The Deputy raised the issue of St. James's Hospital on the Adjournment.

**Aengus Ó Snodaigh:** Drimnagh has been allocated to St. James's Hospital. The Minister of State has misrepresented—

**An Ceann Comhairle:** The Adjournment allows a Deputy five minutes, but the Deputy took more than that. He cannot use the Minister of State's five minutes to which a Minister is entitled to put his answer on the record without interruptions.

**Mr. Callely:** Some people in the House recognise that many mental health services have had the benefit of a legacy budget associated with a large institutional base. However, the service in this part of the city has not had this advantage and, as a result, all resources require additional allocation from the central Exchequer.

It is intended to create a day hospital and sector headquarters for this area and a site has been identified by the South Western Area Health Board for this purpose. The service has four consultant-led teams and works in close collaboration with the specialist service of psychiatry of old age and St. James's Hospital. A new consultant-led team has been allocated to this service to cater for the needs of clients in the Drimnagh area. I mention that specifically as the Deputy mentioned Drimnagh, although not in his Adjournment matter.

On capital funding, the Eastern Regional Health Authority will be investing proceeds from the sale of the lands at St. Loman's Hospital into the development of the mental health services on the St. Loman's site and in other locations in the South Western Area Health Board.

I suggest to Deputy Ó Snodaigh that he should contact the chief executive of the South Western Area Health Board. He or his assistant chief executive will make themselves available. I would like the Deputy to come back to me, if he is happy and satisfied, with the proposals and plans it has for the Deputy's area. I assure him that further development of our mental health services, including those in the South Western Area Health Board area, will be considered in the context of the Estimates process for 2005 and subsequent years.

The Dáil adjourned at 5 p.m. until 2.30 p.m. on Tuesday, 22 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 11 inclusive, answered orally.*

### National Irish Bank Investigations.

12. **Ms McManus** asked the Tánaiste and Minister for Enterprise, Trade and Employment when the report of the High Court inspectors into the affairs of banks (details supplied) will be published. [18064/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The investigations into the affairs of the National Irish Bank Limited and National Irish Bank Financial Services Limited are being conducted by inspectors appointed by the High Court, on application by me, under section 8 of the Companies Act 1990. I understand from press reports that the final report is expected to be presented to the High Court on or before 31 July. Its publication is a matter for the court to decide.

### Job Creation.

13. **Mr. Rabbitte** asked the Tánaiste and Minister for Enterprise, Trade and Employment the total number of new jobs announced during 2003 from new investments or expansion of IDA backed plants; the expected level of announcements during 2004; and the steps being taken to promote job creation. [18085/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** Not all projects agreed between IDA Ireland and its clients are announced. There is usually a time lag between the announcement of new jobs and their creation.

In 2003 as many as 32 greenfield and expansion job creation projects were announced. IDA Ireland approved 64 new investment and 39 research and development projects of which 33 were greenfield projects. The announced projects may represent nearly 5,600 jobs. In 2003 IDA Ireland supported companies recruited 9,182 people. These results were achieved against a background where there were fewer companies actively seeking to invest overseas and consequently less companies visiting Ireland.

It is difficult to predict the exact number of IDA supported project announcements for 2004. IDA Ireland are cautiously optimistic about the year ahead. It believes that this year will be their best since 2000 in terms of job announcements, both for new investments into Ireland and growth in the value and scale of activities in existing IDA backed plants. This view is based on contacts with client companies, strong indications of a substantial recovery in growth in the global economy and

consequent increased flows of foreign direct investment.

Up to the end of May as many as 14 new projects were announced with possibly 780 jobs. IDA Ireland approved 32 new investment and ten research and development projects in the same period. This year job recruitment in IDA supported companies should be on a par with or slightly better than the level achieved in 2003.

I am confident that the strategies and policies being pursued by IDA Ireland, together with the ongoing commitment of Government to regional development, will continue to bear fruit in terms of delivering the maximum level of additional jobs.

### Job Losses.

14. **Mr. Penrose** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of redundancies notified to her Department from 2000 to date; the projected numbers for 2004; and the steps being taken to deal with the sharp increase in redundancies. [18074/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The number of redundancies notified to my Department in the years specified were 13,316 in 2000, 19,977 in 2001, 25,358 in 2002, 27,702 in 2003 and 11,001 to the end of May 2004. The corresponding figure to the end of May 2003 was 10,145. It is an 8% increase in the number of redundancies notified to my Department so far this year. The quarterly national household survey, prepared by the Central Statistics Office this month, shows that employment growth continued in the first quarter of 2004 with an increase of 52,300 or 2.9% in the year on year position. This brings the total number of persons in employment up to 1.84 million.

The Government's policies are focused on the development of a competitive economy, a central tenet for generating sustainable employment and growth. Initiatives by the Government and the State's development agencies, including reducing the burden of unnecessary regulation, are aimed at helping us progress towards a knowledge and innovation driven economy. Ongoing six monthly assessments of our competitive position will ensure that appropriate and timely actions are taken to address identified weaknesses. In addition, the enterprise strategy group was given the task of developing strategic policy recommendations for enterprise here. I established it in July 2003. I expect it will submit a report to me shortly.

### Radon Gas Levels.

15. **Mr. Wall** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention was drawn to the potentially serious danger posed to workers from the presence of radon gas in the workplace; the action she intends to take to protect workers against its effects; if she is satisfied that the law is being imposed; and

[Mr. Wall.]

the number of prosecutions for the gas by the Health and Safety Authority. [18041/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):**

The exposure of workers to radon gas in workplaces here is controlled by the Radiological Protection Act 1991 (Ionising Radiation) Order 2000 (S.I. No. 125 of 2000) and is enforced by the Radiological Protection Institute of Ireland. Therefore, enforcement is primarily a matter for the institute.

Under the Safety, Health and Welfare at Work Act 1989, employers are required to identify hazards arising in the workplace, assess the risks arising from them and put in place measures to eliminate or control the risks. The authority use seminars to remind employers located in areas likely to exceed the threshold limit value set out in the Statutory Instrument on ionising radiation of their obligations under the 1989 Act if the limit value is exceeded.

To date the HSA has not prosecuted anyone for the presence of radon gas at workplaces.

**Research and Development.**

16. **Mr. Stanton** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on the need to maintain investment in research and development; her views on the present state of research and development here; and her plans to expand it. [17945/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** Ireland's sustained economic growth and prosperity depends on establishing a culture of scientific and technological innovation, a high level of research and development and a globally competitive knowledge based economy.

Under the National Development Plan 2000-2006 as much as €2.48 billion was allocated to research, technological development and innovation activities across all Departments and agencies. The two major elements of the investment, the programme for research in third level institutes operated by the Higher Education Authority and Science Foundation Ireland are progressing well. They have led to a significant strengthening of the research base.

So far PRTL I has allocated over €620 million for research and infrastructure. These investments enable universities and institutes of technology to develop and realise long-term strategic plans for developing their research capacity. As many as 24 major research centres were established and major programmes in human genomics and computational physics.

SFI was established to fund industry oriented basic research. To date €362 million has been committed to 310 research projects. Selection was based on scientific excellence as measured by international peer review. SFI investments support knowledge creation and human capital

development and they are corner stones of a knowledge economy. The funding is being used to recruit and retain researchers and research groups capable of developing high impact, internationally significant discoveries in the fields underpinning biotechnology and information and communications technology.

Research investment was also increased in other sectoral areas to underpin policy and economic development and social well-being in a range of areas including agriculture, food, marine, environment and health.

The Government has demonstrated a sustained commitment to investment in research. The Finance Act 2004 provided the following: the introduction of a 20% tax credit for companies for incremental research and development expenditure; a stamp duty exemption for transfers of intellectual property such as copyright, patents and trademarks; and an extension of the business expansion and seed capital schemes. Departments also have significant budgetary allocations for the development of a national science base.

The State's significant investment in science and technology is intended to create a vibrant and well supported research community, provide a substantial resource for technology solutions and a basis for a stream of technology based start-ups. We are creating vital synergies between the Government, universities and entrepreneurs. The Government has invested heavily in knowledge and ideas creation. It has also made an equal investment in the crucial activity of commercialising outcomes through programmes of applied research in colleges and near to market exploitation within companies.

Considerable progress has been made to date and will continue within the NDP framework. Ireland's comparative performance in science, technology and innovation needs to improve considerably to match top performers such as Finland, the US and Japan, particularly for business expenditure on research and development. The Government is committed to continuing to invest in this vital area with a view to creating the conditions that encourage the creation of new knowledge. We want to translate that into new products processes, services and enterprises that will underpin our future competitiveness and growth.

**Corporate Investigations.**

17. **Mr. Sargent** asked the Tánaiste and Minister for Enterprise, Trade and Employment the further investigations that have taken place following the publication of the report of the inspectors appointed to inquire into the affairs of a company (details supplied); and if she expects prosecutions or further action to be taken on foot of it. [18120/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** Following the commencement of the Company Law Enforcement Act 2001, it is now the statutory responsibility of the Director of Corporate Enforcement

to pursue the possible breaches of the Companies Acts identified in the report. The Act requires him to perform his functions with respect to the Companies Acts on an independent basis. He does not report to me on an individual case or issue that is the subject of an examination by his office. However, he did emphasise his determination to take appropriate action on foot of the report.

The Revenue Commissioners were active in pursuing tax issues arising from the Ansbacher and other tax evasion mechanisms. A recent High Court decision approved, in principle, an application by the Revenue Commissioners to obtain access to certain papers of the inspectors not included in their report. The practical implications of the decision have yet to be determined by the court. The Director of Corporate Enforcement has a similar application before the High Court but the proceedings were postponed pending the outcome of Revenue's application.

### **Health and Safety Regulations.**

18. **Mr. Cuffe** asked the Tánaiste and Minister for Enterprise, Trade and Employment the role her Department has in monitoring health and safety conditions for workers in national car testing centres; whether environmental working conditions in such centres are analysed; and the methods that are used to inspect them. [18126/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):** The day-to-day responsibility for the administration and enforcement of occupational safety and health legislation is a matter for the Health and Safety Authority. The legislation includes the Safety, Health and Welfare at Work Act 1989 and a range of regulations, including the Safety, Health and Welfare at Work (General Application) Regulations 1993 and the Safety, Health and Welfare at Work (Chemical Agents) Regulations 2001.

NCT centres like all other workplaces are subject to occupational safety and health legislation. They are liable to inspection by the authority in accordance with its prioritised programme of work and standard operational procedures.

The methods used for the inspection of workplaces depends on a range of factors including the nature of the visit. It may be a routine inspection, a follow-up inspection, an investigation into an accident or a complaint. During an inspection inspectors may speak to managers, safety officers and, where available, worker safety representatives. Follow-up action includes verbal and written advice and, where necessary, the issuing of enforcement notices. In general a copy of a formal enforcement direction or notice is sent to the site safety representative for information.

Monitoring of the workplace atmosphere on the potential exposure to hazardous chemical agents is covered by the Chemical Agents Regulations 2001. They require employers to identify

the hazards, assess the risks and put in place appropriate control measures. As part of the risk assessment it may be necessary for the employer to establish, or have established on his or her behalf, the level of chemical agents being emitted in the workplace atmosphere.

### **Proposed Legislation.**

19. **Mr. Howlin** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has considered the proposal to introduce legislation to provide for a new offence of corporate killing as recommended by the Law Reform Commission. [18039/04]

### **Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):**

Last October the Law Reform Commission prepared a consultation paper on corporate killing. It recommended that a new offence of corporate killing be established and be prosecuted on indictment without exclusion of any entity whether incorporated or not. The offence would apply to acts or omissions of a high managerial agent that would be treated as those of the undertaking.

To reflect the seriousness of the offence the commission also recommended that the legislation should provide for an unlimited fine or, in certain circumstances, an individual high managerial agent should also be subject to imprisonment of up to five years. At present it is considering submissions on its consultation paper.

The Office of the Attorney General advised my Department that the issue of corporate killing has far broader implications than health and safety in the workplace. It also advised that the issue will require consideration in the Attorney General's Office after the Law Reform Commission publishes its final report and subsequent consideration by Government.

In order to go as far as legally possible on the issue of corporate responsibility the forthcoming safety, health and welfare Bill will include a provision. It will deal with the liability of directors and officers of undertakings to make more explicit an existing provision in the 1989 Act. In the past directors and managers in companies have been prosecuted under the same Act for safety and health failures that resulted in a worker's serious injury or death. The provision will send a clear message to decision makers at board of management level who carry a special responsibility for safety and health.

### **Motor Insurance.**

20. **Mr. Gogarty** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her Department analysed the system of motor insurance in New Zealand where a special insurance levy is added to the price of petrol to fund a common motor insurance scheme; if she will consider developing such an approach here because persons who drive the most would have

[Mr. Gogarty.]  
to pay proportionately more for their insurance and this would lead to administrative savings.  
[18133/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** During 2001 the system was analysed by the special working group on personal injury compensation. In December 1996 the then Minister for Commerce, Science and Technology established the group following the Government's consideration of a Deloitte & Touche report on an economic evaluation of insurance costs here. The group's remit included the investigation and examination of issues surrounding other alternative or complementary systems for delivering personal injury compensation here.

In New Zealand the no-fault compensation system and rehabilitation scheme for motor related personal injury is funded by motor registration charges and taxes on motor fuel. It is operated on a pay as you go basis with no provision for the cost of future liabilities. The working group could not recommend the system due to uncertainties about its funding and operation. The working group felt constitutionally constrained from recommending the replacement of the existing systems of personal injury compensation here with a system that would impose restrictions on the existing right of tort action for personal injury compensation.

Cooney Carey Business Consultancy produced a report for my Department in December 1993. It examined the feasibility of replacing the current system of third party liability insurance with a levy on motor fuels. It concluded that the levy based system would penalise all sectors in industry. It also concluded that our competitiveness throughout Europe would be seriously affected and have a negative impact on growth, job creation and the economy.

Ultimately the issue of placing an insurance levy on the price of petrol rests with the Minister for Finance.

#### **Arms Trade.**

21. **Mr. Broughan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention was drawn to the recent report published by Amnesty International on the manufacture here of military and security equipment and dual use components; how she will deal with the issues raised in the report; and when the new legislation to control the export of arms and weapons components will be published. [18043/04]

53. **Mr. Gormley** asked the Tánaiste and Minister for Enterprise, Trade and Employment the action she intends to take on foot of the Amnesty International report on the domestic arms trade here. [18122/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern):** I propose to take Questions Nos. 21 and 53 together.

I noted the recent report by Amnesty International entitled Undermining Global Security. It examined the current policies and practices of EU member states with regard to their control of the transfer of arms, military, security and police technology, weaponry, personnel and training. The report contends that there are flaws in the EU arms control export system that allowed a number of member states to transfer such equipment, technology and expertise. The organisation believes that recipients have used the items for serious human rights violations or breaches of international humanitarian law.

The report has an appendix that deals with a number of issues specifically on Ireland's export control system.

In the present international climate it is important that all countries behave responsibly when selling products that are military in nature or may have military applications. Ireland is a long-standing proponent of non-proliferation of weapons. It is keen to meet all international, legal and political commitments to control and monitor relevant exports from Ireland. The independent review of our export control system has been completed. It proposes a number of ways, both legislative and non-legislative, in which Ireland can continue to modernise and strengthen its export licensing controls while ensuring full compliance with its international obligations. I intend to bring the report to Government within the next week with a view to its publication immediately thereafter.

The recommendations of the report will be considered by all relevant Departments with a view to their implementation as a matter of priority.

#### **Job Creation.**

22. **Mr. Timmins** asked the Tánaiste and Minister for Enterprise, Trade and Employment the measures that are being taken to find replacement jobs for the Rathdrum area of County Wicklow following the announcement of 76 job losses at a company (details supplied).  
[17943/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** I am conscious of the affect that a recent announcement of voluntary redundancies in Schering-Plough, Avondale, Rathdrum, County Wicklow has had on workers and their families. Alternative employment is a priority for FÁS and the State's development agencies. FÁS has provided the full range of support services, including skills analysis, training and job placement, to the staff.

The IDA has informed me that job creation is continuing in nearby Arklow where a Euroconex Technologies phase 1 development has been completed. There are 230 people employed and

planning permission has been sought for temporary office facilities to accommodate 130 additional employees.

The Inamed-McGhan investment expansion announced in 2003 for 200 jobs is well advanced and it employs over 340 staff in Arklow. The Servier Pharmaceutical investment expansion in Arklow has been implemented with over 100 extra jobs created. IDA Arklow business park is the host location for a new Vitra Tiles manufacturing and logistics project. Over €2 million has been invested in a major development programme at the business park. Negotiations are also well advanced for an expansion, involving 90 jobs, of a Bray based and IDA client pharmaceutical company.

Enterprise Ireland continues to work with its client companies in County Wicklow. They have become more competitive in their drive to increase export sales and it has resulted in further job creation in the area. Since 2003 Enterprise Ireland approved over €4.5 million for its client companies.

Enterprise Ireland approved more than €4.5 million in capital funding for enterprise centres in County Wicklow through the urban community enterprise scheme 1999-2000. The expansion of the Wicklow enterprise park and enterprise centres in Arklow and Bray were included.

The State development agencies operate under the aegis of my Department. They have successfully promoted and will continue to promote the Wicklow area for enterprise development.

#### Employment Schemes.

23. **Mr. Crowe** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of persons employed on JI schemes in each of the past three years; and the numbers expected to be employed such schemes in the coming year. [17947/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):** The participation rates in respect of job initiative participants are as follows:

	Yearly Average	At End of Year
2001	2,793	2,762
2002	2,663	2,525
2003	2,391	2,207

FÁS estimate that there will be an average participation rate of 2,100 on the programme in 2004 and 2,000 participants will be employed by the end of the year.

The total funding allocation for employment schemes in 2004 was fixed at €351 million. It will support up to 25,000 places across the three FÁS employment schemes: community employment, social economy and job initiative.

#### Corporate Investigations.

24. **Mr. Costello** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will make a statement on the recent report of the Director of Corporate Enforcement. [18046/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Aherne):** I presume that the Deputy is referring to the director of corporate enforcement's annual report for 2003. Some of its highlights include the following: there were just under 1,500 reports made to his office of the by auditors suggesting the commission of indictable company law offences by companies and directors, in particular, a four-fold increase over the number of such reports made in the year 2002; his office received 300 complaints from the public on suspected corporate misconduct; his office secured 43 convictions, or a three-fold increase over 2002, against companies and individuals; there were 651 reports by liquidators on insolvent companies pursuant to the Company Law Enforcement Act 2001 and the director imposed an obligation on the liquidator in 202 cases to apply to the High Court to restrict all of the directors of the insolvent company; 153 directors were restricted by the High Court in the 121 cases heard by it in 2003; and 14 High Court orders were secured by the office against nine liquidators to remedy a failure by each liquidator to submit an insolvent company report.

In addition the office continued to pursue an active information and awareness campaign. This included the completion of the dissemination to 150,000 Irish registered companies of ODCE information books on the duties and powers of companies, company directors and company secretaries.

The 2003 annual report indicated a significant increase in the number of reports and complaints of suspected corporate misconduct reported to the office in 2003 compared to 2002. However, it would not be correct to draw any inference from this that there was an increase in corporate misconduct. Last year was only the second full year of operation for the office. As its existence becomes better known and the reporting obligations under the Company Law Enforcement Act 2001 are acted upon the level of reporting of misconduct will increase in the short-term.

It is probably too early to assess the full impact of the regime introduced by the Company Law Enforcement Act 2001. I am satisfied, having regard to the outcome for 2003 reported by the director, that the increased activity and detection of offences shows that the law and his office is working well.

#### Community Employment Schemes.

25. **Mr. Quinn** asked the Tánaiste and Minister for Enterprise, Trade and Employment about the analysis of community employment schemes commissioned or undertaken by her Department;



[Mr. Quinn.]  
their findings; and if she intends to publish the reports. [18077/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):** Active labour market programmes includes community employment schemes, job initiative, education and training and back to work programmes. A review of them was mandated by the Programme for Prosperity and Fairness and outlined in the programme for Government. The standing committee on the labour market is chaired by my Department and it undertook the review. It was unable to produce a final report in the absence of sufficient consensus on the various elements of the review. However, the considerable input from committee members was noted and their views continue to inform current discussions.

As part of the review process my Department, on the committee's behalf, commissioned Indecon International Economic Consultants to rigorously assess the overall effectiveness of existing programmes and inform the committee's deliberations. The Indecon report can be viewed on my Department's website *www.entemp.ie*.

FÁS has also undertaken a review of CE and job initiative programmes. Its report will be published in due course.

A group of senior officials and FÁS are reviewing the future structure of the CE programme. I expect the group to submit a report shortly. Decisions on any future adjustments in the structure and the terms and conditions of CE participation will be taken when the review process is brought to a conclusion.

#### **Drink Prices.**

26. **Ms Lynch** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention was drawn to the decision of a firm (details supplied) to impose price increases that are likely to lead to an increase of 15 cent in the price of the pint; her views on whether such increases are justified; and the action she intends to take. [18050/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The decision to increase the price of specific products is a matter for the manufacturer or supplier and is something in which I have no role. I am aware of the announcement by the company concerned to increase their prices. I am also aware that at least one competing enterprise has decided not to increase the price of competing products. Therefore, consumers will have a choice.

The Retail Price (Beverages in Licensed Premises) Display Order 1999 (S. I. No. 263 of 1999) obliges publicans to display the price of alcoholic and soft drinks just outside or immediately inside their premises. Consumers can also avail of the information.

#### **Price Regulations.**

27. **Ms Lynch** asked the Tánaiste and Minister for Enterprise, Trade and Employment when she intends to make the promised order under the Consumer Affairs Act to require doctors, dentists and allied health professionals to publicly display their prices. [18079/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** Work on the preparation of measures to increase consumer awareness of charges for medical and dental services, including the preparation of a charges display order under the Prices Act, is continuing in my Department. They will be brought to a conclusion as soon as possible.

#### **WTO Negotiations.**

28. **Mr. McCormack** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her Department contacted the EU Trade Commissioner and the World Trade Organisation on the resumption of the Doha round of trade talks; the nature of that correspondence; and whether there will be a successful outcome of those talks. [17936/04]

63. **Ms Burton** asked the Tánaiste and Minister for Enterprise, Trade and Employment whether world trade talks shall resume. [18044/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern):** I propose to take Questions Nos. 28 and 63 together.

The operation of the EU's common trade policy lies within the competence of the European Commission. In recent months the Commission has been to the forefront of efforts to re-launch the Doha development agenda negotiations. Last September they stalled following the failure of the WTO ministerial meeting in Cancún.

The most recent major initiative taken by the Commission took place on 9 May. The Trade Commissioner Pascal Lamy and Agriculture Commissioner, Franz Fischler, issued a joint letter to all of the other members of the WTO. It set out the key areas where the EU felt that movement was needed if the negotiations were to progress and what the EU was prepared to propose in these areas.

The letter focused on agriculture, non-agricultural market access, Singapore issues and development. Most particularly the EU indicated that it was prepared to negotiate on the elimination of EU agricultural export subsidies provided other WTO members reciprocated on other forms of export competition such as export credits, state trading entities and food aid. An overall balance must also be achieved between and within the pillars on agriculture, including market access, domestic support and export subsidies.

The Singapore issues included investment, competition, trade facilitation and government procurement. The EU indicated that trade facili-

tation was the principle area it wanted early negotiations on. The EU is prepared to leave the other areas for further consideration within the WTO.

A significant element of the EU initiative related to the development aspect of the negotiations. The EU now proposes that, in so far as agriculture and non-agricultural market access is concerned, the least developed countries and other weak or vulnerable developing countries in a similar situation should not have to open their markets beyond their existing commitments. They should be able to benefit from increased market access offered by both developed and advanced developing countries. There has been a mixed reaction to the EU initiative. Intensive discussions are taking place in Geneva in an attempt to agree a basis for the re-launch of negotiations. The hope is that an agreed framework can be put in place by the end of July.

As Minister for trade and commerce, and in the context of the Irish Presidency of the EU, I have been actively involved in facilitating EU member state participation in the development of EU policy in this area. My officials and I have been closely involved with the Commission in the efforts to put the negotiations back on track.

#### EU Directives.

29. **Mr. Sherlock** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of EU directives for which her Department has responsibility that have yet to be implemented; the number of directives where the deadline for implementation has passed; if she is satisfied with the rate of compliance by her Department; and the number of cases where legal actions have been notified or commenced by the EU Commission arising from a failure to implement a directive. [18089/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** A total of 21 directives must be implemented, including three for which the deadline for implementation, in full or in part, has passed.

Details of the directives, including, in so far as it was decided, the proposed transposition instruments, are available on my Department's website [www.entemp.ie/trade/eudirectives](http://www.entemp.ie/trade/eudirectives). The website also contains information on directives where infringement proceedings have commenced. A number of them were transposed but are still the subject of legal proceedings by the EU Commission. The Commission issued a letter of formal notice, under Article 226 of the Treaty for one of the directives that have not been transposed and its deadline has passed.

I am satisfied that my Department is giving all due priority to the task of implementing directives in light of the available resources.

#### Oil Prices.

30. **Mr. Sargent** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her

Department has carried out a review of the implications for industrial policy here of the doubling of oil prices in the past two years and the likelihood of further dramatic increases in energy prices as a peak in worldwide global oil production is being approached. [18135/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** Oil has traded at significantly high levels for some months. Crude oil prices have fallen back slightly from their recent high level although market volatility and concerns about supply and demand issues could mean that relatively high prices will remain a feature of the international oil market.

My Department does not propose to prepare a report on the implications of the present increase in oil prices. The Department of Finance shall take the matter into account when preparing its economic review and outlook. The report is due to be published later this year.

The International Energy Agency has warned that a sustained increase in oil prices will have an adverse effect on GDP and inflation in Eurozone economies. We have no control over international factors that influence world oil prices. Their impact re-emphasises the critical importance of strengthening competitiveness. Our ability to adapt and remain competitive is a key issue for Ireland in the face of adverse global economic conditions.

#### EU Directives.

31. **Mr. M. Higgins** asked the Tánaiste and Minister for Enterprise, Trade and Employment the main features of the new consumer initiative agreed among member states on 18 May. [18049/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The proposed new unfair commercial practices directive aims to clarify consumers' rights and facilitate cross-border trade by establishing common, EU wide rules against aggressive or misleading business-to-consumer marketing. The directive provides for full harmonisation at EU level as soon as traders comply with its provisions.

Article 5 of the directive establishes two general conditions to apply in determining whether a practice is unfair. The practice must be contrary to the requirements of professional diligence and materially distorts consumers' behaviour.

The benchmark consumer to be considered in assessing the impact of a practice is generally the average consumer. There are also measures to prevent the exploitation of consumers, such as children who may be vulnerable to particular practices. Two specific types of unfair commercial practice are defined in more detail as misleading, Articles 6 and 7, and aggressive, Articles 8 and 9.

The directive contains an annex. It lists some specific types of unfair commercial practice that are banned in all circumstances. For example, making false claims about products or creating

[Ms Harney.]

the impression that the consumer cannot leave the premises until a contract is formed.

Under Article 11 member states will have a duty to ensure the rules on unfair commercial practices are enforced and that traders in their jurisdiction who break them are punished. The duty to pursue rogue traders applies equally whether the consumers targeted live in the member state or another part of the EU.

I am pleased that political agreement was reached on the proposal under my chairmanship of the Competitiveness Council. In the autumn it will go back to the European Parliament for a second reading. Agreement on the proposal was complimented by the first reading agreement of the proposal for a regulation that provides for co-operation between the various consumer enforcement authorities of member states. It shall be easier to tackle cross-border abuses of consumer rights. On 18 May the Council noted this fact.

In an Internal Market of 25 member states trade and commerce is increasingly conducted across borders. Therefore, it is critical for consumer confidence that we provide strong protection measures and effective redress mechanisms. These two initiatives were positively progressed under the Irish Presidency and they will contribute greatly to this goal.

#### **Groceries Order.**

32. **Mr. S. Ryan** asked the Tánaiste and Minister for Enterprise, Trade and Employment when she will publish the results of her review of the 1987 Groceries Order that forbids below cost selling. [18087/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** My review of the Order is ongoing and I hope to conclude it in the near future.

#### **Job Losses.**

33. **Mr. R. Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of industrial jobs her Department expects will be lost here in 2004; the reasons for the losses; and if she will make a statement on the matter. [17942/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** It is not possible to predict with any accuracy the future decisions of companies regarding industrial employment, nor is it my intention to try to do so. In terms of job losses in the year to date, however, manufacturing redundancies notified to my Department to the end of May were around 3,900, compared with just over 4,300 in the same period last year.

On balance the outlook for the economy is good, with both the OECD and the ESRI expecting economic growth to recover this year to around 3.5%, reaching 4.5% in 2005 from a low of 1.5% in 2003. Over the medium term, Ireland is expected to revert to its potential

growth rate of 5% as we continue to reap the benefits from our fast-growing labour force and strong position in high-technology sectors. The ESRI also expects that employment will continue to expand, rising to about 1.84 million next year.

We are a vibrant market economy where new jobs are generated by entrepreneurial activity while other jobs are lost due to a myriad of factors, including technology developments, competitive pressures etc. Industrial employment is a key element of our economy and will be in the future. While industrial employment has declined in the past couple of years, we must view those losses against employment expansion in the broader economy. Since 1998, over 270,000 jobs have been created, and the unemployment rate is among the lowest in the European Union and significantly lower than that in France, Germany, Finland or Sweden. That has been helped in no small part by my Government's economic policies and my Department's support for enterprise through its agencies. The quarterly national household survey, or QNHS, prepared by the Central Statistics Office, shows that employment grew in 2003, with an increase of 44,600 or 2.5% in the September to November year-on-year position. Full-time employment accounted for over three quarters of the annual increase.

My Department and agencies are committed to the task of reinvigorating regions where job losses occur through the attraction of new investment. In the future, sustainable employment will be based on competitiveness, higher productivity and the application of technology in both existing and new enterprises. The challenge is to assist companies to move into the type of higher value-added activities that will provide well-paid jobs for our increasingly educated workforce. We are meeting that challenge as the enterprise development agencies re-engineer their support programmes to help clients improve competitiveness, innovation and research and development and smooth their transition to higher-value and more profitable activities.

#### **Insurance Industry.**

34. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the extent to which motor and public liability insurance here is higher than in most other EU countries; the action or actions she proposes to take to deal with the issue; and if she will make a statement on the matter. [18095/04]

83. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the way in which the relative position of public liability insurance costs here and those throughout Europe have changed in recent times with a view to benefiting the consumer here; and if she will make a statement on the matter. [18221/04]

84. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the extent to which she has taken steps to bring pub-

lic liability insurance costs here into line with those prevailing in other EU states; and if she will make a statement on the matter. [18222/04]

86. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the extent to which motor insurance costs here are out of line with those in other EU states; and if she will make a statement on the matter. [18224/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** I propose to take Questions Nos. 34, 83, 84 and 86 together.

The European Insurance in Figures June 2003 report published by the Comité Européen des Assurances, or CEA, shows details of average non-life premia per inhabitant. Those figures include motor and public liability insurance.

The figures for 2001 which are the latest given, show that of 29 European countries listed, Ireland ranked fourth-highest, with a value of €1,123, Luxembourg was highest, with a value of €2,084, Switzerland was second-highest, with a value of €1,642, the Netherlands were third, with a value of €1,125. The United Kingdom, with a value of €1,072, was fifth-highest. Estonia was second-lowest, with a value of €67, and Turkey was lowest, with a value of €23. The average premium in Europe in 2001 was €581.

The ratios must be analysed carefully. The figures comparing premium amounts to the number of inhabitants do not correspond to sums actually paid by those insured, and in addition they do not always include only or all premia paid by the inhabitants of the country concerned. In Luxembourg, for example, insurers largely benefit from freedom to provide services, or FOS, whereby any insurer authorised to write business in the EEA may provide insurance into any other member state. Countries like Switzerland, Ireland and the UK have a high density of insurance.

The difficulties caused by high insurance premia for all sectors are of great concern to the Government. The 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 insurance reform programme that I announced on 25 October 2002 comprises a comprehensive set of inter-related measures designed to improve the functioning of the Irish insurance market. I chair a ministerial committee established to drive the co-ordinated implementation of the reform programme across the relevant Departments and other bodies concerned. Substantial progress is being made on a range of measures that will radically overhaul the functioning of the insurance market and help tackle the high cost of insurance. The key measures include: implementation of the recommendations in the Motor Insurance Advisory Board action plan within a target timeframe; and establishment of the Personal Injuries Assessment Board. The Personal Injuries Assessment Board Act was

signed into law on 28 December 2003. The board was established and members appointed on 13 April 2004. The PIAB commenced dealing with employer liability cases from the 1 June 2004, and it is my intention that it commence dealing with motor and public liability claims from autumn 2004. A book of quantum — an aid for assessing the level of compensation based on the type of injury involved — which is essential for the successful operation of the PIAB, was published by PIAB on 2 June 2004; and the undertaking by my Department and the Competition Authority of a joint study into the insurance market. The study will identify and analyse barriers to entry and limitations on rivalry in the insurance marketplace. The bulk of the study was completed in 2003, and a preliminary report and consultation document on competition issues in the non-life insurance market was published on 18 February 2004. Following consultation, a final report will be published later in the year which will contain recommendations based on the findings.

Significant progress has been made by the Department of Transport regarding the implementation of the road safety strategy. For example, the introduction of the penalty points system has already reduced the number of accidents on our roads, which has benefits far beyond the cost of insurance. Two new road traffic Bills are expected to be enacted by the end of July 2004. The Minister for Justice, Equality and Law Reform, Deputy McDowell, published the Civil Liability and Courts Bill on 11 February 2004, and it is currently before the Houses of the Oireachtas. That Bill contains measures to streamline the law regarding personal injury claims, including measures to deal with fraudulent and exaggerated claims.

While EU law prohibits the imposition of price control on insurance, I have made it clear that I consider there to be an onus on the insurance industry to ensure that the reforms to be taken will have the effect of significantly reducing the cost of premia to consumers and businesses. Indications to date are that the reform programme is having its desired effect. The CSO publishes monthly indices of costs for a number of classes of insurance. Those statistics show that there was a reduction of 12.9 index points, or 12.1%, in motor car insurance between the months of October 2002, when the programme was launched, and April 2004, which is the latest figure available. Reductions are also beginning to occur in the cost of employers' liability and public liability insurance premia, which represent a significant burden for businesses. As implementation of the reform programme continues, I expect further reductions to occur in all forms of insurance. I am also confident that the measures that the Government is putting in place to reform the Irish insurance market will attract new players into the market leading to further downward pressure on premia.

### Work Permits.

35. **Ms Burton** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the recent report published by the Migrant Rights Centre, Ireland regarding work permits in which it suggested that temporary work permits should be the exception rather than the rule and that permits should be detached from the employer; her views on the recommendations made; and if she will make a statement on the matter. [18042/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** I am aware of the report in question and of similar proposals from other interested parties.

At present the work permit system grants the permit to an employer to recruit a specific employee to fill a specific vacancy, where the employer has been unable to find a suitable employee within Ireland or the wider European Economic Area. That arrangement does have the safeguard that the non-EEA employee in question is coming to fill a specific vacancy, an important factor when most of the personnel in question are at the lower end of the skills spectrum.

In recent years, work permit personnel have been readily facilitated in changing jobs, and in such circumstances a new work permit is issued to an eligible employer. That flexibility has been possible and warranted by the relatively high number of vacancies arising in recent years.

If we moved to a situation where a work permit were given to the individual employee, we would in effect be giving on authorisation to come to Ireland in search of an employer. Such a system is not impossible, but it gives rise to several serious policy questions and raises very significant resource issues. Any informed decision to move to a new system should take those into account.

Any proposal to issue employment permits directly to employees raise questions such as: To whom would permits be issued? In respect of what skills? How many per year? Would we give quotas to other countries, if requested, and if so, to which countries? For how long might a person seek a job? What would be done if a person did not find a job within the period allowed? Would families of the work permit holder be permitted to travel immediately and, if so, who would be responsible for their support in Ireland? What impact, if any, would such a programme have on the housing market, particularly at the lower end of the rented private sector? The Department of Justice, Equality and Law Reform has had to put in place very significant resources in recent years to give detailed consideration to applications from 10,000 to 12,000 asylum seekers per year. Given the likely level of demand for employment permits from aspiring employees, the question arises as to whether the State would be prepared to devote an equivalent amount of resources to detailed assessment of employment permit applications from a similar or even greater number of

applicants and whether that would be a priority call on resources.

It is anticipated that, following EU enlargement, the greater portion of our overseas personnel needs will be met from within the EU, thus obviating the need for a work permit.

### Departmental Investigations.

36. **Mr. Stagg** asked the Tánaiste and Minister for Enterprise, Trade and Employment the total costs incurred by the State, at the latest date for which figures are available, arising from the various inquiries instigated by or on behalf of her Department; the element of those costs that have been recovered from any of the other parties involved; and if she will make a statement on the matter. [18091/04]

58. **Mr. Sherlock** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position in regard to each of the inquiries being carried out by or on behalf of her Department; the projected date for the conclusion of each such investigation; the inquiries in respect of which reports have been referred to the DPP; and if she will make a statement on the matter. [18090/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern):** I propose to take Questions Nos. 36 and 58 together.

Sixteen investigations into company law matters have been initiated by me since I first came into office as Minister for Enterprise, Trade and Employment.

In three cases, the High Court appointed, on an application by me, inspectors under section 8 of the Companies Act 1990. The inspectors appointed to Ansbacher (Cayman) Limited presented their report to the High Court on 10 June 2002. The report was subsequently published. The report has been passed to the Director of Public Prosecutions. Section 8 inquiries into the affairs of National Irish Bank Limited and National Irish Bank Financial Services Limited are continuing. I understand that the final report of the inspectors is expected to be presented to the High Court on or before 31 July 2004.

One investigation under section 14 of the Companies Act 1990 was completed in 1998. The report on that has been passed to the DPP.

Eleven investigations were initiated by me under section 19 of the Companies Act 1990. Six of those have been concluded. Of the six investigations completed, two of the reports were passed to the DPP. Several summary prosecutions have since been successfully concluded in one case. One report provided an input into the successful application to the High Court for the appointment of inspectors under section 8, while the fourth report was passed to the relevant High Court inspectors. One report was completed in September 2002, and a further report was completed in March 2003. Both reports have been

referred to the Director of Corporate Enforcement.

Three investigations under section 19 are ongoing. The authorised officer has recently indicated to me that he is now unlikely to meet his previous estimate of mid-2004 for completion of reports on those investigations. I am not in a position at this stage to say when the authorised officer is likely to have completed his work.

Two investigations were held up by legal appeals. Those inquiries are now the responsibility of the Director of Corporate Enforcement.

One investigation was undertaken under section 59 of the Insurance Act 1989. The report on that has been referred to the DPP as well as to the inspectors undertaking the section 8 investigation into that company.

The costs incurred since 1997 through company investigations initiated by or on behalf of my Department currently amount to approximately €10.5 million. That amount does not include the salary costs of Civil Service staff working on several of those investigations or the legal costs which are primarily being borne by the Vote of the Chief State Solicitor. Most of that €10.5 million derives from the costs to date of the High Court inspectors appointed under section 8; €5.5 million in the case of National Irish Bank Limited and National Irish Bank Financial Services Limited, and €3.5 million in the case of Ansbacher (Cayman) Limited.

The question of recovering costs from the section 8 investigations does not arise until such time as the inspectors complete their investigations. In the case of the Ansbacher inquiry, the High Court proceedings taken by the State to recover the costs of the inquiry were settled out of court for the sum of €1.25 million in favour of the State. Section 19 as originally enacted did not provide for the recoupment of costs. That has now changed by the enactment of the Company Law Enforcement Act 2001.

#### **Price Inflation.**

37. **Mr. English** asked the Tánaiste and Minister for Enterprise, Trade and Employment the measures that her Department is taking to monitor prices and report excessive price increases in light of the warning from the Consumers' Association; and if she will make a statement on the matter. [17938/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The responsibility of the Government regarding the prices of goods and services is generally limited to ensuring that markets are working properly for the benefit of consumers and of the economy as a whole. Many people in the country share concerns over the price of goods and services, and I would like to emphasise that the Government is acutely aware of the difficulties which price increases pose for the average Irish consumer and our tourists. However, we must note the progress made in bringing inflation below the Government target

of 2%, which we set last year, with the inflation rate for May being 1.7%.

The National Competitiveness Council and the Competition Authority undertake on a continuous basis investigations into the competitiveness of the Irish economy and the level of competition within it. Those investigations highlight the key areas that require attention to enhance Ireland's competitiveness and economic performance.

As Deputies know, I have also set up the new consumer strategy group, whose main role is to advise and make recommendations for the development of a national consumer policy strategy. In the performance of that role, the group is entitled to initiate studies which demonstrate objectively whether Irish consumers are getting a fair deal. The group has announced its public consultation on consumer issues and invited individual consumers, representative organisations, businesses and any other interested parties to contact it with views and submissions by 9 July next. The group is to produce a final report to me by the end of 2004.

With regard to other measures, I mention the ongoing work of the Office of the Director of Consumer Affairs, which has published and highlighted the results of price surveys of products ranging from products such as CDs to petrol, car insurance to drinks prices over a rugby weekend, and potatoes to over-the-counter medicines.

As well as price surveys, the consumer is assisted in making purchasing choices through the four price display orders made under the Prices Acts and by the European Communities (Requirement to Indicate Product Prices) Regulations 2002, which oblige retailers to display prices and, where appropriate, the unit price for products. Consumers have their part to play in acting on such information and seeking out the most competitive prices available.

#### **Work Permits.**

38. **Ms O'Sullivan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the total number of work permits issued to date under the new arrangements to give access to employment to the spouses of non-EEA nationals working here; and if she will make a statement on the matter. [18068/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** I am informed that, from 1 January 2004 to date, a total of 179 work permits have been issued in respect of the spouses of non-EEA nationals working here.

#### **Job Creation.**

39. **Mr. Murphy** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on the concerns of Enterprise Ireland concerning the effect that the suspension of the business expansion scheme is having on the emergence of start-up companies; and if she will make a statement on the matter. [17941/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** As the Deputy will be aware, my colleague, the Minister for Finance, Deputy McCreevy, in his 2004 Budget Statement, announced that both the business expansion scheme, or BES, and seed capital scheme, or SCS, were being extended for a further three years to 31 December 2006 and that the maximum amount a company could raise under the two schemes was being increased from €750,000 to €1 million. I supported that decision, as there was a strong business case for extension of both the BES and SCS. Businesses, particularly small and start-up companies, often experience difficulty in accessing early stage development capital, and the BES and SCS help to bridge the financial difficulties experienced by new entrepreneurs. To that end, Enterprise Ireland has been actively marketing both schemes.

Following that announcement, the European Commission raised issues on a number of budget announcements on state-aid grounds, including the extension of the BES and SCS. Accordingly, the Finance Act 2004 provided that the extension of the schemes to 31 December 2006 and the increase in the company limit, along with some additional changes regarding the operation of the schemes provided for in that Act, would be subject to a commencement order being made by the Minister for Finance to allow clarification of the state-aid issues raised by the European Commission. Accordingly, the schemes are in effect in suspension from 5 February 2004 for new investments until such time as the Minister signs the commencement order.

I can assure the Deputy that my Department and Enterprise Ireland are working very closely with the Department of Finance to provide the clarification required by the Commission. The objective is to re-launch the BES and SCS as soon as the state-aid ruling is received. I fully appreciate the importance of both schemes to encourage entrepreneurs and private investors to invest in new start-up business and micro-enterprises.

In the meantime, Enterprise Ireland continues to work with client companies to identify alternate sources of funds, such as its seed and venture partners. Under the National Development Plan 2001-06, Enterprise Ireland has committed €95.23 million towards the establishment of 14 new funds. However, the BES will remain a key source of start-up funding.

#### **Trade Union Recognition.**

40. **Mr. Ferris** asked the Tánaiste and Minister for Enterprise, Trade and Employment if IBEC, or representatives of IBEC, have raised the issue of trade union recognition with her since 1997; and if she will make a statement on the matter. [17951/04]

47. **Mr. Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment, further to Question No. 56 of 13 May 2004, the details of the meeting which she held in June 1999

with representatives of a number of high-tech companies at which the issue of trade union recognition was on the agenda; the context in which trade union recognition was put on the agenda at that meeting; if she was asked by the representatives of the high-tech companies for any commitments regarding the non-introduction of trade-union recognition; if she made any commitments to those companies regarding the introduction of trade union recognition; the positions outlined by all parties present at the meeting regarding trade union recognition; and if she will make a statement on the matter. [17954/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):** I propose to take Questions Nos. 40 and 47 together.

In my reply to Question no. 56 of 13 May 2004, I identified one meeting that I had in the past five years in which the issue of trade union recognition was raised in a substantive way. In the time available to me to answer Deputy Ferris's current question, I have not been able to examine all relevant records before 1999. I will continue to check my records, and I will contact the Deputy separately as soon as I have completed that search.

With regard to my meeting in June 1999 with representatives of several high-tech companies, that meeting was sought after the report of the high-level group on trade union recognition was finalised. The topic of trade union recognition was raised within the context of the recommendations of that report. The group had recommended procedures for dealing with disputes in employment where negotiation arrangements were not in place. Consultations by the high-level group with various interested parties on the implementation of the recommendations were ongoing at that time, and the high-tech company representatives were interested in how the Government, in consultation with the social partners, intended to give effect to the procedures. I advised them of the Government's commitment to maintaining the voluntary approach to industrial relations issues in line with the recommendations of the high-level group. The recommended procedures were subsequently given effect through the code of practice on voluntary dispute resolution and the Industrial Relations (Amendment) Act 2001.

#### **Health and Safety Regulations.**

41. **Mr. Broughan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position with regard to her consultation with the social partners on proposals to increase penalties for breaches of the health and safety legislation, especially in view of the ongoing level of death and injury being caused to workers; if, in particular, her attention has been drawn to the concerns expressed by the Buildings and Allied Trade Union at the fine of just €5,000 imposed on a company (details supplied) as a result of safety

breaches that led to the death of a worker; and if she will make a statement on the matter. [18040/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):** Proposals to repeal and amend the Safety, Health and Welfare at Work Act 1989 have been developed at departmental level, and the Government has approved the publication of the Safety, Health and Welfare at Work Bill 2004. The proposals in the Bill are largely the result of a review carried out by the tripartite board of the Health and Safety Authority, which includes representation from the social partners. The board had been requested to carry out a fundamental review of the Act with a view to identifying where changes and improvements could be made to the existing principal legislation.

The social partners have also been consulted individually on the proposed Bill, and their views have been taken into account.

The new Bill will have provision for increased fines following conviction in the courts. It will provide for penalties of up to €3,000 and imprisonment of up to six months, or both, on summary conviction in the District Court and of up to €3,000,000 and imprisonment of up to two years, or both, on conviction on indictment in the Circuit Court. The Bill also has provisions for on-the-spot fines.

The level of fine applied in respect of convictions for breaches of occupational safety and health legislation is a matter solely for the courts to determine in the particular circumstances of each case. A range of factors impact on that, including whether the relevant proceedings are summary prosecutions or prosecutions on indictment, whether the accused pleads guilty to the charges, as well as the level of penalties provided for in the legislation.

Where convictions arise for serious breaches of the legislation, I believe that provisions should exist to enable the courts to apply penalties which they consider commensurate with the nature and circumstances of the offences. The new Safety, Health and Welfare at Work Bill will strengthen and enhance existing provisions in that respect.

#### **Partnership Agreements.**

42. **Mr. Ferris** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will commission a study of the numbers of workers who have not benefited fully from each national pay agreement; if her attention has been drawn to any sectors in which the problem exists; the plans she has to tackle the problem; and if she will make a statement on the matter. [17952/04]

55. **Mr. Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on whether low-paid workers have not benefited from recent partnership agreements; the steps she will take to deal with the problem; and

if she will make a statement on the matter. [17953/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):** I propose to take Questions Nos. 42 and 55 together.

Social partnership has made a significant contribution to the Irish economy over the past 17 years. The scope of national partnership has widened and deepened over the years, and national agreements now cover not just pay but a broad range of issues, including employment and enterprise development, competitiveness and greater social inclusion. The shared overall goal of the current agreement is to continue progress towards sustaining economic growth and maintaining high levels of employment and securing living standards for all, while strengthening the economy's competitiveness.

The private sector pay element of the agreements is negotiated by IBEC on behalf of employers and by ICTU representing employees. Agreement is reached following detailed discussions between the parties.

The most recent agreements have included recommendations for increases in the national minimum wage. The current agreement, Sustaining Progress, recommended an increase in the national minimum wage to €7. That increase was given effect from 1 February 2004 by statutory order.

Research has been undertaken by the ESRI before and since the introduction of the minimum wage. That body of research shows that the minimum wage has benefited the low-paid, in particular, women and young workers. It has also shown that the percentage of workers on the minimum rate has reduced substantially — from 21% in 1999 to 4.5% at the end of 2002.

The series of national agreements since 1987 has facilitated and encouraged Ireland's economic development and brought benefits to employers, employees and the country as a whole. Unemployment now stands at 4.4%, compared with 17% in 1987; the national debt-to-GDP ratio has fallen from 125% in 1987 to 32.8% at the end of 2003; while in the ten years to 1987 inflation was running at an average of 12%, in May of this year the rate of inflation, as measured by the CPI, was 1.7%. Furthermore, during the period of partnership, the real earnings of workers increased by 40.3%.

#### **Economic Competitiveness.**

43. **Ms Shortall** asked the Tánaiste and Minister for Enterprise, Trade and Employment the progress made by the monitoring process established to consider and track progress in implementing the recommendations of the National Competitiveness Council's annual report for 2003; and if she will make a statement on the matter. [18081/04]



**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** Last month my Department chaired an interdepartmental meeting to discuss progress on the implementation of the National Competitiveness Council's recommendations with the relevant Departments concerned. My Department is preparing the first report to the Government arising from its decision of 25 November 2003 to review Ireland's competitiveness status, including the implementation of the National Competitiveness Council's recommendations at twice-yearly intervals. It is intended that that report will be presented to Government for its consideration later this month.

#### **Industrial Relations.**

44. **Ms McManus** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the call from the trade union Mandate for action to outlaw trading by major stores on Easter Sunday, Christmas Day and St. Stephen's Day, particularly in view of the decision of one chain to open on Easter Sunday in 2004, which had been one of the few days on which all major stores closed; the details of her response to the call made; and if she will make a statement on the matter. [18065/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The law on trading hours is governed by the Shops (Hours of Trading) Act 1938. That Act was introduced to control competition in the retail sector through the making of regulations which controlled the closing times for shops in specific areas and for specific trades.

As regards opening on Easter Sunday or any other Sunday, that is governed by an order made by the Minister in 1938, SI No. 188 of 1938, which exempted the whole country from any restrictions on trading on Sundays. In general shop opening hours are best left to individual enterprises in consultation with their employees. There is no power under the Act to close shops on public holidays.

I am aware that there is some limited trading on public holidays, but there is protection for employees under the Organisation of Working Time Act 1997. Under that Act, employees have rights in respect of nine public holidays during the year. The options open to employees who have to work on public holidays are an additional day's pay, or a paid day off within a month of the day, or an additional day of paid annual leave.

#### **Industrial Development.**

45. **Mr. Boyle** asked the Tánaiste and Minister for Enterprise, Trade and Employment the plans the Government has to find a replacement industry to locate in the former plant of a company (details supplied) in Macroom, County Cork. [18134/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** Since becoming available for sale in September 2002, both IDA Ireland and Enterprise Ireland have actively marketed the facility to a range of target sectors and existing client companies. I understand that the facility was sold recently to a private developer and that the plant is now let to Delta Homes Limited. The company currently employs 75 people in its plant in Cobh, County Cork, and has announced that it expects to grow its workforce in Macroom to 300 in the coming years.

The major decentralisation package announced in the budget includes 70 jobs to be relocated to Macroom. That move demonstrates the Government's commitment to balanced regional development and will provide a further boost to enterprise development in the area.

While those are positive developments for Macroom and the surrounding area, I wish to assure the Deputy that the State development agencies, under the aegis of my Department, will continue to actively promote Macroom for investment and job creation.

#### **Departmental Investigations.**

46. **Mr. Gilmore** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has received a preliminary report from the Director of Corporate Enforcement into reports of improper activities in a firm (details supplied); and if she will make a statement on the matter. [18047/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The Company Law Enforcement Act 2001 requires the Director of Corporate Enforcement to perform his functions with respect to the Companies Acts on an independent basis. The director also has a legal obligation to safeguard the confidentiality of information obtained by virtue of the performance of his functions. It is not therefore the practice of the director to report to me on any individual case or issue which is the subject of examination by his Office.

It is, however, a matter of public record that the Director has acted under section 19 of the Companies Act 1990, as amended, to require the production by AIB Investment Managers Limited of certain documents related to the investigations undertaken by AIB plc into the relationship between Faldor Limited, AIB Investment Managers Limited and former senior AIB executives and other similar matters. In accordance with law, the director will make his own evaluation and decisions regarding those matters in due course.

*Question No. 47 answered with Question No. 40.*

#### **Consumer Protection.**

48. **Dr. Upton** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will

consider amending the Pyramid Selling Act 1980 to outlaw so-called gifting schemes specifically; and if she will make a statement on the matter. [18094/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The EU Competitiveness Council, under my chairmanship, gave political agreement on 18 May 2004 to a proposed directive which, *inter alia*, will prohibit a wide range of “pyramid schemes”, including schemes of the type referred to by the Deputy. I hope that the directive will be adopted by the Council and Parliament later this year. A further period of two years is provided for the transposition of the directive into national law.

In the meantime, I believe the best remedy is common sense. It is clear that some participants in such schemes inevitably lose their money. People are entitled to use their money as they please, but given the publicity that has attached to the issue, they cannot be in any doubt about the risk they are taking if they participate in those schemes. If a scheme sounds too good to be true, it is probably just that — too good to be true.

#### Job Protection.

49. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Enterprise, Trade and Employment, further to the commitment in the programme for Government to review the ways in which older persons can be encouraged, when they so wish, to extend their working lives without financial penalty, if she will bring forward legislation to remove the provisions which disqualify those over the age of 66 from the terms of the Redundancy Acts; and if she will make a statement on the matter. [17949/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):** The commitment in the programme for Government was met by the 15% increase in the special income exemption limits for those aged over 65, resulting in an almost doubling of the limits since 1997.

The redundancy review group report of July 2002, which produced recommendations for the updating of statutory redundancy legislation, considered that increasing the upper age limit of 66 for redundancy qualification purposes would not be a priority in the short term if resources were scarce. It could be argued, therefore, that the age cap should remain unchanged to maintain consistency with the Unfair Dismissals Acts 1977 to 2001 and the Employment Equality Act 1998.

The group recognised, however, that the labour force is becoming older and that participation in the labour force by older people, if desired, should be facilitated. Accordingly, it was recommended that consideration be given in the medium term to removing the age cap or raising the age cap in conjunction with similar changes to unfair dismissals, equality and social and family

legislation as recommended by the Equality Authority.

There are no plans at present to remove the upper age limit in respect of statutory redundancy. However, in the light of the evolution of age-related legislative provisions, it will be necessary to review the age-related provisions of the Redundancy Payments Acts. That will have to be done before making legislative proposals for submission to the Government.

#### Job Losses.

50. **Mr. Costello** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the claim made by the Small Firms' Association that the country was on track to lose more than 30,000 jobs in 2004; her views on this assessment; and if she will make a statement on the matter. [18045/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** While significant levels of redundancies continue to be notified to my Department, employment growth in Ireland continues to be extremely robust and considerably better than the European average. That is a reflection of the strength of the Irish economy.

As the Small Firms' Association itself recently recognised publicly, I have now, as Minister with responsibility for small business, presided over the most prolonged period of economic success that the owner-managed sector in this country has ever enjoyed. Personal taxes have been reduced, and living standards for 1.8 million workers have increased beyond the average of the EU for the first time in our history. Education, health, welfare and infrastructural spending have all increased. Ireland has an historically low interest rate regime, and the association also acknowledged that our current inflation rate is also low by historical standards.

The development of a competitive economy is a central tenet of generating sustainable employment and growth and is the focus of this Government's policies.

Initiatives by the Government and the State development agencies, including reducing the burden of unnecessary legislation, are aimed at helping the country progress towards a knowledge and innovation driven economy.

Ongoing six-monthly assessment of our competitive position will ensure that appropriate and timely actions are taken to address identified weaknesses.

I might also add that the IDA believes that this year will be the best since 2000 for new investment into Ireland and an increase in the value and scale of activities in overseas companies operating here. That view is based on contacts with client companies and strong indications of a substantial recovery in growth in the global economy and consequent increased flows of foreign direct investment.

### Research Funding.

51. **Mr. Eamon Ryan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the progress which has been made in finalising the European Union's sixth framework programme for research and development, specifically the details of the provisions for the funding of embryonic stem cell research. [18125/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The sixth framework programme and associated budgetary envelope was adopted by Council decision of 27 June 2002 in respect of the overall programme, and 30 September 2002 in respect of the relevant specific programme, encompassing the various thematic areas, including advanced genomics and its application to health. A total of €1.1 billion has been allocated to that broad thematic area. The theme makes provision for stem cell research. However, no specific funding lines are allocated to individual research topics, nor does the framework programme make a specific distinction between adult and embryonic stem cell research as regards the submission of proposals or the allocation of funding.

At the time of the adoption of the specific programmes in September 2002, it was envisaged that detailed guidelines and safeguards to regulate the conduct of research activity in respect of human embryonic stem cells should be adopted by the end of 2003. In the event, it did not prove possible to secure the necessary qualified majority in Council for the adoption of such guidelines.

Given that situation, responsibility now rests with the Commission to examine such proposals as it may receive for research into stem cells acquired from human embryos, bearing in mind the provisions of the established regulatory procedure which governs research in the area. Under that procedure, and in accordance with the relevant Council decision of 28 June 1999, the Commission refers proposals for projects to the Council if there is no agreement in the programme committee tasked with examining them in the first instance. The Council may, by qualified majority, oppose such proposals. At this point no such proposals have been referred by the Commission to the Council.

### European Council Meetings.

52. **Mr. Stanton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the outcome of the most recent meeting of the Employment Council which was held in Luxembourg; the recommendations that have flowed from this Council meeting; the actions the Government intends to take on foot of this meeting; and if she will make a statement on the matter. [17944/04]

59. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Enterprise, Trade and Employment the main features of the labour market

reforms agreed by EU Employment Ministers at their meeting on 1 June 2004; and if she will make a statement on the matter. [18053/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):** I propose to take Questions Nos. 52 and 59 together.

The Employment Social Policy Health and Consumer Affairs Council met on 1 and 2 June 2004 in Luxembourg. I chaired the employment items on the agenda. The Minister for Social and Family Affairs, Deputy Coughlan, chaired the social protection items and the Minister of State at the Department of Justice, Equality and Law Reform, Deputy O'Dea, chaired the equality items. The health agenda was chaired by the Minister for Health and Children, Deputy Martin, on 2 June.

The Council reached political agreement on the 2004 employment guidelines and on a recommendation on the implementation of member states employment policies. The employment guidelines and the recommendations will form the basis for the national employment action plans, which are to be submitted by the member states to the Commission by October 2004.

The labour market reforms cover the areas which the European Employment Taskforce identified as needing priority attention by member States: increasing adaptability of workers and enterprises; attracting more people to enter and remain on the labour market; and investing more and more effectively in human capital and life-long learning.

These areas have been given practical application through a series of specific recommendations for individual member states which, in the case of Ireland, include the following: increase access to active labour market measures for a larger share of the unemployed and inactive population and ensure their effectiveness; increase the supply aid affordability of child care facilities and take urgent action to tackle the causes of the gender pay gap; and implement a coherent life-long learning strategy to reduce early school leaving and increase participation in training, especially for the low-skilled and for older workers.

The overall employment package has been submitted for endorsement by the EU Heads of State at the European Council meeting in Brussels on 17 and 18 June 2004.

At the June Council meeting I also briefed my colleagues on the work of the Irish Presidency on an amended proposal for a directive on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents — optical radiation. The Irish Presidency is now in the final stages of preparation of a revised draft for a Council directive in this important area. The proposal will be formally presented at the Council Working Party before the end of June.

Full details of the June Employment Council meeting can be found on the Europa website at [www.Europa.eu.int](http://www.Europa.eu.int).

*Question No. 53 answered with Question No. 21.*

*Question No. 54 answered with Question No. 6.*

*Question No. 55 answered with Question No. 42.*

#### **Work Permits.**

56. **Mr. O'Shea** asked the Tánaiste and Minister for Enterprise, Trade and Employment when the promised legislation to put the employment permit regime on a comprehensive and sound statutory footing will be introduced; the reason for the delay in bringing forward the legislation, which was originally premised for 2003; and if she will make a statement on the matter. [18067/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** While the Bill has been drafted, several significant legal issues have arisen, and those are being addressed in consultation with Department of Justice, Equality and Law Reform and the Office of the Attorney General. Those issues will be resolved as quickly as possible.

#### **Personal Injuries Assessment Board.**

57. **Mr. Penrose** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position with regard to the operation of the Personal Injuries Assessment Board; the number of staff recruited to date; the number of claims received to date by the board; and if she will make a statement on the matter. [18072/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The Personal Injuries Assessment Board was established by Ministerial Order on 13 April 2004. From 1 June 2004, all personal injury claims arising from workplace accidents, where an employee is seeking compensation from his or her employer, must be referred to the Personal Injuries Assessment Board before legal proceedings are issued.

The structure and staffing levels of the PIAB have been agreed. The PIAB, when fully operational, will have a staffing complement of up to 85, in addition to the CEO. The PIAB is also utilising an outsourced service centre to assist injured parties in the completion of their claim submissions and ensure that a comprehensive, fair and independent service is provided.

The actual recruitment of staff is an operational matter for which the CEO of the Personal Injuries Assessment Board has responsibility. However, I understand that a significant recruitment campaign is underway and that several key management and assessor positions have been filled.

While matters relating to the claims received by PIAB are also an operational matter for which the CEO has responsibility, I understand that 70,000 website inquiries have been received, 600 approaches for claims registrations have been made and 45 claims have been received.

The establishment of the PIAB is a significant milestone in the Government's insurance reform programme, which will lead to reduced insurance premia to the benefit of consumers and businesses alike. By eliminating the need for litigation costs where legal issues are not in dispute, the PIAB will significantly reduce the cost of delivering compensation. The PIAB will also offer speedier assessments to the benefit of claimants.

*Question No. 58 answered with Question No. 36.*

*Question No. 59 answered with Question No. 52.*

#### **County Enterprise Boards.**

60. **Mr. Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will provide additional funding to efficient county enterprise boards; and if she will make a statement on the matter. [17966/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** In determining the allocations for individual city and county enterprise boards, or CEBs, this year, my Department adopted a systematic approach to ensure the maximum degree of objectivity and equity of treatment. That approach involved the provision of a basic allocation to each board, as well as an additional allocation that was determined mainly by population but which also took account of issues such as unemployment, capacity to spend, existing commitments and regional spread. I do not expect to be in a position to provide any additional funding under any heading to any board this year.

With regard to the issue of efficiency, my Department, in partnership with the CEBs, continually monitors and evaluates the level of service provided by the boards to their client base. There is both a formal procedures manual and operating agreement in place between the Department and the boards to ensure that the efficient delivery of services by all CEBs is standardised across the country.

#### **Decentralisation Programme.**

61. **Dr. Upton** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her Department has yet carried out a risk assessment of the decentralisation plans announced on budget day 2004, in so far as they may impact, either directly or indirectly on her Department, or on any agency or body operating under the aegis of her Department; when she expects to

[Dr. Upton.]  
receive the risk assessment; and if she will make a statement on the matter. [18093/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** Officials of my Department have recently finalised a comprehensive implementation plan on the decentralisation of those sections or offices of the Department which have been approved by me for relocation to Carlow. That initial plan, along with plans from all other decentralising Departments, has now been submitted to the central implementation group. The document clearly demonstrates that my Department prioritised risk minimisation when taking decisions regarding the decentralisation of the selected areas of the Department. In addition, many of the areas of the Department identified for relocation have recently undergone business process re-engineering exercises, which will now be revisited in the context of decentralisation. Furthermore, the central applications facility will provide additional information which will be crucial to the further development of risk assessment and risk mitigation strategies.

Following the completion of my Department's implementation plan, an overall risk assessment framework will now be carried out which will assess direct and indirect risks, threats to, and opportunities for the synergies between the Department and its agencies during and post decentralisation. At this stage it is not possible to provide an exact time frame for the completion of the assessment.

The four agencies operating under the aegis of my Department which have also been identified for decentralisation — FÁS, the National Standards Authority of Ireland, the Health and Safety Authority and Enterprise Ireland — have finalised their initial implementation plans, and some of the agencies have indicated that they will undertake separate risk assessments in their own organisations to identify potential issues with regard to their own internal and external interfaces.

### EU Directives.

62. **Ms Shortall** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on whether the new EU regulations designed to cut the price of spare car parts introduced as part of the block exemption changes will lead to substantially lower servicing bills for car owners here; her further views on whether that will end the grievance of high prices for car parts exclusively made and distributed by car makers through franchised dealers; and if she will make a statement on the matter. [15876/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** Block Exemption Regulation 1400/2002 on the distribution and servicing of motor vehicles in the European Union entered into force on 15 October 2002. The regulation provided for a one-year tran-

sitional period during which pre-existing agreements were to be brought into line with new rules.

The new regulation introduced several important changes to the previous regulation and, in particular, broke the sales/service link. Accordingly, dealers are now allowed to choose between carrying out repairs themselves or subcontracting there to an authorised repairer within the dealer's network.

With regard to the issue of spare parts, the regulation introduced measures that will increase competition in repairs and maintenance. In particular, authorised and independent repairers must be allowed to source original spare parts, that is, spares that are of the same quality as those used in the manufacture of the car, directly from the manufacturer of the spare parts and also non-original — matching quality — spare parts supplied by others. In addition, authorised repairers cannot be prevented from re-selling original spare parts to independent repairers, repairing and maintaining cars of competing brands, or selling the business to any other authorised repairer of the same brand.

It is anticipated that the ability of both independent and authorised repairers to source spare parts from a variety of sources is likely to result in greater competition in the market for spare parts and enable the independent sector to compete more effectively with repairers that are linked to the manufacturer. While it is not possible to predict the impact which these developments will have on consumer prices, it is likely that, over time, they will benefit consumers both in terms of price and choice.

*Question No. 63 answered with Question No. 28.*

### Interdepartmental Committees.

64. **Mr. Gogarty** asked the Tánaiste and Minister for Enterprise, Trade and Employment the interdepartmental committees her Department is engaged in with regard to energy policy issues here; the number of times such a committee meets; and the membership and reports that are expected to be published as a result of this work. [18123/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The Department of Enterprise, Trade and Employment is represented on the cross-departmental team that has been established under the Cabinet sub-committee on housing, infrastructure and public private partnerships, which considers energy policy issues, among other items. The team, which is chaired by the Department of the Taoiseach, meets on an *ad hoc* basis to prepare for Cabinet consideration of major policy issues. Publication of the results of the team's work programme is a matter for sponsoring Departments when the deliberation on the topic in question has been completed.

### Decentralisation Programme.

65. **Mr. Stagg** asked the Tánaiste and Minister for Enterprise, Trade and Employment the details of any survey that has been undertaken in regard to proposals for decentralisation to establish the number of persons employed in her Department and in boards or agencies operating under the aegis of her Department who are willing to move to the new locations announced in budget 2004; the results of any such survey; and if she will make a statement on the matter. [18092/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** Following the announcement of the decentralisation programme in last year's budget, the Department of Enterprise, Trade and Employment undertook a survey to gauge the level of interest in the programme among its staff. Approximately 50% of staff responded to the survey, the results of which indicated that 32% of respondents were interested in moving to the various locations identified in the decentralisation programme. Surveys have been conducted by some of the agencies operating under the aegis of the Department which have been identified for decentralisation to establish staff interest in relocation. The surveys concentrated on the specific location to which agencies are relocating, as opposed to the new locations announced in the budget 2004. The responses do not, therefore, provide a complete picture of the willingness of staff of the agencies to relocate under the decentralisation programme. I am confident that information emerging from the central applications facility, which was launched on 12 May, will provide a more reliable and realistic indication of the number of staff in the public service who are willing to relocate under the decentralisation programme.

### Employment Support Services.

66. **Mr. Howlin** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the serious concern expressed by trade unions, commercial firms in the region and the board of the company itself regarding her proposals to break up Shannon Development; if an independent assessment has been done of her proposal to transfer the company's rental income from the Shannon free zone to the Shannon Airport authority; the reasons behind her proposal to transfer 100 jobs from Shannon Development to Enterprise Ireland; and if she will make a statement on the matter. [18038/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** As the House is aware, a number of recent developments will impact on the mid-west region and the State agencies located there. Some 1,210 staff from Departments and State agencies will be decentralised from Dublin to the mid-west region. The headquarters of Enterprise Ireland

will be moved to Shannon, affecting 300 of the agency's Dublin based staff. It has been agreed that the management of Shannon town should be transferred from Shannon Development and vested in Clare County Council. The Minister for Transport's proposal to establish an independent Shannon Airport authority, which is supported by the board of Shannon Development, is also important in this context. In the light of the changed circumstances, I met the chairman, some members of the board of Shannon Development and the chief executive of the company on several occasions to explain and expand on matters under consideration. I asked the board to bring forward detailed proposals in respect of the role Shannon Development can play in the future development of the region and this discussion is ongoing. I am aware of concerns expressed by trade unions, companies in the region and other interested parties. I wish to stress my commitment to the future of Shannon and the mid-west region as a whole. I am concerned to ensure that we put in place the most sensible and efficient structures and that we manage the region's most valuable and strategic assets to optimise their benefit for the entire region.

### Criminal Prosecutions.

67. **Mr. Quinn** asked the Tánaiste and Minister for Enterprise, Trade and Employment further to Questions Nos. 128, 129 and 130 of 18 May 2004, her views on whether allegations of fraud perpetrated on her Department by a person (details supplied) have, in view of subsequent documentation having become available, become null and void; if, in order to bring this matter to finality she will state, on behalf of her Department that it is her and its opinion that no fraud was perpetrated by this person; and if she will make a statement on the matter. [17967/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** I have previously advised the House that the Department of Enterprise, Trade and Employment was not a party to the allegations of fraud made in this case. It is not aware of the basis on which the organisation that made the allegations formed the view that a possible fraud had taken place. I confirm that the Department was advised by the organisation in question that the Garda fraud squad had been alerted to suspected irregularities. Following an investigation, with which my Department co-operated, a file was referred to the Director of Public Prosecutions who decided that there were no grounds for action. The Department and I were happy to accept the results of the investigation. I confirm that neither the Department nor I have any issue or concern to pursue with the individual concerned.

### Insurance Industry.

68. **Mr. J. Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment if the

[Mr. J. Bruton.]

urgent consultations on making employers liability insurance compulsory, promised in the Joint Programme, have yet been completed; the timing, scope, agenda and outcome of these consultations; and the decision the Government has taken arising from them. [17946/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** Extensive consultations have taken place with the social partners about the cost and availability of insurance. The consultations, coupled with the recommendations made by the Motor Insurance Advisory Board, resulted in the establishment of the Government's insurance reform programme. A comprehensive set of recommendations emerged following the MIAB report and consultations with the social partners. The question of making employers liability insurance compulsory did not emerge as an issue. The reform programme has focused on implementing the recommendations which emerged. The MIAB report was the most comprehensive study and analysis of the motor insurance industry ever undertaken in this country. The analysis, conclusions and recommendations extend to other areas of liability insurance, including employer liability insurance and provide a sound basis for addressing the problems being experienced in respect of insurance.

69. **Ms O'Sullivan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the progress made to date with regard to the implementation of her action plan for the insurance industry; and if she will make a statement on the matter. [18069/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The insurance reform programme, which I announced on 25 October 2002, comprises a comprehensive set of inter-related measures designed to improve the functioning of the insurance market. I chair a ministerial committee established to drive the co-ordinated implementation of the reform programme across the relevant Departments and other bodies. Substantial progress is being made on a range of measures that will radically overhaul the functioning of the insurance market and help to tackle the high cost of insurance. The key measures include the implementation of the recommendations in the Motor Insurance Advisory Board's action plan within a target timeframe.

I wish to refer to the establishment of the Personal Injuries Assessment Board. The latter board was signed into law on 28 December 2003. The board was established and members appointed on 13 April 2004. The PIAB started to deal with employer liability cases from the 1 June last. I intend that it will commence dealing with motor and public liability claims from autumn 2004. A book of quantum — an aid for assessing the level of compensation based on the type of injury involved — which is essential for the suc-

cessful operation of the PIAB was published by PIAB on 2 June 2004.

The Department of Enterprise, Trade and Employment and the Competition Authority have undertaken to conduct a joint study into the insurance market. The study will identify and analyse barriers to entry and limitations on rivalry in the insurance marketplace. The bulk of the study was completed in 2003 and a preliminary report and consultation document on competition issues in the non-life insurance market was published on 18 February 2004. Following consultation, a final report will be published later in the year which will contain recommendations based on the findings.

Significant progress has been made by the Department of Transport in the implementation of the road safety strategy. The introduction of the penalty points system has reduced the number of accidents on the roads, which has benefits far beyond the cost of insurance. Two new road traffic Bills are expected to be enacted by the end of July 2004. On 11 February last, the Minister for Justice, Equality and Law Reform published the Civil Liability and Courts Bill, which is before the Houses of the Oireachtas. The Bill contains measures to streamline the law in respect of personal injury claims, including measures to deal with fraudulent and exaggerated claims.

While EU law prohibits the imposition of price control on insurance, I have made it clear that I consider there to be an onus on the insurance industry to ensure that the reforms to be taken will have the effect of significantly reducing the cost of premia to consumers and businesses. Indications to date are that the reform programme is having its desired effect. The CSO publishes monthly indices of costs for a number of classes of insurance. The statistics show that there was a reduction of 12.9 index points, or 12.1%, in motor car insurance between the months of October 2002, when the programme was launched and April 2004, the latest month for which figures are available. Reductions are also beginning to occur in the cost of employers' liability and public liability insurance premia, which represent a significant burden for businesses. I expect further reductions to occur in all forms of insurance as the implementation of the reform programme continues. I am also confident that the measures the Government is putting in place to reform the Irish insurance market will attract new players into the market, leading to further downward pressure on premia.

70. **Mr. F. McGrath** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position regarding her Department's efforts to reduce the high cost of insurance. [18155/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** I am concerned about the difficulties that are being caused by high insurance premiums. The insurance reform programme, which I announced on 25 October

2002, comprises a comprehensive set of inter-related measures designed to improve the functioning of the insurance market. I chair a ministerial committee established to drive the co-ordinated implementation of the reform programme across the relevant Departments and other bodies. Substantial progress is being made on a range of measures that will radically overhaul the functioning of the insurance market and help to tackle the high cost of insurance. The key measures include the implementation of the recommendations in the Motor Insurance Advisory Board's action plan within a target timeframe.

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### Unemployment Levels.

71. **Mr. Connolly** asked the Tánaiste and Minister for Enterprise, Trade and Employment the initiatives she proposes in order to address the incidence of unemployment in north Monaghan, particularly in the Border areas, which currently stands at 50% higher than elsewhere in the country; her strategies for job creation in the area; and if she will make a statement on the matter. [18180/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** According to the latest quarterly national household survey, published by the Central Statistics Office on 16 June 2004, the unemployment rate in the Border area is 5.4%. The corresponding figure this time last year was 6.2%. Support for job creation is a day-to-day operational matter for the industrial development agencies. Job creation and job losses are a feature of economic development worldwide as various sectors expand and contract in response to market demand for goods and services, competitive forces, restructuring and technological change.

IDA Ireland is actively marketing the area on an ongoing basis as a location for foreign direct investment, through its network of overseas offices, to secure new investment and jobs. Enterprise Ireland is working with the Armagh-Monaghan digital corridor project committee to develop these areas into a cluster of ICT-related industries. Enterprise Ireland is working closely with the furniture industry in Monaghan in areas such as design and technology. I am satisfied that a combined agency approach, including the county enterprise board and the local business community, will address job creation needs in the area.

### Flexible Work Practices.

72. **Mr. Eamon Ryan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the efforts her Department has made to encourage employers to allow employees extended



[Mr. Eamon Ryan.]  
career breaks to look after their very young children. [18237/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):**

The development of work-life balance policies in Ireland is addressed on two fronts: through appropriate legislative measures which provide for statutory entitlements such as maternity leave, adoptive leave, carer's leave and parental leave and through the work of the national framework committee for work-life balance policies, allied to a partnership approach in the workplace between employers, employees and trade unions.

To support and facilitate family-friendly policies in the workplace, the social partners agreed under Sustaining Progress to extend the remit of the national framework committee, which was originally established under the Programme for Prosperity and Fairness. The committee, which is chaired by my Department, is now known as the national framework committee for work-life balance policies. The committee has been charged with supporting and facilitating the development of a package of practical measures that can be applied at the level of the enterprise. One of the tasks assigned to the committee is examining how best to improve access to family-friendly working arrangements, to realise the potential benefits that the arrangements would offer from an equality and competitiveness perspective. A range of work-life balance options may be considered at the level of the enterprise, including part-time working, e-working, career breaks and flexi-time.

As we try to achieve work-life balance in individual enterprises, we are challenged with establishing policies that reflect the reality of the workplace and meet the many diverse needs of employees. A partnership approach is the best way to address work-life balance policies at this level, to achieve tailor-made solutions to the benefit of the workforce and the employer. The Government is committed to a two-pronged approach to achieving the goal of making workplaces more family-friendly. I refer to the provision of statutory entitlements through legislative measures and the voluntary approach at the level of the enterprise, which is encouraged at national level by the national framework committee for work-life balance policies.

**Chemicals Regulation.**

73. **Mr. Sargent** asked the Tánaiste and Minister for Enterprise, Trade and Employment if, of the 30,000 chemicals in current use here and in the EU generally; she will list those that are and are not regulated. [16612/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The position in

respect of the regulation of chemicals in current use is complex. It is not possible to give the definitive list requested by the Deputy. Chemicals are subject to a range of specialised legislation. Separate legislation on industrial chemicals, medicines, pesticides, biocides, cosmetics, workplace health and safety, prevention of environmental pollution and food safety, are implemented by a range of Departments and agencies. Different aspects of a chemical's action may be controlled by several types of legislation.

The present system for general industrial chemicals distinguishes between "existing substances" which were on the European market in September 1981 and "new substances", which have been placed on the market since that date. There are about 4,000 "new" substances that have been rigorously tested before they were placed on the European market. Over 100,000 "existing" chemicals, which were included on the European inventory of existing commercial substances, were on the European market in September 1981. They have been exempted from notification and testing to date. It is estimated that 30,000 of the chemicals are still on the EU market.

A review of the current legislative system has led to the development by the European Commission of a draft Council regulation on the registration, evaluation, authorisation and restriction of chemicals, known as REACH. The REACH initiative aims to establish a single coherent system in which all substances — "new" and "existing" — will be treated similarly. It is proposed that all existing substances still on the market will be phased into the new system over an 11-year period, with higher tonnage chemicals and those of highest risk being registered first. Substances with certain hazardous properties that give rise to high concern will have to be given use-specific authorisation before they can be used. The Irish Presidency has been actively involved in progressing the dossier at Council level over the past six months, but the legislation is likely to take a number of years to finalise.

**Insurance Industry.**

74. **Mr. Gogarty** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has plans to tackle the huge cost of public liability insurance, which is inhibiting plans to increase recreational and sporting amenities nationwide, including bowling greens, skateboard parks, playgrounds; if State-funded insurance has been looked at as an option; and if she will make a statement on the matter. [15347/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** I am concerned about the difficulties that are being caused by high insurance premiums. The insurance reform programme, which I announced on 25 October 2002, comprises a comprehensive set of inter-

related measures designed to improve the functioning of the insurance market. I chair a ministerial committee established to drive the co-ordinated implementation of the reform programme across the relevant Departments and other bodies. Substantial progress is being made on a range of measures that will radically overhaul the functioning of the insurance market and help to tackle the high cost of insurance. The key measures include the implementation of the recommendations in the Motor Insurance Advisory Board's action plan within a target timeframe.

I wish to refer to the establishment of the Personal Injuries Assessment Board. The latter board was signed into law on 28 December 2003. The board was established and members appointed on 13 April 2004. The PIAB started to deal with employer liability cases from the 1 June last. I intend that it will commence dealing with motor and public liability claims from autumn 2004. A book of quantum — an aid for assessing the level of compensation based on the type of injury involved — which is essential for the successful operation of the PIAB was published by PIAB on 2 June 2004.

The Department of Enterprise, Trade and Employment and the Competition Authority have undertaken to conduct a joint study into the insurance market. The study will identify and analyse barriers to entry and limitations on rivalry in the insurance marketplace. The bulk of the study was completed in 2003 and a preliminary report and consultation document on competition issues in the non-life insurance market was published on 18 February 2004. Following consultation, a final report will be published later in the year which will contain recommendations based on the findings.

Significant progress has been made by the Department of Transport in the implementation of the road safety strategy. The introduction of the penalty points system has reduced the number of accidents on the roads, which has benefits far beyond the cost of insurance. Two new road traffic Bills are expected to be enacted by the end of July 2004. On 11 February last, the Minister for Justice, Equality and Law Reform published the Civil Liability and Courts Bill, which is before the Houses of the Oireachtas. The Bill contains measures to streamline the law in respect of personal injury claims, including measures to deal with fraudulent and exaggerated claims.

While EU law prohibits the imposition of price control on insurance, I have made it clear that I consider there to be an onus on the insurance industry to ensure that the reforms to be taken will have the effect of significantly reducing the cost of premia to consumers and businesses. Indications to date are that the reform programme is having its desired effect. The CSO publishes monthly indices of costs for a number of classes of insurance. The statistics show that there was a

reduction of 12.9 index points, or 12.1%, in motor car insurance between the months of October 2002, when the programme was launched and April 2004, the latest month for which figures are available. Reductions are also beginning to occur in the cost of employers' liability and public liability insurance premia, which represent a significant burden for businesses. I expect further reductions to occur in all forms of insurance as the implementation of the reform programme continues. I am also confident that the measures the Government is putting in place to reform the Irish insurance market will attract new players into the market, leading to further downward pressure on premia.

The Deputy has asked whether State-funded insurance has been looked at as a means of providing cheaper insurance. I do not believe that State-funded insurance would be appropriate. My priority is to reform the Irish insurance market and make it attractive to new private sector entrants. State funding of an insurance company is not in compliance with EU rules on state aid.

#### Work Permits.

75. **Mr. J. Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the Government's policy in regard to the grant of work permits to persons already married to work permit holders, with particular reference to the constitutional provisions requiring the State to support marriage. [18189/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The Deputy will be aware that I recently announced new arrangements designed to give greater ease of access to employment for the spouses of certain skilled non-EEA nationals working in the State and decided to waive the fees normally payable. Detailed guidelines on how to apply for work permits as well as the eligibility criteria and procedures relating to the new spouses scheme are available on my Department's website, *www.entemp.ie*. The spouses of persons in respect of whom work permits have been issued are eligible to seek employment and have their employers apply for a work permit in the same way as for all non-EEA workers. Where the immigration authorities have granted a spouse visa to permit family reunification, such visas are granted on the condition that the spouse does not work. In such cases, my Department is precluded from considering work permit applications in respect of that spouse.

#### Economic Competitiveness.

76. **Mr. J. Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on whether the economic growth model for the economy here is unduly dependent on foreign

[Mr. J. Bruton.]

direct investment in view of likely market conditions over the next ten years. [18191/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** Foreign direct investment has been an important catalyst in our economic growth and development in recent years. I do not expect that this will change in the foreseeable future.

Overseas investors in sectors such as information and communications technologies, pharmaceuticals, health care and financial services have added significantly to output, exports and the sophisticated scale of foreign direct investment. The newer technology orientated and specialised value-added service investments have significant, positive multiplier effects on the indigenous sector in terms of excellent and well-paid employment creation, skills development and quality improvements, as local companies successfully meet rigorous supplier requirements.

There is vigorous international competition for advanced foreign direct investment. Ireland's ability to win technologically advanced foreign direct investment is undiminished. We retain our reputation as a prime investment location for leading multinationals with world-class technologies and operations. The recent decision by Intel to invest a further €1.6 billion in making new processors for its next generation technology and the €22 million investment by IBM in putting more specialised research and development research into its Dublin laboratory are recent examples of how we are managing the transition from production-orientated enterprises to those that use knowledge, superior technologies and innovation and are important for the long-term corporate strategies of their shareholders.

While foreign direct investment has been important in recent economic growth, employment expansion and consequent wealth generation has been rather broadly based. Since 1993, employment has increased from 1.2 million to over 1.8 million. The bulk of all new jobs created have been outside the foreign direct investment sector, with thousands of indigenous companies driving growth and job creation as unemployment fell from 15% of the workforce to less than 5% at the moment. Underpinning this transformation has been the stimulation of a vigorous entrepreneurial economy, where in 2003 Ireland had the highest rate of new business start-ups in the EU.

I recognise that market conditions for foreign direct investment are changing, but our enterprise development policies are also evolving to ensure that Ireland is a serious contender when board room decisions are made about where to locate knowledge intensive, sophisticated and high value added investments. Through Science Foundation

Ireland we are building a third level research infrastructure to reinforce our exiting competitive attractions for this market, while at the same time providing intensive research and development support to strengthen the competitive characteristics of indigenous firms in the context of a more aggressive and global cost environment.

My Department's policy development strategy is to ensure that support programmes, public investment and funding mechanisms are tailored for the different growth needs of both foreign direct investment and indigenous sectors. I have been careful to ensure that growth and employment is not unduly dependent on either enterprise categories or narrow sectors, where changes in world markets or consumer preferences could seriously jeopardise our enterprise base. The enterprise development agencies under my Department have re-engineered their operational strategies in recent years to move away from individual projects. Our model now has a focus on developing clusters of excellence in which technology companies, whether foreign and indigenous, education and research activities and venture capital providers form networks to create more competitive and sustainable businesses based on a reinforcing climate of innovation and entrepreneurship.

Following the expansion of the EU and the emergence of dynamic and competitive Asian economies, the direction of business investment is very much less certain than before. To ensure we have the right mix of policies for the future I asked the Enterprise Strategy Group under the chairmanship of Eoin O'Driscoll to propose a medium-term strategy and to develop policy options to make Ireland an internationally successful, competitive and knowledge-based enterprise economy. I expect to receive the group's report shortly.

#### **Research Funding.**

77. **Mr. J. Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the percentage of their outlay devoted to research and development by firms here by comparison with the corresponding OECD percentage as a whole and each OECD country. [18202/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** In 2001, the latest year for which data is available, business expenditure on research and development in Ireland reached €917 million. This represented 0.95% of GNP or 0.8% of GDP, compared to an OECD average of 1.56%. The following table shows Ireland's ranking in terms of business expenditure on research and development as a percentage of GNP and GDP among 26 OECD countries. It shows that Ireland stands 15th of the 26 countries in question.

## Business expenditure on R&amp; D as a percentage of GDP

	1993		1995		1997		1999		2001	
	Value	Rank	Value	Rank	Value	Rank	Value	Rank	Value	Rank
Australia	0.69	17	0.86	16	0.75	18	0.65	18	0.72	18
Belgium	1.23	10	1.23	10	1.34	9	1.40	8	1.45	9
Canada	0.90	14	1.01	13	1.01	14	1.02	15	1.08	14
Czech Republic	0.88	16	0.66	17	0.73	19	0.78	17	0.79	17
Denmark	1.02	11	1.05	11	1.19	10	1.32	10	1.32	11
Finland	1.27	9	1.45	7	1.79	6	2.19	2	2.39	2
France	1.48	7	1.41	8	1.39	8	1.38	9	1.37	10
Germany	1.58	6	1.50	6	1.54	7	1.70	7	1.80	7
Greece	0.13	25	0.14	25	0.13	26	0.19	25	0.19	25
Hungary	0.32	22	0.32	22	0.30	23	0.28	24	0.36	22
Iceland	0.42	21	0.49	20	0.76	17	1.10	13	1.77	8
<b>Ireland (GNP)</b>	<b>0.89</b>	<b>15</b>	<b>1.01</b>	<b>13</b>	<b>1.04</b>	<b>13</b>	<b>1.03</b>	<b>14</b>	<b>0.95</b>	<b>15</b>
Italy	0.60	18	0.53	18	0.52	20	0.51	19	0.56	19
Japan	1.90	2	1.94	2	2.04	2	2.08	3	2.11	3
Korea	1.84	4	1.84	4	1.95	3	1.76	6	1.96	5
Netherlands	0.99	12	1.04	12	1.11	12	1.14	12	1.13	13
New Zealand	0.31	24	0.26	24	0.31	22	0.31	22	0.31	23
Norway	0.93	13	0.97	15	0.93	15	0.92	16	0.92	16
Poland	0.32	22	0.27	23	0.28	24	0.31	22	0.24	24
Portugal	0.12	26	0.12	26	0.14	25	0.17	26	0.17	26
Slovak Republic	0.51	19	0.53	18	0.83	16	0.42	21	0.44	21
Spain	0.44	20	0.39	21	0.40	21	0.46	20	0.52	20
Sweden	2.28	1	2.57	1	2.75	1	2.84	1	2.84	1
Switzerland	1.86	3	1.86	3	1.93	4	1.95	5	1.95	6
United Kingdom	1.42	8	1.30	9	1.18	11	1.25	11	1.21	12
United States	1.78	5	1.80	5	1.91	5	1.98	4	2.04	4
<b>OECD Average</b>	<b>1.44</b>		<b>1.45</b>		<b>1.48</b>		<b>1.52</b>		<b>1.56</b>	
<b>EU Average</b>	<b>1.18</b>		<b>1.12</b>		<b>1.13</b>		<b>1.19</b>		<b>1.21</b>	

Source: ForLÆs R&D in the Business Sector 1999

Source: MSTI OECD 2002 Volume 2, nearest year used if data not available

### National Minimum Wage.

78. **Mr. J. Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the minimum wage per hour and the equivalent hourly minimum wage in each other OECD country. [18207/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):** The national minimum wage in Ireland is €7 per hour. The table below sets out the monthly mini-

imum wages in euro in the US and the EU member states and candidate countries with statutory national minimum wage rates. As most of the countries have a minimum wage which is set at a monthly rate, for comparative purposes, the minimum wage for each is calculated at the monthly rate. Data in respect of other OECD countries has been sought from the OECD. I will advise the Deputy of the outcome of this request for further data when my Department receives a response from the OECD.

### Statutory Monthly Minimum Wage Rates (€)

	Feb 2004	Jan 2004	Jan 2003
Belgium		1186.00	
Greece			605.00
Spain		537.25	
France		1172.74	
Ireland	1183.00	1073.00	
Luxembourg			1369.00
Netherlands		1264.80	
Portugal		497.62	

	Feb 2004	Jan 2004	Jan 2003
United Kingdom		1083.40	
Bulgaria		61.00	
Czech Republic		207.00	
Estonia		158.50	
Hungary			191.00
Lithuania		125.00	
Latvia		121.00	
Malta		543.00	
Poland		177.00	
Romania		69.00	
Slovenia		471.00	
Slovak Republic		148.00	
Turkey		240.00	
United States		727.00	

Source: EUROSTAT

### Global Entrepreneurship Monitor.

79. **Mr. J. Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will make a statement on Ireland's ranking in the global entrepreneurship monitor report 2001. [18211/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** I am delighted with Ireland's ranking in the current global entrepreneurship monitor report, which found that Ireland is the most entrepreneurial active country in the European Union. The research undertaken in the report shows that Ireland remains a leading country for entrepreneurship in Europe and, equally importantly, it shows that entrepreneurship is regarded as a high-status, highly rewarding career choice. I am happy to see the days where fear of failure was regarded as one of the greatest inhibitors of entrepreneurship in Ireland at an end. As one of the most open trading economies in the world, we need ambitious entrepreneurs to take business risks. We also need a society which recognises risk-takers and values their endeavours in success and failure.

### Health and Safety Regulations.

80. **Mr. Eamon Ryan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the inspections which have been carried out by the Health and Safety Authority on the national car testing centre in Deansgrange, County Dublin; the recommendations which have been made by the authority on foot of such inspections; the follow-up procedures the authority has in regard to such recommendations; if its reports are available as a right to employees within the relevant companies; the State body which has the responsibility for commissioning and carrying out occupational health hygiene assessments in the workplace; and if such assessments have taken

place in the national car testing centre in Deansgrange. [18212/04]

### Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):

According to the Health and Safety Authority's records, six inspections were carried out at the national car testing centre in Deansgrange, County Dublin, comprising three routine inspections for compliance, two complaint investigations and one follow-up visit, between June 2000 and April 2004. It should be noted that this centre is only one of many national car testing centre centres nationwide and, overall, the Health and Safety Authority's records indicate that a minimum of approximately 33 inspections of national car testing centre centres, performed by 13 different inspectors, took place in the same period.

It is difficult to separate the information on inspection and enforcement action performed or taken by the authority as it relates solely to the Deansgrange centre as these visits often reflected the need to observe the procedures and work conditions in national car testing centre sites overall so as to achieve a consistency and adequate level of control for all national car testing centre workers while at work.

However, in the course of inspections, inspectors speak to managers, safety officers and, where available, worker safety representatives. Follow-up action includes both verbal and written advice and, where necessary, the issuing of enforcement notices.

The Safety, Health and Welfare at Work Act 1989 and regulations made under it require employers to provide their employees with such information as is necessary to ensure, so far as is reasonably practicable, their safety, health and welfare at work. Information gathered by inspectors during their visits is subject to certain disclosure restrictions. Section 45 of the Safety, Health and Welfare at Work Act 1989 sets out the circumstances in which, and for what purposes,

information obtained under the relevant statutory provisions may be disclosed. However, where an inspector issues a formal enforcement direction or notice this is generally copied to the site safety representative for information.

There is no State body charged with the responsibility for commissioning and carrying out occupational health hygiene assessments in the workplace. Under worker protection legislation the responsibility to commission and carry out risk assessments rests with employers. In cases where a hazardous chemical agent is used, a risk assessment regarding potential for exposure to this agent must be performed, recorded in writing, reviewed regularly and revised where appropriate. Should the employer not have a competent person or persons in his or her employment to perform such a risk assessment the employer must engage the services of a competent person or persons to do this task. It is understood that such risk assessments have been carried out at the national car testing centre in Deansgrange, County Dublin.

#### Services Sector.

81. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the steps she has taken or proposes to take to counter rip-off price increases; and if she will make a statement on the matter. [18218/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The responsibility of Government for the prices of goods and services generally is, in the main, limited to ensuring that markets are working properly for the benefit of consumers and of the economy as a whole. Many people share concerns over the price of goods and services and I would like to emphasise that the Government is acutely aware of the difficulties which price increases pose for the average consumer. However, progress has been made in bringing inflation below the Government target of 2%, with the consumer price index for May showing inflation at 1.7%.

The National Competitiveness Council and the Competition Authority undertake on a continuous basis, investigations into the competitiveness of the Irish economy and the level of competition within it. These investigations highlight the key areas that require attention to enhance Ireland's competitiveness and economic performance. The Competition Authority is involved in investigative work in the insurance, banking and professional services sectors. In regard to professional services, comprehensive studies are being undertaken of eight individual professions, namely medical practitioners, veterinarians, dentists, optometrists, barristers, solicitors, engineers and architects.

I have also set up the new consumer strategy group, whose main role is to advise and make

recommendations for the development of a national consumer policy strategy. In the performance of this role the group is entitled to initiate studies which demonstrate objectively whether Irish consumers are getting a fair deal. The group has announced its public consultation on consumer issues and invited individual consumers, representative organisations, businesses and any other interested parties to contact them with views and submissions by 9 July 2004. The group is due to produce a final report to me by the end of 2004.

The Office of the Director of Consumer Affairs is undertaking price surveys and bringing the results to the public's attention. The Office of the Director of Consumer Affairs has published the results of price surveys of products ranging from products such as compact discs to petrol, car insurance to drinks prices over a rugby international match weekend, and potatoes to over-the-counter medicines. The consumer is also assisted in making purchasing choices through the four price display orders made under the Prices Acts and by the European Communities (Requirement to Indicate Product Prices) Regulations 2002 which oblige retailers to display prices and where appropriate the unit price for products. Consumers have their part to play in acting on this type of information and seeking out the most competitive prices available.

#### Economic Competitiveness.

82. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment her proposals to address the issue of increased lack of competitiveness in the economy; and if she will make a statement on the matter. [18220/04]

87. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the extent to which she has taken action to improve Ireland's competitive position with regard to low wage economies; and if she will make a statement on the matter. [18225/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** I propose to take Questions 82 and 87 together.

Ireland's economy is undergoing fundamental change, which is affecting all sectors of our economy. Ireland can no longer be seen as a low cost location for investment as our strengths and competitive advantages have inexorably changed. High output and productivity together with high returns to labour in the form of wages, salaries and better living standards now typify Ireland's economy. As a result, Ireland is no longer seen as a location for what could be called basic low-tech production and is being overtaken by low wage economies in terms of cost competitiveness.

A key component of the Government's strategy to tackle the competitiveness challenge posed

[Ms Harney.]

by low wage economies is to concentrate on increasing the levels of investment in research and development and innovation in industry in Ireland. This will assist companies in moving up the value chain, which will in the long term safeguard employment and provide more sustainable and high quality jobs. As part of this strategy, the Government in the 2004 budget announced details of a 20% tax credit for expenditure on research and development. Another important element of this strategy was the establishment of Science Foundation Ireland to administer the €646 million technology foresight fund, which will lead to increased innovation and research. This will also drive long-term growth and competitiveness by attracting new high technology firms to Ireland while enhancing the capabilities of existing firms operating in Ireland.

The Government is committed to developing a competitive economy that will be resilient to the toughest competitive pressures from today's global economy. This involves providing a pro business environment that will provide firms with a solid stable platform from which they can successfully compete on both domestic and international markets. The Government's continued commitment to the social partnership process and its desire to achieve a virtuous circle of low inflation, moderate wage growth and higher productivity is a testament to the Government's desire to provide a benign environment for businesses operating in Ireland.

Competition in all sectors of Ireland's economy must be encouraged to ensure goods and services are provided at an efficient and affordable price. We cannot afford to have sheltered sectors of the Irish economy immune from price competition. The Competition Authority is charged with combating anti-competitive practice in the economy and is undertaking several studies in key areas of the economy such as the banking and insurance sectors. The Government looks forward to the publication of the authority's reports into these key sectors later this year.

My Department is preparing a report into the implementation of the National Competitiveness Council recommendations for submission to Government later this month. The report will set out progress to date in implementing the recommendations set out in the National Competitiveness Council's competitiveness challenge 2003 report and will enable the Government to evaluate Ireland's competitiveness, as it intends to do twice yearly in accordance with the Government decision of the 25 November 2003.

*Questions Nos. 83 and 84 answered with Question No. 34.*

### Insurance Industry.

85. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she or her Department has investigated the negative impact of high insurance costs here; and if she will make a statement on the matter. [18223/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The negative impact of insurance costs for businesses with regard to profitability and competitiveness and for members of the public in general has been brought to my attention. The difficulties caused by high insurance premia for all sectors are of great concern to the Government. The 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 insurance reform programme that I announced on 25 October 2002 comprises a comprehensive set of inter-related measures designed to improve the functioning of the Irish insurance market. The key measures include the implementation of the recommendations in the Motor Insurance Advisory Board action plan within a target timeframe. They also include the establishment of the Personal Injuries Assessment Board which was signed into law on 28 December 2003. The board was established and members appointed on 13 April 2004. The Personal Injuries Assessment Board commenced dealing with employer liability cases from 1 June 2004 and it is my intention that it will commence dealing with motor and public liability claims from Autumn 2004. A book of quantum, an aid for assessing the level of compensation based on the type of injury involved, which is essential for the successful operation of the Personal Injuries Assessment Board, was published by the Personal Injuries Assessment Board on 2 June 2004.

My Department and the Competition Authority have undertaken a joint study into the insurance market. The study will identify and analyse barriers to entry and limitations on rivalry in the insurance marketplace. The bulk of the study was completed in 2003 and a preliminary report and consultation document on competition issues in the non-life insurance market was published on 18 February 2004. Following consultation, a final report will be published later in the year which will contain recommendations based on the findings.

Significant progress has been made by the Department of Transport in the implementation of the road safety strategy. For example, the introduction of the penalty points system has already reduced the number of accidents on our roads, which has benefits far beyond the cost of insurance. Two new road traffic Bills are expected to be enacted by the end of July 2004. The Minister for Justice, Equality and Law

Reform published the Civil Liability and Courts Bill on 11 February 2004, currently before the Houses of the Oireachtas. This Bill contains measures to streamline the law on personal injury claims, including measures to deal with fraudulent and exaggerated claims.

I chair a ministerial committee, established to drive the co-ordinated implementation of the reform programme across relevant Departments and other bodies concerned. Substantial progress is being made on a range of measures that will radically overhaul the functioning of the insurance market and help tackle the high cost of insurance.

While EU law prohibits the imposition of price control on insurance, I consider there to be an onus on the insurance industry to ensure that the reforms to be taken will have the effect of significantly reducing the cost of premia to consumers and businesses. Indications to date are that the reform programme is having its desired effect. The Central Statistics Office publishes monthly indices of costs for a number of classes of insurance. These statistics show that there was a reduction of 12.9 index points — 12.1% — in motor car insurance between the months of October 2002, when the programme was launched and April 2004. Reductions are also beginning to occur in the cost of employers' liability and public liability insurance premia, which represent a significant burden for businesses. As implementation of the reform programme continues, I expect further reductions to occur. I am also confident that the measures the Government is putting in place to reform the Irish insurance market will attract new players into the market leading to further downward pressure on premia.

*Question No. 86 answered with Question No. 34.*

*Question No. 87 answered with Question No. 82.*

### **Industrial Development.**

88. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the new markets that have been opened up to exporters; and if she will make a statement on the matter. [18226/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** Part of the role of Enterprise Ireland is to encourage and facilitate export markets for its clients companies. Enterprise Ireland encourages companies to iden-

tify those export markets which are profitable and expanding and benefiting the growth and development of the company.

Enterprise Ireland client companies export to all regions of the world. According to Enterprise Ireland's survey, annual business review 2003, the major export market for its client companies is Britain and Northern Ireland, followed by continental Europe. Exports to continental Europe in 2003 increased by 4.7% over 2002.

As part of monitoring client export activities Enterprise Ireland began to collect data in 2003 on the number of companies who were exporting to a new market. Results show that the greatest growth was again in exporting to Europe.

Enterprise Ireland has a range of services and an overseas office network, which is designed to expand current markets and to identify new markets for client companies. Enterprise Ireland runs workshops, seminars and exploratory market visits to familiarise companies with the requirements of successful export market penetration. It provides access to international market reports and undertaking research on behalf of clients, or groups of clients, to identify specific opportunities. It identifies recruiting or up-skilling key marketing personnel and specialist consultants. It provides access to potential buyers/partners/distributors through individual itineraries, trade missions, participation at trade fairs or through introductions to buyers on inward missions. Enterprise Ireland also provides incubator space in overseas markets for early stage market entrants and supporting these incubators with back-up services.

Enterprise Ireland has put in place a range of new initiatives geared towards clients developing export markets for the first time such as market mentors, training workshops, market visits, winning sales seminars, which aim at helping companies to achieve international sale, etc. in response to client demand.

### **Work Permits.**

89. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of work permits applied for in each of the past six months; the number approved, rejected or pending; and if she will make a statement on the matter. [18227/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The number of eligible work permits applications received, approved and issued, refused and pending for the past six months are shown in the table below.

Month	Eligible applications	Approved and Issued	Refused	End of month pending
December 03	2,590	2,327	173	3,498
January 04	3,470	2,778	38	4,127



Month	Eligible applications	Approved and Issued	Refused	End of month pending
February 04	4,116	3,105	150	4,847
March 04	3,957	4,448	109	4,202
April 04	3,040	2,743	159	4,072
May 04	2,778	2,150	287	4,479

### Departmental Staff.

90. **Mr. Timmins** asked the Minister for Agriculture and Food the position on the 1/97 agreement which provided for supervisory agricultural officers in potato, poultry and eggs and seed production to be upgraded to district superintendent; if any other supervisory agricultural officer outside these groups was upgraded to district superintendent level under the agreement; the basis of such upgrade; and if he will make a statement on the matter. [18213/04]

**Minister for Agriculture and Food (Mr. Walsh):** A group in ERAD, who were supervisory agricultural officers with an allowance, was upgraded to district superintendent under the terms of the 1/97 agreement. No other supervisory agricultural officer, outside of the groups listed in the question, was upgraded to district superintendent level under the agreement.

91. **Mr. Timmins** asked the Minister for Agriculture and Food the number of district superintendent officers who had been upgraded from supervisory agricultural officer level under the 1/97 agreement and who retired between 1 September 1996 and 1 May 1998; and if he will make a statement on the matter. [18214/04]

**Minister for Agriculture and Food (Mr. Walsh):** One of the district superintendents who had been upgraded under the 1/97 agreement retired between 1 September 1996 and 1 May 1998.

92. **Mr. Timmins** asked the Minister for Agriculture and Food the position on the monitoring group comprising union and management representatives which oversaw the implementation of the 1/97 C and A agreement; the names and rank of the officers comprising the monitoring group on both sides, union and management; and if he will make a statement on the matter. [18215/04]

**Minister for Agriculture and Food (Mr. Walsh):** The names and rank of the officers comprising the monitoring group on both sides, union and management were, initially Mr. Kevin Callinane, assistant general secretary, IMPACT; Mr. Kieran Sheehan, branch secretary, IMPACT; Mr. John McDermott, branch chairperson; Mr. Peter Roche, area superintendent; Mr. Frank Reidy, technical agricultural officer; Mr. Richard Molloy, supervisory agricultural officer; Mr. John Gil-

lespie, assistant secretary; Mr. William Shanahan, deputy chief inspector; Mr. Albert Costello, deputy chief veterinary officer; Mr. Joseph Shortall, principal officer; Mr. John McCarthy, assistant principal; and Mr. Noel Molloy, executive officer.

Since 1997 the names and ranks of the officers on both the union and management sides have changed on a number of occasions.

93. **Mr. Timmins** asked the Minister for Agriculture and Food the position on two supervisory agricultural officers, one in Galway city and one in Ballinasloe, County Galway, serving in the seed potato group who were upgraded under the 1/97 C and A agreement; the headquarters to which the latter was appointed; the length of time the appointment lasted at the initial headquarters; and if he will make a statement on the matter. [18216/04]

**Minister for Agriculture and Food (Mr. Walsh):** The headquarters of the officer who lived in Galway city was Galway city at the time of his upgrading and remained at Galway city after the upgrading took place. The headquarters of the officer who lived in Ballinasloe was Carlow at the time of his upgrading. The officer's headquarters remained at Carlow from November 1996 until September 1997.

### Grant Payments.

94. **Mr. Cregan** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Limerick has accrued an overpayment from his Department in respect of the early retirement scheme, despite their spouse not being in receipt of a social welfare payment at the time of application; and if he will make a statement on the matter. [18233/04]

**Minister for Agriculture and Food (Mr. Walsh):** The person named is a participant in the 1994 early retirement scheme introduced under EU Council Regulation 2079/92, which she entered in joint management with her husband. This scheme, and its successor introduced in November 2000, are both governed by EU Council regulations. It is a requirement of these regulations that the early retirement pension may only be paid as a supplement to any national retirement pension payable. This means that any national retirement pension to which a participant, and his/her spouse or partner in a joint management arrangement become entitled, whether

before or after entry to the scheme, must be deducted from the early retirement pension.

The overpayment for the person named arose from the concurrent payment of her husband's old age contributory pension and the full amount of early retirement pension. Arrangements have now been put in place to allow for repayment of the amount overpaid. My Department is obliged to recover all overpayments under the scheme, as failure to do so would jeopardise its obligations with regard to EU funds.

95. **Mr. J. O'Keefe** asked the Minister for Agriculture and Food if he will review an agricultural grant entitlement for a person (details supplied) in County Cork in view of depopulation of suckler cow herd on veterinary advice in the year 2000. [18239/04]

**Minister for Agriculture and Food (Mr. Walsh):** The person named has been notified that the circumstances outlined in this case did not satisfy the criteria for *force majeure*-exceptional circumstances under Article 40 of Council Regulation (EC) No 1782/2003. Following this decision the person named submitted an appeal, to the single payment appeals committee. The decision on the appeal will be issued shortly to the named person.

#### Consumer Price Index.

96. **Mr. Durkan** asked the Minister for Finance the action he proposes to take to address the issue of price increases above and beyond those reflected in the inflation rate through the consumer price index; and if he will make a statement on the matter. [18219/04]

**Minister for Finance (Mr. McCreevy):** The Director General of the Central Statistics Office has sole responsibility for and is independent in deciding, the statistical methodology and professional standards to be used in compiling the consumer price index. It is designed to measure the change in the average level of the prices paid by consumers for goods and services. It measures in index form the monthly changes in the cost of purchasing a representative basket of consumer goods and services. The latest consumer price index release shows inflation in May was 1.7 per cent, down from a high last year of 5.1 per cent in February 2003. The moderation in inflation is a very welcome development.

#### Tax Code.

97. **Mr. Neville** asked the Minister for Finance if he has plans to abolish taxation of all charities. [18158/04]

**Minister for Finance (Mr. McCreevy):** The tax code provides exemption for charities from income tax, corporation tax, capital gains tax, deposit interest retention tax, capital acquisitions

tax, stamp duty, probate tax and dividend withholding tax.

The Revenue Commissioners are responsible for the administration of the relevant tax exemptions and for this purpose determine whether a body of persons or a trust claiming the benefit of any exemption is established for charitable purposes only. In the first instance, applications for exemption are examined having regard to whether the body concerned is engaged in either the relief of poverty, the advancement of religion, the advancement of education, or certain other works of a charitable nature beneficial to the community. In addition, the body must be legally established in the State and have its centre of management and control therein; must ensure that its objects and powers are so framed that every object to which its income or property can be applied is charitable, and must be bound, as to its main objects and the application of its income or property, by a governing instrument such as a memorandum and articles of association in the case of an incorporated body, deed of trust, constitution or rules in the case of an unincorporated body.

Charities are not obliged to submit annual returns of income. However, charities are obliged to submit a copy of the first year's financial accounts together with a report on activities within 18 months of the date that exemption from tax is granted. In addition, they are obliged to keep annual accounts and make them available to the Revenue Commissioners on request. Bodies with charitable tax exemption are reviewed by the Revenue Commissioners with a view to ensure their continued compliance within the terms of the exemption granted. Should the Revenue Commissioners form the opinion that the funds are not applied for charitable purposes only, or the body fails to submit annual accounts on request, they have general powers to withdraw the exemption granted.

I have no plans to change the above tax treatment of charities at this time.

#### State Properties.

98. **Mr. Stanton** asked the Minister for Finance the location of each coast guard station in the State under the responsibility of the Office of Public Works; the stations that are due to be replaced or refurbished; the timescale for such upgrading; and if he will make a statement on the matter. [18168/04]

**Minister of State at the Department of Finance (Mr. Parlon):** On the basis of current records, the following is a list of coast guard stations which are currently in the Office of Public Work's property portfolio.

Doolin, County Clare  
Ballycotton, County Cork  
Baltimore, County Cork

## [Mr. Parlon.]

Barry's Cove, Lisbevane, Bandon, County Cork  
 Rosscarbery, Clonakilty Road, Castlefreke, County Cork  
 Crosshaven, Myrtleville Road, Crosshaven, County Cork  
 Leap, Glandore Road, Glandore, County Cork  
 Goleen, Mizen Head Road, County Cork  
 Gyleen, County Cork  
 Summer Cove, Kinsale, County Cork  
 Old Head of Kinsale, Kinsale, County Cork  
 Oysterhaven, County Cork  
 Seven Heads, County Cork  
 Toe Head, County Cork  
 O'Briens Place, Youghal, County Cork  
 Merville, Greencastle Road, Greencastle, County Donegal  
 Mulroy, County Donegal  
 Tory Island, County Donegal  
 Trabeg, County Donegal  
 Red Island, Skerries County Dublin  
 Inisheer, Aran Island, County Galway  
 Kilronan, Inishmore, Aran Islands, County Galway  
 Aughrismore Road, Cleggan, County Galway  
 Ballingall, Ballydavid, County Kerry  
 Ballydavid, County Kerry  
 Emlagh West, Dingle, County Kerry  
 Ballyheigue, Kerry Head Road, Glenderry, County Kerry  
 Farranreagh, Knightstown, Valentia, County Kerry  
 Waterville, County Kerry  
 Park Oriel, Clogherhead, County Louth  
 Greenore, County Louth  
 Ballyglass, Knockan Point, Belmullet, Ballina, County Mayo  
 Ardmore, County Waterford  
 Bonmahon, Dungarvan, County Waterford  
 Dungarvan Road, Helvic, County Waterford  
 Doneraile Walk, Tramore, County Waterford  
 Dunmore East, County Waterford  
 Ballyteigue Bay, County Wexford  
 Carna, Carnsore Point, County Wexford  
 Ballinatray, Courtown, County Wexford  
 Curraclloe, County Wexford  
 Fethard, County Wexford  
 Forlorn Point, Crossfarnoge, Kilmore Quay, County Wexford  
 Rosslare, County Wexford  
 Arklow, County Wicklow  
 Trafalgar, Kimberley Road, Greystones, County Wicklow  
 Wicklow, New Line Road, Wicklow, County Wicklow.

A new coast guard station at Rosslare Strand, Mauritiustown, Rosslare, County Wexford is under construction. Work began on site in February 2004 and the completion date is October 2004. A pre-qualification process for contractors for the construction of a new coast guard station at Bunbeg, County Donegal will take place before the end of June.

**Tax Code.**

99. **Mr. J. Bruton** asked the Minister for Finance if he has studied the introduction of a flat rate of VAT and income tax, as introduced in Slovakia, in terms of its attractiveness to domestic and foreign investors; and the rate at which such a tax would have to be levied here to collect revenues at the rate collected by the existing tax structure. [18198/04]

**Minister for Finance (Mr. McCreevy):** I am aware of the recent tax reforms in Slovakia which are centred on the introduction of a flat rate of tax of 19% across a number of tax heads including income tax, VAT and corporation tax. The reforms include the abolition of most income tax reliefs and exemptions. While certain other taxes

including gift and inheritance tax have also been abolished, the Slovakian reforms also provide for increased rates of excise duties.

The Irish tax system as it has developed, particularly over the period 1997 to date, has proven to be a successful tool in incentivising and creating employment and in attracting and retaining inward investment. The role that taxation has played in the success of the Irish economy, especially in recent years, has been widely recognised internationally. The tax policies of individual countries reflect a range of factors and democratic choices, social, economic and cultural.

For example, in the case of VAT, Ireland has three rates in contrast to the single rate now applying in Slovakia. A zero rate applies to most food, children's clothes and shoes and oral medicines; a reduced rate of 13.5% applies mainly to domestic fuels, labour intensive services and general repairs and maintenance and goods or services which are not zero rated or reduced rated are generally standard rated at 21%. To raise the same revenue by having a single rate of VAT across the whole base would allow a reduced rate for those goods currently standard rated but would involve a very significant rate of VAT on food items. Similarly, in recent years we have moved to a tax credit system and increased such credits so that the lower paid are taken out of the tax net altogether. A flat-rate income tax regime, in the absence of a specific exemption, would mean that those on very low incomes would face a tax liability where at present they do not.

Having regard to the success of the Irish tax system in contributing to our economic development, I see no reason to explore alternative models which would involve a dramatic shift from our current approach. However, purely on a technical basis, assuming abolition of the existing levels of tax allowances, credits, reliefs and exemption thresholds including the zero VAT rate, other than wear and tear allowances associated with the use of capital assets in a trade or profession, it is tentatively estimated that to maintain the current yield to the Exchequer from VAT and income tax combined would require the imposition of a single flat rate of the order of 17% across both taxes.

**State Properties.**

100. **Mr. J. Bruton** asked the Minister for Finance his plans for the disposal of State-owned assets over the next five years. [18199/04]

**Minister of State at the Department of Finance (Mr. Parlon):** The examination of the State property portfolio by the Commissioners of Public Works with a view to identifying vacant, under-utilised, under-developed or surplus property is continuing. In all cases it is very important to have perfection of title. This may involve long, tedious investigation of burdens, covenants, ground rent etc., and in many cases involves the

registration of property. The work involved in the perfection of title is outside the control of the Office of Public Works and is dependent on available resources in the Chief State Solicitor's office or the Land Registry.

To date the process has produced a number of properties deemed suitable for disposal in the Dublin area, including Lad Lane and Lord Edward Street, which were disposed of recently. The former Department of Justice, Equality and Law Reform head office at 72-76, St. Stephen's Green is currently on the market with tenders due on 9 July 2004. Some smaller properties throughout the country, including Church Street, Dungarvan, County Waterford and the former customs post site, Blacklion, County Cavan, were also disposed of recently.

A number of sites have also been identified for redevelopment and planning permission is in the process of being obtained for the West Gate redevelopment at St. John's Road, Dublin 8. In addition two sites have been offered to the Department of Environment, Heritage and Local Government for use for affordable housing, including a former Department of Defence property on Infirmary Road, Dublin 7, and the former central engineering workshop, Inchicore, Dublin 8.

As the decentralisation programme progresses over the coming years it is envisaged that a number of other properties will also become surplus to requirements and the final decisions on disposal or redevelopment will follow the detailed assessment of each of the properties in question.

#### Tax Collection.

101. **Mr. Timmins** asked the Minister for Finance the position of the case of a person (details supplied) in County Wicklow; if the tax can be refunded as speedily as possible; and if he will make a statement on the matter. [18200/04]

**Minister for Finance (Mr. McCreevy):** I am advised by the Revenue Commissioners that the taxpayer submitted a total claim for relevant contract tax withheld of €11,172.82 in respect of the year 2003. From this, an amount of €10,020.17 was offset automatically against income tax outstanding for the four years ending 31 December 2001. The remaining sum of €1,152.65 is being held pending receipt of preliminary income tax for 2003 and an outstanding P35 return for 2003.

#### Personal Savings Ratio.

102. **Mr. J. Bruton** asked the Minister for Finance the savings rate in the economy here by comparison with the average OECD rate as a whole, and each OECD country. [18201/04]

**Minister for Finance (Mr. McCreevy):** The table below sets out the latest available savings rate for Ireland as calculated from data published

by the Central Statistics Office, National Income and Expenditure, and data for other countries as published by the OECD, Economic Outlook. It should be noted that the OECD states that countries differ in the way household disposable income is reported.

Savings as a % of disposable income	2001
Australia	3.2
Austria	7.4
Belgium	13.3
Canada	4.5
Denmark	7.0
Finland	-1.2
France	11.5
Germany	10.3
Ireland	10.3
Italy	15.4
Japan	6.9
Korea	7.7
Netherlands	9.0
New Zealand	-4.2
Norway	3.7
Portugal	10.9
Spain	10.1
Sweden	5.2
Switzerland	9.1
United Kingdom	6.7
United States	2.3

#### Industrial Development.

103. **Mr. J. Bruton** asked the Minister for Finance if agglomeration factors arising from geographic proximity of firms to one another in complementary economic sectors contribute positively to their overall growth rates; and if similar agglomeration factors apply to efficiency and knowledge maximisation in public administration. [18210/04]

#### Industrial Development.

**Minister for Finance (Mr. McCreevy):** I assume that the Deputy is referring to the possible benefits of the geographic clustering of certain industries. The possible benefit of industrial concentration is well-known from studies in many countries over the years. I am not aware of any particular studies of the effect of concentration in public administration.

#### EU Presidency.

104. **Mr. F. McGrath** asked the Minister for Foreign Affairs the reason the Government did not comply with the Secretary General of the UN, Mr. Kofi Annan, in providing relevant information to enable him to prepare a report on the implementation of the UN General Assembly Resolution No. 58/7 entitled, Necessity of Ending

[Mr. F. McGrath.]  
the Economic, Commercial and Financial Embargo imposed by the USA against Cuba; and if he will make a statement on the matter. [18161/04]

**Minister for Foreign Affairs (Mr. Cowen):** The Government's position on the US embargo has been made clear over the years by our voting pattern, and that of our EU partners, in the UN General Assembly, most recently on 4 November 2003. On that date, the General Assembly approved Resolution 58/7 — necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba.

The main effect of Resolution 58/7 is to reiterate the General Assembly's call upon all states to refrain from promulgating and applying laws and measures such as the Helms-Burton Act of 1996. The resolution further urges states that have and continue to apply such laws and measures to take the necessary steps to repeal or invalidate them as soon as possible.

Each year, in accordance with the terms of the resolution, it is customary for the UN Secretary General to prepare a report on the implementation of the resolution. In line with this, on 19 April 2004, the UN Secretary General, Mr. Annan, invited all UN member states to provide any relevant information by 16 June 2004.

Since the Government has never promulgated or applied laws or measures such as the Helms-Burton Act, it has not been customary to make a submission to the UN Secretary General on this matter. The Irish Presidency has, however, conveyed an EU submission to the UN Secretary General, which includes the following:

The European Union believes that United States trade policy towards Cuba is fundamentally a bilateral issue. Nevertheless, the European Union and its member states have clearly expressed their opposition to the extraterritorial extension of the United States embargo, such as that contained in the Cuban Democracy Act of 1992 and the Helms-Burton Act of 1996.

#### **EU Funding.**

105. **Mr. Gormley** asked the Minister for Foreign Affairs his views on whether funding is now essential for the European Youth Parliament; if such funding will be forthcoming; and if he will make a statement on the matter. [18228/04]

**Minister for Foreign Affairs (Mr. Cowen):** The Government attaches great importance to promoting wider public awareness and understanding about the EU, particularly amongst young people, and is aware of the role played by the European Youth Parliament in this regard, in Ireland and in other countries where it is established. Government funding for EU information

initiatives undertaken by NGOs in Ireland is provided through the communicating Europe initiative. The communicating Europe initiative group, administered by the Department of Foreign Affairs, brings together representatives of the Departments of the Taoiseach and Education and Science, the European Movement Ireland, the Institute for European Affairs and representatives of the European Commission and European Parliament Offices in Ireland. It invites organisations to apply for funding to implement EU information initiatives. Under this scheme, the communicating Europe initiative provides funding and support to selected groups and organisations to develop and implement projects aimed at promoting awareness and public discussion about the EU through various initiatives, events and communications media.

Last year the European Youth Parliament applied for communicating Europe initiative funding for an international session of the parliament which took place in Dublin in July 2003. However, bearing in mind that the European Youth Parliament received grant funding for the session from the European Commission and that conference facilities were also provided to European Youth Parliament in Dublin Castle free of charge, as well as the wide range of other projects submitted, the communicating Europe initiative group decided not to allocate funding to this event.

The European Youth Parliament also applied to the communicating Europe initiative in March 2004 for funding for an event which took place in April. The communicating Europe initiative group will meet in July to review all project proposals recently submitted by groups and organisations, including applications for retrospective funding. The communicating Europe initiative group continues to encourage and welcome proposals and applications from all groups and organisations for EU information projects. The group looks forward to working together with groups and organisations over the coming year to develop and implement initiatives aimed at promoting wider public awareness and discussion about the EU and how it impacts on our lives.

#### **Special Educational Needs.**

106. **Ms Enright** asked the Minister for Education and Science the reason a person (details supplied) in County Offaly has only been sanctioned two and a half hours resource teaching and no special needs assistant; when the required assistance will be given to this person; the reason it has not been sanctioned to date; and if he will make a statement on the matter. [18143/04]

**Minister for Education and Science (Mr. N. Dempsey):** I can confirm that my Department received an application for special educational resources for the pupil referred to by the Deputy.

The pupil in question is in receipt of 2.5 hours resource teaching support per week.

Applications for special educational resources received between 15 February and 31 August 2003 are being considered. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all these cases were responded to at or before the commencement of the current school year. The balance of more than 4,000 applications has been reviewed by a dedicated team comprising members of my Department's inspectorate and the national educational psychological service. These applications are being further considered in the context of the outcome of surveys of special educational resources provision conducted over the past year and the data submitted by schools as part of a nationwide census of special educational resources 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 recently announced new weighted system of allocation. This system, as part of which an additional 350 teaching posts will be allocated, will involve making a staffing allocation to schools based on a predicted incidence of pupils with special educational needs. It will also involve 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, including the one for the pupil in question, will be set out in a circular to be issued to schools shortly.

107. **Ms Enright** asked the Minister for Education and Science the way in which he has prioritised the backlog of applications for resource teaching and special needs assistance in his Department; and if he will make a statement on the matter. [18144/04]

**Minister for Education and Science (Mr. N. Dempsey):** Applications for special educational resources received between 15 February and 31 August 2003 are being considered. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all these cases were responded to at or before the commencement of the current school year. The balance of more than 4,000 applications has been reviewed by a dedicated team comprising members of my Department's inspectorate and the national educational psychological service. These applications are being further considered in the context of the outcome of surveys of special educational resources provision conducted over the past year and the data submitted by schools as part of a nationwide census of special educational resources provision.

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[Mr. N. Dempsey.]

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108. **Cecilia Keaveney** asked the Minister for Education and Science the position of a special needs assistant application for a person (details supplied) in County Donegal; and if he will make a statement on the matter. [18156/04]

**Minister for Education and Science (Mr. N. Dempsey):** I can confirm that my Department received an application for special needs assistant and resource teaching support for the pupil referred to by the Deputy in September 2003.

Applications for special educational resources received between 15 February and 31 August 2003 are being considered. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all these cases were responded to at or before the commencement of the current school year. The balance of more than 4,000 applications has been reviewed by a dedicated team comprising members of my Department's inspectorate and the national educational psychological service. These applications are being further considered in the context of the outcome of surveys of special educational resources provision conducted over the past year and the data submitted by schools as part of a nationwide census of special educational resources provision.

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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.

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#### Literacy Levels.

109. **Mr. J. Bruton** asked the Minister for Education and Science the way in which rates of functional literacy and numeracy for Irish persons in the 25 to 35 year old age group, or similar age groups, compare with their equivalents in other OECD countries; and if he will make a statement on the matter. [18192/04]

**Minister for Education and Science (Mr. N. Dempsey):** The Organisation for Economic Co-operation and Development carried out an international literacy survey of adults aged 16 to 64 years in 1994/95. Findings indicated that approximately half a million people, 25% of Irish adults in that age-group, were at the lowest level, level one, indicating a reading ability no higher than that of an average 12 year old. The comparative figures for the other countries in the survey are Canada: 17.2%, Germany: 10%, Netherlands: 10.3%, Poland: 42.4%, Sweden: 6.8%, USA: 21.8%, Switzerland, French-speaking: 16% and Switzerland German-speaking: 17.2%.

The survey assessed literacy ability under three headings, prose literacy, document literacy, and quantitative literacy. The percentages given above represent the aggregate score in the three categories. The survey report did not link aggregate scores to the ages of the participants. However, age-categories were given with the scores in document literacy. In Ireland, 17.0% of adults aged 16 to 25 years scored at level one in document literacy.

Comparative figures were: Canada: 10.4%, Germany: 5.2%, Netherlands: 6.1%, Poland: 32.2%, Sweden: 3.1%, USA: 24.7%, Switzerland French-speaking: 8.7% and Switzerland German-speaking: 7.1%. Since the publication of the survey report in 1997, annual funding by my Department of the adult literacy service has increased from just under €1 million in 1997 to over €19 million this year. In addition to expanding the general literacy service, specially targeted literacy initiatives for people with particular needs have

been introduced. As a result of the increase in funding, the number of literacy clients nationwide has increased from 5,000 in 1997 to over 30,000 today.

#### **Teachers' Remuneration.**

110. **Mr. J. Bruton** asked the Minister for Education and Science if he proposes to introduce performance pay or bonuses for teachers who display exceptional talent and application in classroom work; and if not, the reason therefor. [18193/04]

**Minister for Education and Science (Mr. N. Dempsey):** All matters regarding pay and conditions of service of teachers is a matter for the Teachers Conciliation Council which comprises representatives from the managerial authorities of schools, teacher unions and the Departments of Education and Science and Finance. There are no proposals before the council in relation to the introduction of performance pay for teachers and any such proposal would have to be considered in the context of Government pay policy and the Sustaining Progress agreement, which precludes any cost-increasing claims for improvements in pay or conditions of employment other than those provided by the agreement.

#### **Early School Leavers.**

111. **Mr. J. Bruton** asked the Minister for Education and Science the proportion of children leaving school here with junior certificate standard education or less; and if comparable figures are available for OECD countries generally. [18194/04]

**Minister for Education and Science (Mr. N. Dempsey):** The most recently published analysis by my Department of retention rates at second level was released in August 2003. The report indicates that of those who commenced the junior cycle programme in September 1994, approximately 3,900, or 5.7%, left school before completing the junior certificate three years later, and approximately 12,500, or 18.2%, students leave school annually without the leaving certificate.

The OECD employs a different methodology which divides the number of graduates from upper second level by the estimated number in the population at typical age of graduation.

#### **School Staffing.**

112. **Mr. Connolly** asked the Minister for Education and Science if it is his intention to provide the services of a learning support teacher exclusively to a school (details supplied) in County Monaghan in view of the school's particular circumstances; and if he will make a statement on the matter. [18195/04]

**Minister for Education and Science (Mr. N. Dempsey):** The school referred to by the Deputy currently has the services of a full-time shared learning support teacher.

My Department is at present reviewing existing arrangements for the allocation of special educational supports to primary schools. In that context, my officials have initiated discussions on the matter with representative interests. At this stage, it would be premature to anticipate the outcome for the school in question. I can confirm, however, that the basic purpose of that review is to ensure that each school has the level of resources required to cater for its pupils with special educational needs.

#### **Pupil-Teacher Ratio.**

113. **Mr. Connolly** asked the Minister for Education and Science if he has plans to reduce the primary pupil-teacher ratio, in view of the commitment in the programme for Government to reduce the ratio below 20:1 by 2007 in line with international best practice and of the failure to make any reduction in each of the past three school years; and if he will make a statement on the matter. [18196/04]

**Minister for Education and Science (Mr. N. Dempsey):** The pupil-teacher ratio at primary level has improved significantly in recent years.

The ratio has fallen from 22.2:1 in the 1996-97 school year to 18.0:1 in the 2002-03 school year. The projected ratio for the current school year is 17.35:1.

In line with Government policy, my Department will continue to provide further reductions in the pupil-teacher ratio within available resources and subject to spending priorities within the education sector. Priority will be given to pupils with special needs and those from disadvantaged areas.

#### **School Staffing.**

114. **Mr. Connolly** asked the Minister for Education and Science if the pledge given by his predecessor to abolish all one-teacher schools still stands; if it is his intention to ensure that no primary school will be staffed by less than two teachers; and if he will make a statement on the matter. [18197/04]

**Minister for Education and Science (Mr. N. Dempsey):** In accordance with the agreed staffing schedule for primary schools, an enrolment of 12 pupils on 30 September of the previous year is required for the purposes of the appointment or retention of a second teacher for a particular school year.

The question of reducing this enrolment figure in the future will be considered in the context of available resources and subject to spending priorities within the education sector.



### **Pension Provisions.**

115. **Mr. J. O’Keeffe** asked the Minister for Education and Science the reason regulations which have been changed to allow service by teachers and administrative staff employed by vocational education committees on a temporary or part-time basis to be reckoned for superannuation purposes do not include similar service by caretakers or cleaners; and if his attention has been drawn to an example of a person (details supplied) in County Cork who has been employed by the Cork County VEC for the past 16 years and is still excluded from the superannuation scheme; and if he will make a statement on the matter. [18241/04]

**Minister for Education and Science (Mr. N. Dempsey):** Part-time and temporary service given by teachers employed by vocational education committees is pensionable on an ongoing basis with effect from 1 September 1996.

Temporary service given by members of the administrative staff of vocational education committees is pensionable on an ongoing basis with effect from 1 January 1998. Part-time service given by such staff is pensionable on an ongoing basis with effect from 20 December 2001 under the terms of the Protection of Employees (Part-time Work) Act 2001.

With regard to caretakers and cleaners, the position is that wholtime staff have been pensionable on an ongoing basis for many years. With regard to those employed on a part-time basis, the position is that, in 1996, vocational education committees were advised in a circular letter issued by the Department of the Environment, which then had responsibility for the superannuation of VEC staff, that part-time caretakers and cleaners should be given the option of joining the pension scheme, and paying the appropriate contributions, or of retaining their existing entitlement to payment of a non-pensionable gratuity.

In view of the fact that all cleaners and caretakers are fully insured for social welfare pensions and that the occupational pension, following co-ordination with the social welfare pension as provided for in the scheme, would be very low, very few of the part-time cleaners and caretakers have opted to join the scheme.

I should add that the question of providing improved occupational pensions to public servants on low pay is one of the questions which was considered by the Commission on Public Service Pensions. The commission recommended that a new method of co-ordination with social welfare pensions be introduced. This recommendation, along with other recommendations made by the commission, has recently been considered by a joint union-management working group. It is expected that a report on the group’s deliberations will shortly be made to Govern-

ment. If it is decided that a new method of co-ordination should be introduced, the cleaners and caretakers who have opted to remain outside the scheme will be given a further option to join the scheme.

In relation to the person referred to specifically by the Deputy, the position is that the vocational education committee in question has no record that he was given the option of joining the scheme. I can confirm that such an option will now be afforded to him.

### **Harbours and Piers.**

116. **Mr. Stanton** asked the Minister for Communications, Marine and Natural Resources the funding available to enable the development of Ballycotton Harbour in County Cork to proceed; the expected timescale for the development of the harbour; and if he will make a statement on the matter. [18165/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** The harbour at Ballycotton is owned by Cork County Council and responsibility for its maintenance and development is a matter for the local authority in the first instance.

In 2001 the council submitted a report prepared by consulting engineers on the estimated cost of the Ballycotton Harbour development plan. The proposed development is estimated to cost a total of €6 million. This includes the cost of constructing a marina.

There is no funding available to my Department in 2004 under the fishery harbour development programme for works at Ballycotton Pier. The question of funding works at Ballycotton Pier post-2004 will be considered in the context of the funding available for fishery harbour development works and overall national priorities.

The Deputy will be aware that Cork County Council applied for funding in 2002 under the marine tourism grant scheme of the national development plan for a development including a marina — 18 berths — at Ballycotton, County Cork. However, as the applicants had not obtained the necessary statutory permissions, that is, planning permission and foreshore lease, as required under the conditions for the scheme, their application could not be considered further. The applicants were informed of this and that they could apply for funding under a future call following the receipt of the required permissions.

Due to budgetary constraints, no funding was available for the grant scheme in 2003 or 2004. In light of the findings of the mid-term review of the regional operational programmes completed by the ESRI, which recommended reallocation of funds to other priorities, it is unlikely that the scheme will be reactivated within the term of the national development plan.

### Port Safety.

117. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the concerns regarding safety in relation to operations at Waterford and New Ross Ports (details supplied); and if he will make a statement on the matter. [18235/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** It is my considered opinion that the introduction of a unified pilotage authority in the Waterford estuary is the best solution to the recurring difficulties relating to the pilotage services provided in the pilotage districts of the Port of Waterford Company and New Ross Port Company.

This solution was recommended in the 1997 report of the review group on pilotage in the Waterford estuary. The benefits of such an authority are not only cost savings but also a safer operation and a better collaboration between the two port companies concerned.

I have requested both companies to work together to identify the steps necessary to put in place a unified pilotage authority for the estuary and to revert to my Department with a joint plan and timeframe for implementation.

### Departmental Staff.

118. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism, further to Question No. 164 of 2 June 2004, if consideration can be given to allowing the person to transfer to the Department of Agriculture and Food at Backweston or Maynooth; and if he will make a statement on the matter. [18217/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The individual referred to in the Deputy's question, who is currently serving in my Department, applied for a transfer to the offices of the Department of Agriculture and Food in Backweston or Maynooth in January 2003. In accordance with normal procedure, this application was passed on to the Department of Agriculture and Food. The question, therefore, relates to a matter which is more appropriate to my Cabinet colleague, the Minister for Agriculture and Food, Deputy Joe Walsh, to whom the Deputy might address his inquiries.

### Health Board Services.

119. **Mr. O'Connor** asked the Minister for Health and Children the contacts he has had during the past month with the Adelaide and Meath and National Children's Hospital, the ERHA and the South Western Area Health Board in respect of the difficulties at the hospital highlighted by the media; the action he is taking; and if he will make a statement on the matter. [18140/04]

### Minister for Health and Children (Mr. Martin):

Responsibility for the funding of services at the Adelaide and Meath Hospital, incorporating the National Children's Hospital, Tallaght rests with the Eastern Regional Health Authority. My Department has therefore asked the regional chief executive of the authority to investigate the matter raised by the Deputy and to reply to him directly.

### Hospital Services.

120. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be called to see an orthopaedic consultant in Mayo General Hospital, Castlebar, County Mayo. [18141/04]

### Minister for Health and Children (Mr. Martin):

The provision of hospital services for people living in County Mayo is a matter for the Western Health Board. My Department has asked the chief executive officer of the board to investigate the position in relation to this case and to reply directly to the Deputy.

121. **Mr. McGuinness** asked the Minister for Health and Children if an appointment at Waterford Regional Hospital will be expedited for a person (details supplied) in County Kilkenny. [18142/04]

### Minister for Health and Children (Mr. Martin):

The provision of hospital services for people living in County Kilkenny is a matter for the South Eastern Health Board. My Department has, therefore, asked the chief executive officer of the board to investigate the position in relation to this case and to reply directly to the Deputy.

122. **Dr. Cowley** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be called for an operation to have cataracts removed; and if he will make a statement on the matter. [18148/04]

### Minister for Health and Children (Mr. Martin):

The provision of hospital services for people living in County Mayo is a matter for the Western Health Board. My Department has asked the chief executive officer of the board to investigate the position in relation to this case and to reply directly to the Deputy.

### Health Board Services.

123. **Mr. F. McGrath** asked the Minister for Health and Children if urgent assistance will be given to a person (details supplied) in Dublin 3 with the maximum support and advice; and if assistance with the regular cost of taxis to the hospital will also be given. [18160/04]

### Minister for Health and Children (Mr. Martin):

The provision of health services to people with a physical and-or sensory disability rests with the

[Mr. Martin.]

Eastern Regional Health Authority and the health boards in the first instance. Accordingly, the Deputy's question has been referred to the regional chief executive of the Eastern Regional Health Authority with a request that he examine the matter raised and reply directly to the Deputy, as a matter of urgency.

124. **Cecilia Keaveney** asked the Minister for Health and Children when a person (details supplied) in County Donegal will be called for orthodontic treatment; and if he will make a statement on the matter. [18164/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the provision of orthodontic treatment to eligible persons in County Donegal rests with the North Western Health Board. Therefore, my Department has asked the chief executive officer to investigate the matter raised by the Deputy and to reply to her directly.

#### **Health Board Services.**

125. **Mr. Stanton** asked the Minister for Health and Children the help that is available to low income families whose children are in need of orthodontic treatment but whose orthodontic problems are not severe enough to benefit from treatment through the health boards according to guidelines issued by his Department; the number of such applications that have been refused in the respective health boards in 2000, 2001, 2002 and 2003; and if he will make a statement on the matter. [18167/04]

**Minister for Health and Children (Mr. Martin):** As the Deputy is aware, the provision of orthodontic treatment services is the responsibility of the health boards/authority in the first instance.

The aim of my Department is to develop the treatment capacity of orthodontics in a sustainable way over the longer term. Given the potential level of demand for orthodontic services, the provision of those services will continue to be based on prioritisation of cases based on treatment need, as happens under the existing guidelines.

The guidelines were issued in 1985; they are intended to enable health boards to identify in a consistent way those in greatest need and to commence timely treatment for them. Patients in category A require immediate treatment and include those with congenital abnormalities of the jaws such as cleft lip and palate, and patients with major skeletal discrepancies between the sizes of the jaws; patients in category B have less severe problems than category A patients and are placed on the orthodontic treatment waiting list. Patients in category C have less severe problems than in category B. The number of cases treated is dependent on the level of resources available, in terms of qualified staff in the area, and this is reflected in the treatment waiting list; in fact, the

provision of orthodontic services is currently severely restricted due to the limited availability of trained specialist clinical staff to assess and treat patients. Consequently, a category C waiting list may not be maintained in some health boards. There is currently no mechanism for reimbursing costs of orthodontic treatment obtained privately; however, tax relief is available in respect of such treatment costs.

I am pleased to advise the Deputy that I have taken a number of measures to address the shortage of specialists and so increase the treatment capacity of the orthodontic service.

The grade of specialist in orthodontics has been created in the health board orthodontic service. In 2003, my Department and the health boards funded 13 dentists from various health boards for specialist in orthodontics qualifications at training programmes in Ireland and at three separate universities in the United Kingdom. These 13 trainees for the public orthodontic service are additional to the six dentists who commenced their training in 2001. Thus, there is an aggregate of 19 dentists in specialist training for orthodontics. These measures will complement the other structural changes being introduced into the orthodontic service, including the creation of an auxiliary grade of orthodontic therapist to work in the orthodontic area.

Furthermore, the commitment of the Department to training development is manifested in the funding provided to both the training of specialist clinical staff and the recruitment of a professor of orthodontics for the Cork Dental School. This appointment at the school will facilitate the development of an approved training programme leading to specialist qualification in orthodontics. The chief executive officer of the Southern Health Board has reported that the professor commenced duty on the 1 December 2003. In recognition of the importance of this post at Cork Dental School my Department has given approval in principle to a proposal from the school to further substantially improve the training facilities there for orthodontics. This project should see the construction of a large orthodontic unit and support facilities; it will ultimately support an enhanced teaching and treatment service to the wider region under the leadership of the professor of orthodontics.

In June 2002, my Department provided additional funding of €5 million from the treatment purchase fund to health boards/authority specifically for the purchase of orthodontic treatment. This funding is enabling boards to provide both additional sessions for existing staff and purchase treatment from private specialist orthodontic practitioners.

Information for the years requested by the Deputy, on the number of children regarded by health boards/authority as outside the criteria in the guidelines for orthodontic treatment, is not routinely collected by my Department. My

Department has therefore asked the chief executive officers of the health boards/authority to provide the information requested directly to the Deputy.

#### **National Lottery Funding.**

126. **Ms O. Mitchell** asked the Minister for Health and Children if consideration will be given to the lottery application by the Charleville Sheltered Housing Services for essential equipment for their new central care unit. [18171/04]

**Minister for Health and Children (Mr. Martin):** My Department received an application for a grant from the health and children allocation of national lottery funds on the 2 June 2004 from Charleville Sheltered Housing Services.

There is a protocol in my Department for processing applications for national lottery grants. When the completed application form is received in my Department it is registered in the finance unit and forwarded to the relevant services division for their assessment, evaluation and recommendation. All applications are then considered in the context of the recommendation and the overall level of funds available to me. The application is one of many under consideration for a grant from my Department and the organisation will be informed as soon as a decision has been made.

#### **Health Board Services.**

127. **Mr. Ring** asked the Minister for Health and Children if changes have been made to the arrangements for palliative care administered in Mayo General Hospital, Castlebar, County Mayo; if so, the nature of these changes; the reason the changes have been made; the number of persons who have been affected by these changes; and if he will make a statement on the matter. [18173/04]

**Minister for Health and Children (Mr. Martin):** As the Deputy will be aware, the provision of palliative care services in County Mayo is, in the first instance, the responsibility of the Western Health Board. The board has advised my Department that there have been no changes made to service delivery arrangements in respect of palliative care at Mayo General Hospital.

128. **Mr. Ring** asked the Minister for Health and Children if further speech therapy hours will be provided for a person (details supplied) in County Galway. [18174/04]

**Minister for Health and Children (Mr. Martin):** The provision of health services, including speech and language therapy, to people with a physical and/or sensory disability is a matter for the Eastern Regional Health Authority and the health boards in the first instance. Accordingly, the Deputy's question has been referred to the chief executive officer of the Western Health Board

with a request that she examine the matter raised and reply directly to the Deputy as a matter of urgency.

#### **Health Board Allowances.**

129. **Mr. F. McGrath** asked the Minister for Health and Children the reason the domiciliary care allowance and respite grant ceases when a person with a disability is 16 years of age; and if a person (details supplied) in County Carlow will be given the maximum support and advice. [18175/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** Domiciliary care allowance is a monthly allowance administered by health boards and may be paid in respect of eligible children from birth to the age of 16 who have a severe disability requiring continual or continuous care and attention which is substantially in excess of that normally required by a child of the same age. The condition must be likely to last for one year.

When the child is approaching the age of 16, he or she should be advised to apply for disability allowance, DA, which is administered by the Department of Social and Family Affairs. The boards should notify the parent(s) of the child at least six months prior to the child's 16th birthday. DA is a weekly payment for persons with a disability and generally someone who satisfied the medical conditions for DCA will satisfy the medical conditions for DA. However, the claimant must also satisfy a means test. Entitlement to DCA ceases on the child's 16th birthday.

In this regard, as domiciliary care allowance is paid to recipients up to the age of 16 the respite care grant cannot be paid by the health board after the child reaches 16. To be eligible for the grant at this stage from the Department of Social and Family Affairs, the applicant must be in receipt of the carer's allowance or the carer's benefit.

#### **Public Health Expenditure.**

130. **Mr. J. Bruton** asked the Minister for Health and Children the percentage of the health budget here spent on prevention programmes; and the way in which this compares with the OECD average. [18181/04]

**Minister for Health and Children (Mr. Martin):** In 2002, the latest year for which relatively comparable data is available on the OECD database, public expenditure on prevention and public health as a percentage of public expenditure on health in Ireland was 3.13%. The OECD average for the same year was 3.48% for the 15 countries, including Ireland, of the 30 OECD members which made returns for this area.

131. **Mr. J. Bruton** asked the Minister for Health and Children the ratio of growth in health expenditure to growth in the GDP here over the

[Mr. J. Bruton.]  
past seven years; and the way in which this compares with the OECD average ratio. [18182/04]

**Minister for Health and Children (Mr. Martin):**  
The following tables show the latest information

available from the OECD regarding Ireland's public health expenditure as a percentage of GDP and relative to the OECD average. The information for 2002, the latest available, is based on preliminary data recently released by the OECD which also includes a revision for Ireland's reported health expenditure for 2001.

Table 1: Irish Public Health Expenditure & GDP 1996-2002

Year	*Public Health Expenditure	% Growth of public health expenditure over previous years	**GDP	% Growth of GDP over previous years	Public Health Expenditure as % of GDP
	€ million	%	€ million	%	%
1996	2,734		58,080		
1997	3,222	17.8	67,123	15.6	4.8
1998	3,677	14.1	77,543	15.5	4.7
1999	4,085	11.1	89,614	15.6	4.6
2000	4,794	17.4	102,845	14.8	4.7
2001	6,015	25.5	114,743	11.6	5.2
2002	7,075	17.6	129,344	12.7	5.5

\*Source: OECD Health Data

\*\*Source: Central Bank Spring Bulletin 2004

The Vote for the Department of Health and Children contains funds to cover a broad range of personal and social services, including social care, as well as what is recognised by OECD as coming within the standard boundaries of health care. The figures published by the OECD take account of adjustments necessary to bring Ireland's health expenditure better into line with the boundaries for health systems set out in the OECD system of health accounts.

Table 1 shows that over the period 1997-2002, Ireland's public health expenditure grew at a rate faster than that of GDP over the same period.

The latest comparable OECD data relates to 2002 and includes 24 out of 29 countries, including Ireland. The table below, showing the increase in health expenditure as a percentage of GDP from 1997-2002, is based on data from those 24 countries.

Table 2: Increase in Health Expenditure as a percentage of GDP 1997-2002

	Health Expenditure as % of GDP 1997	Health Expenditure as % of GDP 2002	Increase 1997-2002
	%	%	%
Ireland	4.8	5.5	14.6
Rest of OECD	5.8	6.3	8.6

This table shows that Irish health spending as a percentage of GDP has increased at a higher rate than the OECD average. This reflects the Government's sustained investment in the public health services over the period.

The Deputy should be aware that the approach of comparing health expenditure based on percentage of national income has some limitations. Increases in GDP will reflect growth on the basis of the economy expanding over a period of time. This may mean that although funding provided for a particular sector such as the health service may increase significantly in real terms, the percentage committed may fall due to overall GDP growth, this being particularly evident in a fast expanding economy such as has been evident in Ireland in recent years.

### Hospital Accommodation.

132. **Mr. J. Bruton** asked the Minister for Health and Children the way in which the ratio of hospital beds per thousand persons here compares with the OECD average. [18183/04]

**Minister for Health and Children (Mr. Martin):** At the outset it should be pointed out that the OECD advises caution in the interpretation of cross-country data on health. Health care systems differ significantly across the range of OECD countries. It should also be noted that the Irish data on the number of acute beds does not include the acute beds located in private hospitals in Ireland while some OECD countries include acute beds in private hospitals.

Based on the most recent set of OECD data, the average number of acute in-patient beds is 3.7 per 1,000 population and the rate for Ireland is 3.0 per 1,000 population.

#### **Mortality Rates.**

133. **Mr. J. Bruton** asked the Minister for Health and Children the reason Ireland has the lowest life expectancy for both males and females amongst the former 15 EU countries. [18184/04]

**Minister for Health and Children (Mr. Martin):** The European Health for All database, published in January 2004, shows that for the year 2001, life expectancy for Irish males is 74.6 years and for Irish females 79.9 years. While there were a number of other countries among the former 15 member states of the European Union whose life expectancy was less than this, nevertheless, the Irish figures are less than the average for the former EU at 75.6 years for men and 81.7 years for women. It is encouraging to note, however, that life expectancy in Ireland is increasing by approximately one year every decade.

It is acknowledged that mortality from chronic diseases such as cancer and cardiovascular disease contributes mainly to the Irish experience described above but it is encouraging, however, that there have been significant decreases in mortality from these conditions in recent years, especially for cardiovascular disease.

In recognition of the importance of these conditions, the Department of Health and Children has developed and implemented cardiovascular and cancer strategies which are expected to continue the trend of reducing mortality from these conditions.

Also, the health promotion strategy is tackling lifestyle issues which contribute to the development of these diseases. The recent successful smoking initiative is expected to play a significant role in reducing mortality from diseases linked with smoking.

#### **Hospital Services.**

134. **Mr. O'Shea** asked the Minister for Health and Children, further to Question No. 243 of 1 June 2004, when a deal was signed on behalf of his Department using money from the Limerick Trust Fund whereby public patients will be treated in the mid-western region at the private hospital under the deal with the Mater Hospital (details supplied); and if he will make a statement on the matter. [18185/04]

135. **Mr. O'Shea** asked the Minister for Health and Children, further to Question No. 243 of 1 June 2004, the financial implications for either his Department or the Mid-Western Health Board in regard to the new private radiotherapy hospital in Limerick to provide public patients with cover

(details supplied); and if he will make a statement on the matter. [18186/04]

**Minister for Health and Children (Mr. Martin):** I propose to take Questions Nos. 134 and 135 together.

Neither I nor my Department are parties to any deal or agreement regarding the treatment of public patients at a private radiation oncology facility that is to be established in the mid-western region.

I have met with both the Mid-Western Hospitals Development Trust and the Mid-Western Health Board in relation to the proposal for the development of a radiation oncology unit on the campus of the Mid-Western Regional Hospital, Limerick. The proposal is for a facility to be constructed on a site made available by the Mid-Western Health Board with funds provided by the Mid-Western Hospitals Development Trust. I understand the trust intends to make arrangements with a private hospital to operate the facility on its behalf. My understanding is that it is intended to treat public and private patients at this facility. However, I have been assured that the development will not require revenue or capital resources from my Department.

I have advised the representatives of the Mid-Western Health Board of the establishment of a National Radiation Oncology Co-ordinating Group which will advise, *inter alia*, on the national co-ordination and delivery of existing and planned radiation oncology services, including agreeing quality assurance protocols and guidelines for the referral of public patients to private facilities.

My plans for the development of radiation oncology services are in line with the Report of the Expert Working Group on The Development of Radiation Oncology Services in Ireland, which I launched in October 2003. Its recommendations have been accepted by Government. The Government agrees that a major programme is now required to rapidly develop clinical radiation oncology treatment services to modern standards. Furthermore, the Government has agreed that the first phase of such a new programme should be the development of a clinical network of large centres in Dublin, Cork and Galway. The development of these centres as a clinical network is of paramount importance and will, in the shortest possible timeframe, begin to address the profound deficit in radiation therapy capacity that has been identified in the report. The implementation of the report's recommendations is my single most important priority in cancer services in the acute setting.

In relation to patients in the mid-western region, significant progress is being made to ensure improved access to radiation oncology services that are in line with best international prac-

[Mr. Martin.]

at the supra-regional centres at Cork University Hospital and University College Hospital Galway. The immediate developments in Cork and Galway will result in the provision of an additional five linear accelerators. This represents an increase of approximately 50% in linear accelerator capacity. I have provided for the appointment of an additional five consultant radiation oncologists. Recruitment for these posts is under way. Two of these posts will have significant seasonal commitments to the mid-western region. We currently have ten consultant radiation oncologists nationally. This will result in a significant increase in the numbers of patients receiving radiation oncology in the short term.

136. **Mr. O'Shea** asked the Minister for Health and Children the discussions which have taken place between his Department and the South Eastern Health Board regarding the provision of radiotherapy services for public patients and the promoters of a €45 million private hospital planned for Butlerstown North, County Waterford (details supplied); the outcome of such discussions; and if he will make a statement on the matter. [18187/04]

**Minister for Health and Children (Mr. Martin):**

No discussions have taken place between my Department, the South Eastern Health Board and the promoters of a private hospital planned for County Waterford in relation to the provision of radiotherapy services for public patients. My Department has not committed any revenue or capital resources towards the provision of radiotherapy services in private hospitals.

My plans for the development of radiation oncology services are in line with the Report of the Expert Working Group on The Development of Radiation Oncology Services in Ireland, which I launched in October 2003. Its recommendations have been accepted by Government. The Government agrees that a major programme is now required to rapidly develop clinical radiation oncology treatment services to modern standards. Furthermore, the Government has agreed that the first phase of such a new programme should be the development of a clinical network of large centres in Dublin, Cork and Galway. The development of these centres as a clinical network is of paramount importance and will, in the shortest possible timeframe, begin to address the profound deficit in radiation therapy services that has been identified in the report. The implementation of the report's recommendations is the single most important priority of my Department in cancer services in the acute setting.

In relation to patients in the south eastern region, significant progress is being made to ensure improved access to radiation oncology ser-

vices that are in line with best international practice. Approval has issued for the provision of two additional linear accelerators for the supra-regional centre at Cork University Hospital and the necessary capital investment amounting to over €4 million to commission the service as rapidly as possible. In 2004, €1 million ongoing revenue funding is being made available for this development which will improve services for cancer patients in the Southern, South Eastern and Mid-Western Health Boards.

The immediate developments in the south and west will result in the provision of an additional five linear accelerators. This represents an increase of approximately 50% in linear accelerator capacity. We have provided for the appointment of an additional five consultant radiation oncologists. Recruitment for these posts is under way. One of these posts will have significant seasonal commitments to the south eastern region. We currently have ten consultant radiation oncologists nationally. These developments will result in a significant increase in the numbers of patients receiving radiation oncology in the short term.

It is my intention to develop a national integrated network of radiation oncology, based on equitable access regardless of location and an effective national quality assurance programme. As recommended in the report, I have established the National Radiation Oncology Co-ordinating Group. The group comprises clinical, technical, managerial, academic and nursing expertise from different geographic regions. The group's remit encompasses the national co-ordination and delivery of existing and planned radiation oncology services, including agreeing quality assurance protocols and guidelines for the referral of public patients to private facilities. I expect the group to develop proposals in these important areas.

**Medical Cards.**

137. **Mr. F. McGrath** asked the Minister for Health and Children the reason young travellers in the 16 to 18 year old age group, who are not in full-time education, training or employment, are not eligible for medical cards; and if he will make a statement on the matter. [18229/04]

**Minister for Health and Children (Mr. Martin):**

Responsibility for the provision of a medical card is, by legislation, a matter for the chief executive officer of the relevant health board-authority. No particular groups in society, other than persons aged 70 years and over, are automatically entitled to a medical card. Each case is assessed on its individual merits.

**Services for People with Disabilities.**

138. **Mr. O'Shea** asked the Minister for Health and Children his proposals to provide funding to

finance two projects (details supplied); and if he will make a statement on the matter. [18238/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** Responsibility for the provision of funding for services to persons with disabilities, including intellectual disability and those with autism in the Waterford region is a matter, in the first instance, for the South Eastern Health Board. My Department has, therefore, asked the chief executive officer of the health board to investigate the matter raised by the Deputy and reply directly to him.

#### **Health Board Services.**

139. **Ms Shortall** asked the Minister for Health and Children if his attention has been drawn to a recent letter issued to private orthodontists by the Eastern Regional Health Authority, ERHA, which states that the public dental services are no longer in a position to take referrals for routine care, including orthodontic extractions, even when it is deemed necessary by an orthodontist; when such a change in policy occurred; the statutory instrument under which it was made; if this is a correct policy *vis-à-vis* children's entitlement to dental services; and if he will make a statement on the matter. [18242/04]

**Minister for Health and Children (Mr. Martin):** As the Deputy is aware, statutory responsibility for the provision of dental services to eligible persons rests with the health boards-authority in the first instance. Under section 67 of the Health Act 1970, the children eligible for health board dental services are pre-school and national school children in respect of defects noted at child health examinations. Child health examinations are provided by health boards to children attending national school in accordance with section 66 of the Health Act 1970.

All health boards, including the ERHA, have adopted a planned targeted approach to the delivery of dental services to national school children; this ensures the optimum use of dental resources, and equal access for all national school children to the same level of dental care. Children in specific classes in national school, usually second, fourth and sixth class, are targeted for preventive measures under the school based approach; the children in these classes are screened and referred for treatment as necessary; the programme has been specifically designed to ensure that children are dentally fit before they leave national school. The screening provided in second, fourth and sixth classes ensures that follow-up appointments for examination, treatment or orthodontic review are made, as necessary, with the dental surgeon in the clinic designated for the particular school.

The Health (Amendment) Act 1994 amended the Health Act 1970. The regulations made under this Act — the Health (Dental Services for Children) Regulations 2000 — extended eligibility for free primary dental care to all children under 16 years of age who have attended national school. Additional funding of €1.698 million has been provided to the ERHA for this extension of eligibility. However, treatment is provided within the resources available to the authority; this means that along with the national school screening and treatment programme provided systematically by the authority, emergency dental treatment may only be available on demand.

The responsibility for the management of dental services in the ERHA area is a matter for the regional chief executive of the authority. My Department has therefore asked the regional chief executive to investigate the matter raised by the Deputy and to reply to her directly.

#### **Hospital Services.**

140. **Mr. Naughten** asked the Minister for Health and Children when a person, details supplied, in County Roscommon will be called for a hip replacement in Galway; and if he will make a statement on the matter. [18244/04]

**Minister for Health and Children (Mr. Martin):** The provision of hospital services for people living in County Roscommon is a matter for the Western Health Board. My Department has asked the chief executive officer of the board to investigate the position in relation to this case and to reply directly to the Deputy.

#### **Light Rail Project.**

141. **Mr. F. McGrath** asked the Minister for Transport the position regarding the policy on free travel for pensioners and the disabled on the new Luas project. [18162/04]

**Minister for Transport (Mr. Brennan):** I understand from the Railway Procurement Agency that the board has agreed to conclude negotiations with the Department of Social and Family Affairs on a package which will allow all free travel pass holders unlimited access to Luas services.

#### **Crime Prevention.**

142. **Mr. O'Connor** asked the Minister for Justice, Equality and Law Reform if he will report on efforts to deal with crime in the Garda division covering Tallaght, Dublin 24; and if he will make a statement on the matter. [18145/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Garda authorities have informed me that the Tallaght district comprises Tallaght and Rathfarham sub-districts. The detective unit is responsible for the investigation and



[Mr. McDowell.]

detection of crimes in the district. In addition, the drugs unit is also responsible for the investigation of the supply of illicit drugs in the district. These resources are further supplemented by a divisional task force based in Crumlin.

In addition, the Garda authorities have informed me that a dedicated scenes of crime unit has been established in the division to aid criminal investigations and, when required, the above units receive assistance from the national units, such as the National Bureau of Criminal Investigation, the National Bureau of Fraud Investigation and the National Drugs Unit. A crime prevention officer is also based at Tallaght and is available to advise members of the community on crime prevention methods. I have been assured by the Garda authorities that, while the units I have referred to above are tasked with the investigation and detection of crime, the various regular units at Tallaght and Rathfarham also play a major role in the prevention and detection of crime.

I would also like to note the positive effects achieved through the three Garda youth diversion projects in the Tallaght Garda district. These include KEY, Key to Engaging Youth, Killinarden, Fettercairn and Glenshane, JAY, Jobstown Action for Youth and YEW, Youth Enhancement in Whitechurch. Garda youth diversion projects are a community based, multi-agency crime prevention initiative which seek to divert young persons from becoming involved, or further involved, in anti-social and-or criminal behaviour by providing suitable activities to facilitate personal development, promote civic responsibility and improve long-term employability prospects. By doing so, the projects also contribute to improving the quality of life within communities and enhancing Garda-community relations. A total of €296,420 was made available in 2003 to the three projects in the Tallaght district.

#### **Legal Aid Service.**

143. **Mr. O'Connor** asked the Minister for Justice, Equality and Law Reform the contacts he has had with the Legal Aid Board in respect of its services in Tallaght, Dublin 24; and if he will make a statement on the matter. [18146/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As the Deputy is aware, the Legal Aid Board is examining the possible benefits of relocating some or all of its suburban law centres in Dublin to locations in the city centre to bring them closer to the courts. The Deputy will appreciate that in accordance with good public service management practice, the Legal Aid Board keeps the operation of its law centre network under constant review. About 90% of the

board's caseload falls in the area of family law. The legal remedy available in such cases is provided through the courts. When time spent at court consulting with barristers, adjournments, interim applications etc. is taken into account, a situation arises where a significant portion of the time taken to resolve a case, by both client and solicitor, is actually spent at court and not in the law centre.

Where a law centre is remote from the court, a solicitor can spend quite a large portion of his or her time travelling to and from the court and the amount of time involved can be quite considerable. Whereas, if the law centre is close to the court, the solicitor would spend less time travelling and should have more time to deal with a greater number of clients. This would particularly be the case when the court adjourns a case to a later time or date. The time saved would enable the solicitor to deal with other work in the law centre and this should contribute to an improved throughput of cases and reduce the amount of time that applicants to the law centre have to wait for legal services. The client has to travel to court for hearings, consultations with barristers etc. in any event.

Under the terms of the Civil Legal Aid Act 1995, an applicant for legal services may apply to any law centre in the State, regardless of his or her home address. In this regard, applicants from the greater Dublin area may apply for legal services at any of the Dublin law centres most convenient to them. In conclusion, I can inform the Deputy that I have not yet received any concrete proposals in relation to this matter and I would expect that any such proposals would take into account any proposals by the Courts Service in relation to the location of family law court sittings.

#### **Refugee Status.**

144. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform if a person, details supplied, in County Louth will be granted permission to remain here. [18159/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person referred to in the question was refused refugee status in the State following consideration of his case by the Office of the Refugee Applications Commissioner and on appeal by the Refugee Appeals Tribunal. A notification under section 3(3)(a) of the Immigration Act 1999 issued to the person on 10 March 2004 in which he was advised that the Minister had decided to refuse him a declaration as a refugee and setting out the options now open to him, that is, to leave the State voluntarily before the Minister decided whether or not to make a deportation order in respect of him; to consent to the making of a deportation order in

respect of him; or to make written representations to the Minister setting out reasons he should be allowed to remain temporarily in the State.

On 5 May 2004 a deportation order was made in respect of the person concerned and he was notified of same by letter served on him by hand on the same date. Late representations have recently been received in my Department and these will be considered by me. In view of this development, I expect to make a final decision in this case shortly.

#### **Visa Applications.**

145. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform if he will consider the application from a person, details supplied, to come to live here with her daughter who is working here as a nurse; and if he will make a statement on the matter. [18166/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person in question, the mother of a person employed in the State, made a visa application in December 2003 to enable her visit her daughter here. The application was refused because it was not established, on the basis of the documentation supplied to my Department, that the applicant would observe the conditions of the visa. In particular it was considered that the applicant had not displayed evidence of obligations to return home following her proposed visit. It was noted that the applicant and her daughter both stated in the application documentation that the proposed visit was for a nine month period, however, a visit visa is for a stay of a maximum period of 90 days.

The daughter of the person in question submitted an appeal against the refusal, in which she indicated that the proposed visit was now for the purpose of a three month holiday. The visa appeals officer, having re-examined the application, upheld the original decision to refusal the application. It is open to the applicant to make a fresh application with up to date supporting documentation and the matter will be considered anew.

#### **Immigration Policy.**

146. **Mr. J. Bruton** asked the Minister for Justice, Equality and Law Reform the Government's policy on immigration. [18188/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Government's policy on immigration is to facilitate the orderly migration of non-nationals to the State for a purpose and in a manner which is consistent with the needs of our economy, the security and authority of the State itself, the general welfare of our citizens and respect for the rights of immigrants. The Govern-

ment's view also is that Ireland must, as a fundamental expression of its humanitarian ideals, afford protection to refugees and fair consideration, accommodation and sustenance to those claiming refugee status. The Government is determined to ensure that our immigration laws and procedures are respected, upheld and enforced, not alone in the interests of the welfare of our citizens, but also in the interests of the efforts of the international community to combat transnational crime syndicates that exploit and abuse the human rights of migrants.

#### **Legal Costs.**

147. **Mr. J. Bruton** asked the Minister for Justice, Equality and Law Reform the way in which the legal costs associated with dispute resolution here compare with those in other Organisation for Economic Co-operation and Development, OECD, countries; and his views on whether an OECD study should be carried out on this matter. [18190/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The policy of the Government in this area generally is reflected in the provisions of the Courts and Court Officers Act 2002, the Personal Injuries Assessment Board Act 2003 and the Civil Liability and Courts Bill 2004. I have indicated my intention to establish a group to examine the matter of the taxation of costs. Moreover, the Competition Authority, as part of its study of regulatory reform in the State, is examining the role of the legal profession. This follows on from a study by the OECD on regulatory reform in Ireland.

The Civil Liability and Courts Bill contains provision to tackle insurance costs and fraud in cases of personal injuries. It facilitates the use of mediation. The Rules of the Superior Courts (Commercial Proceedings) 2004, made by the Superior Courts Rules Committee with my concurrence, have provision for mediation, conciliation or arbitration in commercial proceedings. The rules apply generally to claims, other than claims for damages for personal injuries, with a value of at least €1,000,000.

The second programme of the Law Reform Commission, approved by Government, includes alternative dispute resolution, ADR, among the topics which will be examined by the commission. I look forward to the outcome of this work in due course.

At European level, in April 2002, the European Commission produced a Green Paper on ADR in civil and commercial law. This was with the objective of launching a broad consultation process as to how best to promote ADR. It is understood that the Commission may present a proposal for a legislative instrument on ADR before the end of this year.

[Mr. McDowell.]

I have no ministerial responsibility in relation to the OECD. As far as I am aware, there is no international league for comparison purposes of costs associated with dispute resolution and there are no proposals to ask the OECD to carry out a study for this purpose.

#### **Garda Retirement.**

148. **Mr. Cregan** asked the Minister for Justice, Equality and Law Reform the plans he has to increase the retirement age for existing gardaí, sergeants, superintendents and chief superintendents; and if he will make a statement on the matter. [18234/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I currently have no plans to increase the retirement age for gardaí, sergeants, inspectors, superintendents and chief superintendents who were recruited to the force prior to 1 April 2004. The changes in the retirement age for members of the Garda Síochána, outlined in the Public Service Superannuation (Miscellaneous Provisions) Act 2004, will apply only to new entrants who are recruited to the Garda Síochána after 1 April 2004.

#### **Facilities for Wheelchair Users.**

149. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government if special funding will be provided for footpath adaptation to provide crossings and dish kerbs for wheelchair users. [18147/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The memorandum on grants for non-national roads issued by my Department urges road authorities to take measures to facilitate people with disabilities. Road authorities have been advised when planning and executing road works and particularly the planning and design of pedestrian facilities to pay particular attention to the needs of the mobility-impaired, including the visually impaired. Authorities have been specifically advised that care should be taken to avoid steep or irregular gradients or sharp changes in the alignment of footpaths which might prove deceptive to blind or partially sighted persons; and that kerbs should be dished and wheelchair ramps, constructed of non-slip material, should be provided at pedestrian crossing points, where possible.

Local authorities may use their own resources, as supplemented by my Department's discretionary improvement and block grants, to fund the provision of pedestrian crossings and dished kerbs. In 2004, the total discretionary improvement grant allocation by my Department to county councils is €22 million, which represents

an increase of 6.5% on the 2003 grant payment. The total 2004 block grant allocation by my Department to city, borough and town councils is almost €14.1 million, which represents an increase of 8.6% on the 2003 block grant payment. The selection of works to be funded from these grants is entirely a matter for the relevant local authority.

In 2004, regional traffic management scheme grant allocations totalling €2.183 million have also been made to Cork, Galway, Limerick and Waterford City Councils, representing an increase of almost 19% on the 2003 grant payment. While this scheme is primarily intended to assist the provision of urban traffic management schemes, eligible works would include the provision of pedestrian crossings and dished kerbs in residential areas, subject to the approval of my Department.

The allocation of grants for national roads is a matter for the National Roads Authority. The Dublin Transportation Office also allocates grants for traffic management measures to local authorities in the greater Dublin area.

#### **Water and Sewerage Schemes.**

150. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the widespread concern in consumer, food retailing and many farming sectors regarding the sweepingly increased use of human sewage from public treatment plants in agriculture; if the Department of Health and Children or the Food Safety Authority were consulted before he gave effect to the existing human sewage in agriculture regulations of this Department; if, since then, his attention has been drawn to the repeatedly expressed fears of the acting head of the Food Safety Authority concerning dangers which it considers the application of raw sewage from smaller public treatment plants represents in terms of food safety and public health; if, in view of the growing disquiet, he will consider banning the practice here; and if he will make a statement on the matter. [18179/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Sewage sludge is an inevitable and potentially useful by-product of advanced waste water treatment processes. Overall, volumes of such sludge are increasing as a result of the major investment in waste water treatment facilities now under way as part of the national development plan. It is therefore desirable, and in accordance with EU requirements that sewage sludge should be reused wherever appropriate. Where sewage sludge is reused in agriculture it is subject to compliance with the Waste Management (Use of Sewage Sludge in Agriculture) Regulations 1998, as amended, which give effect to Council Directive 86/278/EC

on the protection of the environment and particularly of the soil when sewage sludge is used in agriculture. These regulations specify a range of requirements for the safe use of the product, and prohibit its use in certain circumstances such as on land where fruit or vegetable crops are growing or on grasslands to be grazed within three weeks of such use.

The Food Safety Authority of Ireland has been fully informed of national sludge management policy and supports the measures being undertaken for its implementation. The authority considers that the requirements of the Waste Management (Use of Sewage Sludge in Agriculture) Regulations satisfy their concerns.

#### **Local Authority Funding.**

151. **Mr. J. Bruton** asked the Minister for the Environment, Heritage and Local Government when the review of local government funding will be complete; and if he will make a statement on the matter. [18208/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I anticipate that this review will be completed by spring 2005.

*Question No. 152 withdrawn.*

#### **Government Policy.**

153. **Mr. J. Bruton** asked the Minister for Social and Family Affairs the Government's policy in regard to the promotion and definition of marriage. [18206/04]

**Minister for Social and Family Affairs (Mary Coughlan):** Government policy is designed to ensure that the State meets its constitutional obligations to the institution of marriage. Social, economic, demographic and other changes are having an impact on families and on the institution of marriage and policy has to be developed and adapted having regard to these changes.

The Commission on the Family, which reported in 1998, made a number of recommendations on support for marriage. These included support for and further development of counselling and family mediation services. The Family Support Agency, which I established in May 2003, represents one of the main responses to these recommendations in the commission's report. It draws together the main family related programmes and services developed by the Government since 1997. Specifically, out of the Family Support Agency's total budget of over €20 million, I have made available €7.16 million for the scheme of grants to voluntary organisations providing marriage preparation courses, marriage and relationship counselling and other family supports. This year over 500 voluntary groups nationwide will receive financial support for the

provision of these services to strengthen and support families throughout the country. The remainder of the agency's budget provides for a nationwide family mediation service, information on parenting, and support for the promotion and development of family and community services.

I have been conscious that the profound rapid changes taking place in society may be leading to outcomes in terms of family life that many may not desire either for themselves or others. I am conscious also that State policies and programmes may not be contributing as effectively as they might to strengthening families at this time of change. It was for those reasons that I embarked last year on a nationwide consultation process on families and family life. A report on this consultation process entitled Families and Family Life in Ireland: Challenges for the Future has been published.

Last month, to mark the 10th anniversary of the UN International Year of the Family, the Irish Presidency, with the support of the EU Commission, hosted a major international conference on families, change and social policy in Europe. Ireland has also directly participated in a major OECD international study on reconciling work and family life.

The outcome of these developments is being fully taken into account in the preparation of a strategy on supports for families, which I intend to have completed and issued before the end of this 10th anniversary year. The role of the State in meeting its constitutional obligations to "guard with special care the institution of marriage" at this time of profound change will be one of the issues to be addressed in the strategy.

#### **Social Welfare Benefits.**

154. **Mr. Durkan** asked the Minister for Social and Family Affairs the assistance that can be offered in the case of a person, details supplied, in County Kildare; and if she will make a statement on the matter. [18230/04]

**Minister for Social and Family Affairs (Mary Coughlan):** Subject to certain conditions, the supplementary welfare allowance scheme, which is administered on behalf of my Department by the health boards, provides assistance to eligible people whose means are insufficient to meet their basic needs. In addition to a basic allowance, assistance may be given in the form of supplements which are payable in respect of certain needs such as rent, mortgage interest, diet and special heating requirements. A board may also award a single payment to meet an exceptional need if, in the opinion of the board, the circumstances of the case so warrant.

The South Western Area Health Board was contacted regarding this case and has indicated that the person concerned should contact her

[Mary Coughlan.]  
local health centre where the community welfare officer will be able to provide her with advice regarding entitlements and also carry out an assessment of her circumstances so as to determine whether or not she qualifies for assistance under the terms of the supplementary welfare allowance scheme.

155. **Mr. Ring** asked the Minister for Social and Family Affairs the reason, when a person, details supplied, in County Mayo arrived for an appoint-

ment with a medical assessor in relation to an application for the disability benefit, the medical assessor did not turn up. [18232/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The date for the medical examination of the person concerned had to be changed and unfortunately, due to an administrative error, this information was not communicated to him. The inconvenience caused to him is regretted. The examination has now been re-scheduled and the person concerned has been informed.