



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Tuesday, 22 June 2004.

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DÁIL ÉIREANN

Dé Máirt, 22 Meitheamh 2004.
Tuesday, 22 June 2004.

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

*Paidir.
Prayer.*

Ceisteanna — Questions.

Fossil Fuels.

1. **Mr. Eamon Ryan** asked the Taoiseach the value of fossil fuels imported into the Irish economy in 2003. [16678/04]

Minister of State at the Department of the Taoiseach (Ms Hanafin): The value of fossil fuels imported into the Irish economy in 2003 was €1,782 million. For comparative purposes, following are supplementary tables to show data for the years 2000 to 2003, inclusive, identifying import values for the three main fossil fuel categories, the corresponding export values and the overall value of net imports — that is. imports less exports — for the three categories.

Imports of Fossil Fuels 2000-2003

| | 2000 | 2001 | 2002 | 2003 |
|-------|-----------|-----------|-----------|-----------|
| | €(000) | €(000) | €(000) | €(000) |
| Coal | 98,721 | 147,344 | 96,990 | 101,018 |
| Gas | 266,709 | 336,075 | 244,341 | 212,584 |
| Oil | 1,913,584 | 1,714,217 | 1,462,620 | 1,468,055 |
| Total | 2,279,014 | 2,197,636 | 1,803,951 | 1,781,657 |

Exports of Fossil Fuels 2000 — 2003

| | 2000 | 2001 | 2002 | 2003 |
|-------|---------|---------|---------|---------|
| | €(000) | €(000) | €(000) | €(000) |
| Coal | 7,913 | 2,490 | 3,198 | 3,227 |
| Gas | 2,401 | 3,209 | 5,740 | 2,540 |
| Oil | 240,316 | 236,852 | 288,605 | 133,844 |
| Total | 250,630 | 242,551 | 297,543 | 139,611 |

Imports less Exports of Fossil Fuels 2000-2003

| | 2000 | 2001 | 2002 | 2003 |
|-------|-----------|-----------|-----------|-----------|
| | €(000) | €(000) | €(000) | €(000) |
| Coal | 90,808 | 144,854 | 93,792 | 97,791 |
| Gas | 264,308 | 332,866 | 238,601 | 210,044 |
| Oil | 1,673,268 | 1,477,365 | 1,174,015 | 1,334,211 |
| Total | 2,028,384 | 1,955,085 | 1,506,408 | 1,642,046 |

Mr. Eamon Ryan: I am glad to see that my little question has brought a number of Ministers and backbenchers out to hear the Minister of State's answer. I appreciate the Minister's response in providing more detailed information than may have been originally asked for. There appears to have been a doubling of oil prices in the past two years and the figures are increasing dramatically. Does the Department have any mechanism whereby the Central Statistics Office would contact line Departments to inform them of a noticeable trend if it occurred? Will the Minister of State say if her Department has any role in the whole emissions trading system for counting carbon, which in a sense is related to the question I am asking? Will it publish data on the use of carbon by different sectors in our economy, the cost of carbon trading as it occurs? Will her office or another Department have responsibility for reporting the exact figures in that regard? I know the Environment Protection Agency has a responsibility in setting up the scheme, but does the Minister envisage that the CSO should have a role in monitoring what is essentially a statistical operation?

Ms Hanafin: The data, as presented, are derived from a combination of customs based non-EU trade statistics and estimates based on the Interstat survey of Irish traders engaged in trade with other EU member states. I have no information as to other facts raised by Deputy Ryan. These will come under the responsibility of the various relevant Departments. I can inquire as to further information that may be available.

Business of Dail.

Minister of State at the Department of the Taoiseach (Ms Hanafin): It is proposed, not withstanding anything in Standing Orders, that we now move on to questions to the Minister for Health and Children, which shall conclude at 4.15 p.m.

An Ceann Comhairle: Is that agreed? Agreed.

Priority Questions.

National Treatment Purchase Fund.

2. **Ms O. Mitchell** asked the Minister for Health

[Ms O. Mitchell.]

and Children if each consultant has been requested to provide the national treatment purchase fund, NTPF, with the list of public patients awaiting surgical treatment; if so, if such requests have been universally refused; his views on whether the provision of the lists of public patients to a State agency providing health services breaches patient confidentiality considerations; and if he will make a statement on the matter. [18518/04]

Minister for Health and Children (Mr. Martin):

The national treatment purchase fund was established to identify patients who have been waiting longest for surgical treatment and to arrange treatment for those patients. The NTPF works closely with health boards and individual hospitals to obtain information on patients and the specific surgical procedure required in each case. Currently, the information collected by the NTPF is collected by hospital and specialty rather than by individual consultant.

The NTPF carried out a validation exercise on patients reported to be waiting for surgical treatments. As a result of this exercise it became clear that the number of patients reported to the Department includes those who are not immediately available for treatment or who would be unable to accept an offer of treatment for medical or other reasons. Therefore, the figures reported to the Department overstated the actual position at hospital level.

In collecting and providing data to the NTPF, hospital management depends on the co-operation of individual consultants. To date, the NTPF has treated some 15,000 patients. This could not have been achieved without the co-operation of hospital consultants. It would be fair to say that the NTPF did not receive universal co-operation in the beginning. There were difficulties with James Connolly Memorial Hospital and the Royal Victoria Eye and Ear Hospital, Dublin, as regards the small number of patients being referred by these hospitals to the NTPF. The NTPF is hopeful of a positive outcome following recent discussions with these hospitals. However, the NTPF is concerned at the very low level of referrals from St. Vincent's University Hospital, Dublin, and the Mid-Western Health Board. If a higher number of patients were referred by both St. Vincent's and the Mid-Western Health Board more patients would have been treated and their respective waiting lists could have been reduced dramatically.

It should be remembered that patients who have been waiting more than six months for treatment can contact the NTPF directly or through their general practitioners to arrange treatment.

When the NTPF initially began to collect information, concerns were raised by some hospitals about patient confidentiality issues. Clarification was sought and received from the Data Protection Commissioner in this regard. In the overall interest of patient care and treatment, as well as

on the basis that hospitals collected the patient data for the purpose of patient treatment, the commissioner was of the view that disclosure to the fund is compatible with the purpose for which patients gave the details in the first instance. The commissioner has considered, therefore, that the Data Protection Acts do not prohibit the disclosure by a data controller — the hospital, in this case — of patient data to the treatment fund. Information supplied to the national treatment purchase fund is treated in the strictest confidence.

The fund does not request or retain the medical histories of patients. Medical notes associated with patients are not sought by the fund. It is in the best interest of patient care that details sought by the fund are provided by health boards and hospitals so treatment can be arranged for the patients concerned.

Ms O. Mitchell: I recognise that some hospitals are co-operating with the treatment fund, but following the Minister's reply it is not clear to me whether hospitals or consultants are providing lists of patients. I find it utterly ludicrous that a State agency has to spend enormous sums of money on advertising on national radio to identify those public patients who are waiting for a public service, and that we cannot identify such people without recourse to advertisements on national radio. It seems to be a total waste of money. If consultants are not co-operating with the treatment fund, they are denying patients the opportunity to choose. They are making decisions on behalf of patients.

The Minister should take a strong line on this issue. Does he agree that the lists do not belong to consultants? The patients do not belong to the consultants. As patients of the State, they are entitled to receive treatment in whatever way the State can deliver it to them. It is totally unacceptable that such money — over €1.5 million last year — has to be spent on advertising. I do not know what the relevant sum is this year. My question was prompted by hearing advertisements for the national treatment purchase fund every time I turn on the radio.

Mr. Martin: I disagree with the Deputy's comments on the advertising, which is necessary and good.

Ms O. Mitchell: It would not be necessary——

Mr. Martin: It acts as an additional lever for the system and helps people to know what they are entitled to. We should not underestimate the need for strong public campaigns to make people aware of what they can access and how they can access it. The treatment fund has received telephone calls from 9,272 people, of whom 2,145 were found to be eligible and were subsequently treated. I accept the Deputy's point about consultants giving lists of patients to hospitals. I pay tribute to the officials of the Department of

Health and Children, from the Secretary General down, who orchestrated the mechanics of the establishment of the fund. I take advice from the chairperson and the chief executive officer of the fund on a regular basis. They advised me some time back about how best to proceed to get the fund up and running. The result has been very positive as up to 15,000 people have been treated.

We have identified a number of hospitals that have not co-operated to the extent that we consider necessary and correct. The chairperson of the treatment fund has advised me about how best to proceed. I have followed that advice to a certain extent and significant progress has been made from the beginning. That 15,000 people have had operations to date demonstrates that the vast majority of consultants are co-operating. There have been significant improvements in waiting times in many hospitals. I have a list of up to ten hospitals that are referring patients for over three months. A further nine or ten hospitals are referring patients for over six months. Progress is being made. It is not acceptable for the other hospitals——

An Ceann Comhairle: The time for this question has elapsed.

Community Care.

3. **Mr. S. Ryan** asked the Minister for Health and Children if he will report on the waiting lists for public nursing home beds given that it is alleged that in the Dublin area there is a waiting list of up to 12.5 years; if, in light of this situation, he will consider availing of the country's vacant beds in private nursing homes; and if he will make a statement on the matter. [18626/04]

Minister for Health and Children (Mr. Martin): As the Deputy is aware, the administration of health services, including the placement of people into long-term care, is, in the first instance, a matter for the Eastern Regional Health Authority, ERHA, and the health boards.

I am aware that the Dublin academic teaching hospitals, DATHs, have been encountering problems with delayed discharges of patients whose acute phase of treatment has been completed and who require to be discharged to more appropriate facilities. However, the claim that people might have to wait for up to 12 and a half years for discharge was, in my view, unjustified.

The Deputy may be interested to know that I have regularly met administrative and medical representatives of the ERHA, the area health boards and the DATHs and, at the most recent meeting, I was advised by the authority that it has commenced a programme to re-open public extended care beds. I am, therefore, fully cognisant of the issues involved. The Minister of State, Deputy Callely, is involved in these meetings.

I understand the ERHA has made strenuous efforts in recent months to recruit staff and that these efforts are beginning to show results. This

has allowed for the re-opening of 93 public extended care beds to date.

Additional funding of €13.8 million has been provided to the ERHA this year to facilitate the discharge of patients from the acute system to a more appropriate setting, thereby freeing up acute beds. It allows for funding through the subvention system of additional beds in the private nursing home sector and ongoing support in the community. This funding has already resulted in the discharge of more than 350 patients from acute hospitals in the eastern region to different locations, the majority to private nursing homes.

The ERHA is actively monitoring the situation and working with hospitals, the area health boards and the private nursing home sector to ensure every effort is made to minimise the number of delayed discharges from acute hospitals.

The option of accessing beds in private nursing homes will be considered on an ongoing basis, bearing in mind that, for a variety of reasons, private nursing home beds often may not be suitable for the discharge of heavily dependent older people from acute hospitals.

My Department provides significant funding for the nursing home subvention scheme and more than €443 million has been allocated cumulatively over the past five years. In 2000, the budget available for the scheme was €48.439 million and, this year, €115 million was made available, which is an increase of 137%.

I will continue to monitor the situation to ensure that, to the greatest extent possible, problems encountered by older people in the greater Dublin area in accessing services appropriate to their needs are minimised.

Mr. S. Ryan: The Minister stated that both he and the Minister of State, Deputy Callely, will monitor the situation but the reality is slightly different. The Minister's response to a recent request is unacceptable and shows a disregard for the needs of older people at a time when community care and home help services have been slashed.

Does the Minister accept that community care areas, especially those in the greater Dublin area, are reporting a 12 and a half year waiting list for long-term public nursing care, especially since the withdrawal of contract beds from the system in September 2003? Arising from that, does the Minister accept that hundreds of acute hospital beds are being inappropriately occupied by older people in acute hospitals, thus leading to ongoing bed shortages and long waiting periods on trolleys in accident and emergency units while, at the same time, more than 2,000 private nursing home beds are unoccupied? Is it not time we examined this area to try to deal with the problem? The Minister's response generally referred to subvention, but the real problem is that the people who cannot afford subvention are being told that they will be dead before they have access to a public nursing home in 12 and a half years' time.

Mr. Martin: I do not accept the basic content of the Deputy's argument. He is correct in one point in that it requires an overall package of measures which include community and nursing unit beds in the public sector, beds in the private nursing home sector, home care packages, which have been piloted in the Dublin region, and a more innovative approach to the procurement and securing of additional beds in the Dublin region. That is the reason we started out on the first public private partnership in health with a view to securing an additional 450 beds.

Mr. S. Ryan: That is a long time away.

Mr. Martin: It is on the way. Unfortunately, due process must be entered into in the context of public private partnerships in that they must be advertised in the *Official Journal of the European Communities* and go through the entire design phase. That is taking its course, but it is happening and is the most effective way we can significantly increase, within the next two years, the availability of beds in community nursing units on the public side.

Historically, there has been a dearth of such public beds in Dublin because of the closure of many district hospitals in the 1980s and early 1990s. In the interim period, we have provided an increase of up to 137% in the cost of funding private nursing homes. Following discussions last year, additional funding has been given to the Eastern Regional Health Authority for a package of measures designed to free up acute beds and to allow the reasonable referral of patients, who have had acute treatment, to continuing care beds. This is done in a way to maximise allocation of beds and ensure value for money. This funding has resulted in approximately 330 people securing beds. The Department will continue to work with the Eastern Regional Health Authority in monitoring this and see how it can be improved.

An Ceann Comhairle: The time for this question has concluded. Ceist Uimh. 4 in ainm an Teachta Cowley.

Mr. S. Ryan: A Cheann Comhairle——

An Ceann Comhairle: There are only six minutes for questions.

Mr. S. Ryan: I only had one contribution. The Minister for Health and Children took up most of the time in answering.

An Ceann Comhairle: The Deputy's contribution took almost two minutes. The Chair has no control over the length of time for questions.

Mr. S. Ryan: It is unacceptable that the Minister takes up most of the allocated time and still gives no real answer.

An Ceann Comhairle: I understand, but the way to change it is through Dáil reform. I call on the Minister to reply to Question No. 4.

Hospital Services.

4. **Dr. Cowley** asked the Minister for Health and Children the reason a person (details supplied) cannot be transferred to a Galway hospital for the care she requires for a tracheotomy following an aneurysm operation complication; his views on the transfer to a Galway hospital from Mayo General Hospital; and if he will make a statement on the matter. [18550/04]

Mr. Martin: The provision of services to the person in question is a matter for the Western Health Board. However, after inquiries to the board, I have been advised that the patient requires long-term care, rather than acute care, due to the complexities of the case. The Western Health Board has worked closely with the person's family, the staff at Mayo General Hospital and other health board departments which would have had a role to play in securing an appropriate placement in Galway.

A transfer to University College Hospital, Galway was not an option as this hospital provides acute care and is not the appropriate place to admit patients who require long-term care. A second option was an admission to a Western Health Board long-term care facility such as Merlin Park Hospital or St. Brendan's Hospital in Loughrea. However, a referral had previously been made to the admission team responsible for such facilities. It was refused on the grounds that the consultant geriatrician involved does not admit people below the age of 65 years requiring long-term care.

The third option explored was placement in a private nursing home. A particular nursing home was identified and the following process was agreed. The Western Health Board would be in a position to fund such a placement, the cost of which would have in excess of the maximum which is available under nursing home subvention. A meeting of clinicians would take place to ascertain if the needs of the person in question could be met in this nursing home. The family and Mayo General Hospital staff would then be invited to visit the nursing home.

On confirmation that the Western Health Board would provide funding to support the person's placement in this nursing home, relatives visited it. The meeting between the team in Mayo General Hospital and the nurse manager of the nursing home took place recently. Unfortunately, despite a great willingness on everyone's part to facilitate this placement, it was concluded that the nursing home would not be in a position to meet the patient's extensive medical needs. This outcome was communicated to the person's family by the social worker in Mayo General Hospital who is the main contact with the family. Further options are being explored in consultation with the family. The board has assured me that it will

work with the person's family and engage with them in any actions it takes on their behalf.

Dr. Cowley: I thank the Minister for his reply but it is not acceptable. Previously, I attempted to raise this issue under Standing Order 31. The person in question is 48 years old, was born in Galway yet has been in Mayo General Hospital for the last two and a half years after suffering complications from a brain aneurysm. She now requires constant nursing care and has had a tracheotomy tube inserted.

The excellent care provided by Mayo General Hospital is readily acknowledged by her family. However, this lady lived in County Mayo for less than a year. When she fell ill, she was taken to Mayo General Hospital. Her 12 year old son must make a 100 mile round trip to visit her and is now suffering from lack of contact with his mother, although she can still hear and feel. The lady in question is being kept in an acute hospital because it is the only place in the region capable of caring for her. Why can she not be cared in an acute hospital nearer her family home?

When a relative of the lady, a constituent of the Minister's, contacted him at his Grand Parade office concerning the matter two years ago, he informed her it would be sorted out. The relative was sent to the Western Health Board and still nothing has been resolved. In answer to a parliamentary question submitted by me last February, the Minister replied that the matter would be resolved by the Western Health Board. Two years have passed and still there has been no resolution. This is unacceptable.

Every nursing home in County Mayo has been examined for a placement for the lady but none has the facilities for her care. She is not accepted by long-stay care institutions because she is not yet 65. Does the Minister think he has failed?

The Western Health Board told this family that the facility available, an eight-bedroom ward with Alzheimer's patients, is "not a pretty picture". We are trying to get this lady into a nursing home but none will take her because she needs so much care. The Western Health Board is sending people to nursing homes who require a high level of care which cannot be given there. Why is there no State facility for such people? Why is this lady being denied a place in a Galway hospital when she requires acute care? The Western Health Board said that nursing homes and long-stay homes are not suitable for her. Her 12 year old son lives in Galway.

An Ceann Comhairle: We are running out of time. The Deputy must confine himself to a question.

Dr. Cowley: The lady's 12 year old son needs care and contact. Has the Minister failed? Will he ensure a bed in a Galway hospital for this poor lady? What can a Mayo hospital do that a Galway hospital cannot do? Why must a Mayo hospital take this lady when her family lives in Galway?

Mr. Martin: An acute hospital is not the most appropriate place for her.

Dr. Cowley: There is no other place for her.

Mr. Martin: I share the Deputy's concern. I do not give categorical guarantees in individual cases. I will do my best in the way everyone else does in this House, through the executive agencies responsible, in an effort to secure the best possible outcome for any individual.

Dr. Cowley: The situation has gone on for two years. The lady is one of my constituents.

Mr. Martin: There is a mechanism or option which could be used by the Western Health Board to resolve this case. We put it to the board that we wanted this case resolved. It considered a number of options. Unfortunately the last one, a nursing home placement, did not work out — we thought it would — because of the consultations needed.

Dr. Cowley: The lady needs acute hospital care.

Mr. Martin: Packages of care can be organised in different locations. One does not have to be in an acute hospital to avail of the package of care required in this case. Similar packages of care have been provided in other areas of the country in contexts different to acute hospital settings. No one would realistically suggest that we provide for cases such as this in an acute hospital setting. The case highlights the situation with the young chronic sick for whom there has been an historic deficit of suitable standalone units. I acknowledge that.

Dr. Cowley: There is nothing suitable for this lady. She needs acute hospital care and it must be provided.

Mr. Martin: The health board should be in a position to facilitate a resolution in this lady's case.

Mental Health Services.

5. **Mr. Neville** asked the Minister for Health and Children his views on the fact that the additional funding of approximately €90 million allocated since 1997 for ongoing development of mental health services is a manifestation of the total neglect of the services resulting in 83% of consultant psychiatrists having no access to a psychotherapist, 76% to a family therapist and 33% to an occupational therapist. [18519/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Substantial progress has been made in recent years in ensuring that those in need of mental health services receive the best possible care and treatment in the most appropriate setting. The Deputy is correct in stating that additional funding of approxi-

[Mr. T. O'Malley.]

mately €90 million has been invested in mental health services since 1997. This funding has enabled real progress to be made in providing additional medical and health professional staff for expanding community mental health services, to increase child and adolescent services, to expand the old age services and to provide liaison psychiatry services in general hospitals. For example, in 1997 there were 207 consultant psychiatric posts and by 2004 this had increased by 74 to a total of 281. This includes an extra 19 child and adolescent psychiatrists, eight psychiatrists of learning disability, three forensic psychiatrists, 28 adult psychiatrists and an extra 16 old age psychiatrists.

In addition to the increased revenue funding outlined, substantial capital funding has also been provided to mental health services over the lifetime of the national development
3 o'clock plan to fund the development of acute psychiatric units linked to general hospitals as a replacement for services previously provided in psychiatric hospitals. In addition to the 21 acute units now in place, a number of units are currently at various stages of development.

Health boards continue to develop a comprehensive, community-based mental health service. This has resulted in a continuing decline in the number of in-patients from 5,192 in 1997 to 3,966 in 2002 with a corresponding increase in the provision of a wide range of care facilities based in the community to complement in-patient services. There are now 411 community psychiatric residences in the country providing 3,146 places compared to 391 residences providing 2,878 places in 1997.

Additional information not given on the floor of the House

A very significant development within the area of mental health service provision in recent years has been the enactment of the Mental Health Act 2001. The main vehicle for the implementation of the provisions of the Act is the Mental Health Commission which was established in April 2002. The commission's primary function is to promote and foster high standards and good practices in the delivery of mental health services and to ensure that the interests of detained persons are protected.

The Mental Health Commission's strategic plan 2004-05, published earlier this year, indicates that one of its priorities for the commission is to put in place the structures required for the operation of mental health tribunals, as provided for in Part 2 of the Act. This year, additional funding of €3 million is available to the commission for this purpose. The commission is currently in discussion with my Department, the health boards and other relevant agencies to ensure that all elements of the organisational and support systems required are in place prior to the com-

mencement of Part 2 of the Mental Health Act 2001.

Under the provisions of the Mental Health Act 2001 the commission has appointed Dr. Teresa Carey to the position of Inspector of Mental Health Services. A team of assistant inspectors has also been appointed. The inspector had indicated that she expects to commence a programme of inspections of mental health facilities from June 2004.

The Deputy has referred to psychotherapy and family therapy, services generally provided within the health boards by clinical psychologists. I recognise that service providers have experienced particular difficulty in recruiting clinical psychologists. One of the main reasons for this has been the very small number of post-graduate training places available for such professionals. My Department, together with the health boards' directors of human resources, have been examining various issues in relation to human resource planning for clinical psychologists in the health services, including the need to increase the number of postgraduate psychology training places on a planned and sustainable medium-term basis. It is worth noting that since 1999 there has been a threefold increase from 26 to 84 in the number of trainee clinical psychologists employed in the health services.

While substantial improvements have been made in recent years in the delivery of mental health care and in the quality of mental health facilities, I acknowledge that much remains to be done. To ensure that we continue to obtain the best possible return on our investment in this important area of health care, I appointed an expert group on mental health policy in August 2003 to review all areas of mental health policy and service provision. The group consists of 18 widely experienced people who are serving in their personal capacities. The membership encompasses a wide range of knowledge and a balance of views on many issues affecting the performance and delivery of care in our mental health services. The group is expected to complete its work in 2005.

Mr. Neville: The Minister is attempting to blind us with figures. However, does he not agree that funding of €90 million since 1997 is a national disgrace? It is approximately one and a half times what was spent on electronic voting and, at an average of €11 million per year, is €4 million less than was spent this year on Punchestown. This level of investment, the lowest of any of the medical services, totally ignores the one in four people who will suffer from a mental illness during their lifetime. Why is the national treatment purchase fund not available to those in need of assistance and on a waiting list for more than 12 months? Why is treatment for varicose veins considered more important than for depression when such procedures are available under the national treatment purchase fund?

With regard to figures quoted by the Minister, of the 400 clinical psychology posts funded, 180 are vacant. Why is this the case when the psychiatrists association, in its presentation to the Joint Committee on Health and Children, stated that 73% of all psychiatrists do not have a psychologist available to them? The association further stated that the presence of a multi-disciplinary team was connected to the improvement and cure of those being treated for psychological and psychiatric illnesses.

Mr. T. O'Malley: The Deputy referred to psychotherapy and family therapy services generally provided within the health boards by clinical psychologists. I recognise that service providers have experienced particular difficulty in recruiting clinical psychologists. One of the main reasons for this has been the very small number of postgraduate training places available for such professionals. My Department, together with the health boards' directors of human resources, has been examining various issues in relation to human resource planning for clinical psychologists.

Mr. Neville: For over seven years.

Mr. T. O'Malley: Much has been done, as the Deputy knows, and 35 clinical psychologists are in training at present. However, I accept that more needs to be done. Since 1999, there has been a threefold increase, from 26 to 84, in the number of trainee clinical psychologists employed in the health services. The Deputy is very well briefed by psychiatrists.

Mr. Neville: The Minister is also well briefed.

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

Mr. T. O'Malley: I attended an informative North-South meeting yesterday organised by the Irish Advocacy Network, a group which does much work with the users of services. Many attended from North and South and they were extremely disappointed that, despite sending invitations to psychiatrists from North and South, not one attended. Nonetheless, it was a fantastic meeting and good to listen to the users of the services, who have much to say about the provision of services. Users need to be listened to more, and I intend to do this.

Mr. Neville: I wish to ask a further brief question.

An Ceann Comhairle: The time for this question is concluded.

Medical Cards.

6. **Caoimhghnín Ó Caoláin** asked the Minister for Health and Children if he proposes to extend medical card cover to all persons under 18 years

of age during the lifetime of this Dáil; and if he will make a statement on the matter. [18520/04]

Mr. Martin: Entitlement to health services in Ireland is primarily based on means. Under the Health Act 1970 determination of eligibility for medical cards is the responsibility of the chief executive officer of the appropriate health board other than for persons aged 70 years and over, who are automatically eligible for a medical card. Medical cards are issued to persons who, in the opinion of the chief executive officer, are unable to provide general practitioner medical and surgical services for themselves and their dependants without undue hardship. As a matter of course, the medical card income guidelines are revised annually in line with the consumer price index. The last such increase was notified in January 2004.

For those who do not qualify for a medical card there are a number of schemes which provide assistance towards the cost of medication, including the long-term illness scheme and the drug payments scheme. Many allowances such as carer's allowance, child benefit, domiciliary care allowance, family income supplement and foster care allowance are all disregarded when determining a person's eligibility. Given these factors and the discretionary powers of chief executive officers, having an income that exceeds the guidelines does not mean a child or other person will not be eligible for a medical card. It may still be awarded if the chief executive officer considers that a person's medical needs or other circumstances would justify this.

Persons aged 16 to 25, including students, who are financially dependent on their parents are entitled to a medical card if their parents are medical card holders. Those who are dependants of non-medical card holders are not normally entitled to a medical card except where they have an entitlement under European Union regulations or where they are in receipt of a disability allowance. Students who are financially independent of their parents are entitled to apply for a medical card in their own right and are assessed on the same criteria as all other applicants. The decision on whether a person is regarded as a dependant or as being financially independent is made by the chief executive officer of the health board on the basis of the circumstances of each individual case.

It is open to all persons to apply to the chief executive officer of the appropriate health board for health services if they are unable to provide these services for themselves or their dependants without hardship. In line with the health strategy, Quality and Fairness — A Health System for You, the possibility of extending the medical card by statute to various groups, including children, is under ongoing review in my Department in the context of the strategy's second goal.

Additional Information not given on the floor of the House.

As the Deputy is aware, the health strategy includes a commitment that significant improvements will be made in the medical card income guidelines to increase the number of persons on low incomes who are eligible for a medical card and to give priority to families with children, especially those with a disability. This should be viewed in the broader context of the strategy's emphasis on fairness and its stated objective of reducing health inequalities in our society. Due to the prevailing budgetary situation, I regret that it is not possible to meet this commitment this year, but the Government remains committed to the introduction of the necessary changes within its lifetime.

Caoimhghín Ó Caoláin: I am disappointed by the nature of the Minister's reply which outlines the prevailing position. Does he recall that on the previous occasion I raised the question, he stated it was due to the prevailing budgetary situation that he was unable to fulfil the Government's pre-general election commitment? Does he accept that, since making the statement last December, the budgetary situation has improved greatly and the economic trends are showing an upward turn? If there was any real excuse last December for the answer he gave, I do not believe it would apply currently.

Is the Minister aware that a married couple with two children, with a miserly income of €260 per week, will not qualify for free general practitioner care for their children? Does he agree this is scandalous in the Ireland of 2004? Has he any idea of the real hardship families are suffering, especially where the choice is between GP referral and prescriptions and the needs of everyday life? The Government's health strategy repeatedly stresses the vital importance of primary care, and the Minister rightly repeats it. Is he aware that many children are denied proper access to primary care because of the financial circumstances of their families? Will he explain why it is that the principle of universal qualification can apply to people over the age of 70 but cannot apply to children under the age of 18?

Does the Minister agree that the fact that so many families suffer in this situation reflects the inadequate threshold for qualification where the bar is much too low? It needs to be heightened in terms of the qualification levels. Does he propose in the course of this Dáil to extend medical card cover to all children under 18 years of age?

Mr. Martin: The Government programme is for five years. I indicated in reply to a parliamentary question in December and recently that the financial envelope allocated to me this year with which I must work does not facilitate increasing the medical card income threshold. I accept the thresholds are too low and that a certain category of people would benefit from an increase in them. Given that we are in Government for five years,

I hope we will be in a position to fulfil a commitment we gave to extend medical card eligibility to approximately 200,000 extra people and to target it at those in greatest need.

It is fair to say that, over the past two years, the cost of the general medical services, GMS, scheme has increased dramatically. If one examines the graph over the past three years, there has been a dramatic increase in the cost of drugs and the number of prescriptions, including the arrival on the scene of new drugs which are more expensive. We had to provide an additional €200 million this year for the overall GMS budget just to maintain provision for current medical card holders in the population. It is also fair to point out that the increase in employment in recent years has taken many people above the income thresholds so the number of medical card holders as a percentage of the population has declined by a number of percentage points.

The Deputy voted for the extension of medical card provision to the over 70 year olds. The Deputy's policy platform would extend medical card provision even wider so it baffles me how he can criticise the extension of medical card provision to the over 70 year olds while, on the other hand, have a completely different view—

Caoimhghín Ó Caoláin: I did not. I asked why universal qualification only applies to one sector.

An Ceann Comhairle: I call Question No. 7. The Minister without interruption.

Mr. Martin: Rhetorical questions can be condemnatory in intent.

Ms McManus: The Minister's incompetence is the problem. It is a bad deal.

An Ceann Comhairle: I have called Question No. 7.

7. **Mr. Hogan** asked the Minister for Health and Children if he or his Department has ever carried out an estimation of the cost of the provision of a free universal general practitioner service here, either a partial medical card service or to include all services currently covered for medical card patients; and if he will make a statement on the matter. [18408/04]

Mr. Martin: Health boards established pursuant to the Health Act 1970 are obliged by section 58 to provide general practitioner services free of charge to persons having full eligibility for health services. Responsibility for the determination of the eligibility of an applicant to a medical card is, by legislation, a matter for the chief executive officer of the relevant health board to decide, having regard to the individual circumstances of each case. Medical cards are normally issued to persons for whom, in the opinion of the chief executive officer of the local health board, the provision of general practitioner and surgical ser-

vices for them and their dependants would cause undue financial hardship.

Negotiations with general practitioners who provide services for medical card holders in the GMS scheme have been conducted on this basis. Any plans to change the spirit or the extent of the operation of the GMS scheme in the area of eligibility would necessarily mean further negotiations with representatives of the medical and pharmacy professions. It is, therefore, extremely difficult to assess accurately the likely cost of the introduction of universal eligibility to a medical card. However, based on preliminary figures from the GMS Payments Board for the average national cost for the provision of GP services to medical card patients for 2003, it could cost in the region of €685 million per annum to provide general practitioner services to the balance of the population. To give free pharmacy services for the range of approved prescribed medications, again for the balance of the population and based on the 2003 preliminary figures from the GMS Payments Board, could cost in the region of an extra €1.64 billion. Neither of these figures takes into account any changes which may result in the fee structures for either GPs or pharmacists following negotiation with these contractors.

Ms O. Mitchell: The Minister is correct that the current income threshold for medical cards is too low. It is half the minimum wage, which is, effectively, destitution. One must be destitute to qualify for a medical card. The reason I asked this question is to explore the possibility of something less than a full medical card service for people. Each taxpayer pays an average of €6,000 to the health service and, undoubtedly, the cost of the GMS is high and increasing.

An Ceann Comhairle: Deputy, there is just one minute for supplementary questions.

Ms O. Mitchell: I know and you are using some of it.

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

Ms O. Mitchell: Would the Minister accept that pouring money into a bloated hospital system is not giving value for money? Is he willing to explore the possibility, albeit that it might require new negotiations with pharmacists and general practitioners, of changing the focus of the health system towards one of prevention and primary care and of targeting specific illnesses rather than insisting that we should stay with the old medical card system?

Mr. Martin: I agree with the Deputy that we should continue to invest more in primary care and prevention. However, we must be careful in allocating available resources. We need to target and prioritise the resources. I favour targeting resources towards children and people with dis-

abilities in the context of access to general practitioner services as the first priority. A blanket allocation of up to €600 million, and the amount could be even more given that this figure is estimated before any negotiations take place, would not be the best allocation of scarce resources.

Ms O. Mitchell: That is not what I suggested. I was asking about a targeted approach as a half-way house. People with chronic illnesses, for example, have no medical card.

Mr. Martin: Many have and some do not because of the long-term illness card.

Ms McManus: Does the Minister accept that the price of his failure to extend the medical card scheme is being paid by families on low incomes, including those with children? The Minister has reduced the total number of patients with medical cards by 100,000. People are losing out, although the Minister promised in the programme for Government that they would gain.

The Minister struck a deal with GPs under which they are paid almost four times more for treating a wealthy patient over 70 under the medical card scheme than a poorer patient over 70. Surely this is bad value for money and prevents the natural expansion of the scheme to provide for those most in need.

Mr. Martin: I do not accept that 100,000 people lost out because of a failure to increase the threshold for eligibility. The vast majority of those people are over the income limit because of the thousands of extra jobs that have been created in recent years. Whether or not we like to admit it, income levels for those with jobs have gone up substantially over the past five years and this rendered some people ineligible for the medical card scheme.

Ms McManus: Income levels have not gone up substantially. Let us get real.

Mr. Martin: That is the reality. I have answered the Deputy's question.

Ms McManus: I am talking about people on low wages.

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

Mr. Martin: Yes, but many who found jobs over the past four or five years went over the income limit for eligibility for the scheme and as a result did not receive medical cards.

Ms McManus: The Minister should get real. They are still on low wages.

Mr. Martin: The Deputy has tried to have it every way on the issue of the over 70s for a long time. Prior to any agreement she was asking

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every day when we would strike a deal with the hard-pressed GPs. That was her position. Then she endorsed the extension of the medical card scheme to all those over 70 by voting for it. Irrespective of all her rhetoric, she trooped through the lobbies and voted for it.

Ms McManus: I did not vote for incompetence.

An Ceann Comhairle: Order, please.

Ms McManus: I did not vote for the Minister's incompetence. He did not do the business.

Mr. Martin: This has had an interesting outcome in terms of value for money. There has been some evaluation of the extension of the scheme and it is showing good results in terms of the frequency of visits to GPs by elderly people and the resulting improvement in vaccination levels and general health. That is good value for money by anyone's standards.

Dr. Cowley: As a general practitioner I am very aware of the difficulty people experience in accessing primary care services. If the Minister can increase access he will save money. When will he issue the 200,000 extra medical cards that are promised?

Mr. Martin: I have answered that question already. The Deputy knows the extensive contribution the State makes towards all the schemes and that GPs, pharmacists and so on do quite well out of the allocation.

Dr. Cowley: I am talking about patients.

Ms McManus: May I ask one more question?

An Ceann Comhairle: Sorry, Deputy, we have gone over time on this question. We must be fair to other Deputies who wish to submit questions. Standing Orders must apply to everybody.

Ms McManus: How can the Minister defend the lousy deal he made? The GPs had him over a barrel.

Cardiac Emergency Care.

8. **Mr. J. Bruton** asked the Minister for Health and Children if he has plans to ensure that portable defibrillators are available and accessible to persons in rural communities, large offices or commercial buildings; and if he will make a statement on the matter. [18449/04]

Mr. Martin: The cardiovascular health strategy, Building Healthier Hearts, which was launched by the Taoiseach in July 1999, refers to the need for early cardiopulmonary resuscitation, defibrillation and the provision of equipment and training to health professionals, particularly GPs in rural areas.

The most disadvantaged in gaining access to early intervention and treatment through all the links of the survival chain are those resident in rural communities, due to the fact that they are furthest away from hospital services. In recognition of this, a number of geographically large health boards have introduced projects to facilitate early response to chest pain or suspected coronary attack for people in isolated areas. Many health boards have developed programmes to train either professionals or members of the public in first responder skills. Many boards have purchased defibrillators for use by GPs.

Other initiatives have been taken. In the North Eastern Health Board area in 2002, 700 school children were educated on what to do in the event of a cardiac emergency. The Western Health Board introduced Community Action in Response to Emergency, a project that trains members of the public in first responder skills. In the north west, the existing Donegal pre-hospital project, referred to in Building Healthier Hearts as a model for other boards to follow, was expanded through the purchase of equipment and extended to Sligo and Leitrim. The Southern Health Board developed a first responder scheme in Dingle.

A start has been made in the provision of defibrillators in public places, including Dublin Airport and Blanchardstown shopping centre in the Eastern Regional Health Authority area. In Blanchardstown shopping centre, 22 customer care staff were trained in the use of an automated external defibrillator, five of which are placed strategically around the centre. Staff are retrained every 90 days at James Connolly Memorial Hospital, Blanchardstown. The lessons from this public access defibrillation pilot project will be examined to inform further developments in this area.

Notwithstanding the immediate and obvious benefits of the provision of defibrillators in public areas, it is also essential to have sustained services in place. All ambulances are now equipped with defibrillators and most ambulance staff have received appropriate training in the area. Six community resuscitation training officers and 21 hospital-based training officers have been recruited by health boards, improving the resuscitation skills of staff working in the community and hospitals.

Ms O. Mitchell: I will ask a very brief question as my colleague, Deputy Timmins, who has a specific interest in this issue, wishes to contribute. From the Minister's point of view — I recognise that work is ongoing around the country — the main way in which the Minister can facilitate, encourage and support this system, which operates on a voluntary basis in some areas, is through the introduction of good Samaritan legislation, which is required to protect individuals who offer this kind of treatment. Will the Minister consider that?

Mr. Martin: I consulted the Pre-Hospital Emergency Care Council on liability issues for participants in first responder schemes and it has provided some observations. It sought legal advice on the exposure of an individual to litigation. It is now examining how best to disseminate that information to assist those participating in or considering establishing first responder schemes. I do not, therefore, believe we need a good Samaritan act. The Pre-Hospital Emergency Care Council has been a major catalyst in rolling out the first responder scheme and in informing best practice across the country. If it suggests it is necessary, I will be open to introducing legislation. However, it has not so far done so.

Mr. Timmins: Is the Minister aware that many communities have bought defibrillators in recent months? In Wicklow ten such machines have been purchased by various communities. On the issue of insurance, the difficulty is that they might not be able to join in the first responders mechanism because they will not have enough volunteers in the community. I ask the Minister to keep an open mind regarding good Samaritan legislation. Will he initiate discussions with the Minister for Justice, Equality and Law Reform regarding the possibility of holding these machines in Garda stations if there is no other suitable place within the locality? In addition, will he examine, with the Minister for the Environment, Heritage and Local Government and the county managers, the possibility of including in county development plans a requirement that, where a development exceeds a certain size and attracts many people, such as the Blanchardstown Shopping Centre, the airport and Croke Park, these machines be available?

Mr. Martin: Yes. That is a constructive suggestion. I will work with the Deputy and the agencies he mentioned in requesting that.

Dr. Cowley: It is extremely important that defibrillators are being provided. The Minister stated that they are in all ambulances, but the difficulty is in getting the ambulance to the person, particularly for treatments other than those related to heart problems. The Western Health Board area is unique in terms of the distance of bases from people. To achieve a proper standard of care, it is necessary to reach the person within the golden hour, but that is impossible in the Western Health Board area. Three bases are badly needed. Will the Minister address that problem, because no matter how many defibrillators there are, they are no good in an ambulance if the ambulance cannot get to the patient within the required time?

Mr. Martin: There has been a dramatic improvement in the ambulance service in recent years compared to four or five years ago. I continue to prioritise investment in ambulance services. The Department has approved training for the emergency medical technicians advanced pro-

gramme which will train EMTs to the level where they can administer other drugs, particularly thrombolytic drugs, in cases of heart attack. That will require legislative change which it is hoped will be brought to a conclusion very shortly, following legal advice we have received.

Health Service Reform.

9. **Mr. Morgan** asked the Minister for Health and Children the status of the Hanly report recommendations; if these recommendations have been amended; the way in which it is proposed to proceed with implementation; and if he will make a statement on the matter. [18490/04]

51. **Mr. Cuffe** asked the Minister for Health and Children the status of the Hanly report; the elements of the report he has implemented to date; when he will implement the report in full; and if he will make a statement on the matter. [18476/04]

71. **Mr. Penrose** asked the Minister for Health and Children the progress made to date with regard to implementation of the recommendations of the Hanly report; and if he will make a statement on the matter. [18379/04]

Mr. Martin: I propose to take Questions Nos. 9, 51 and 71 together.

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

Regarding hospital services outside these two regions, I have announced the composition of a group to prepare a national plan for acute hospital services. The group contains a wide range of expertise from the areas of medicine, nursing, health and social care professions and management. It also includes an expert in spatial planning and representation of the public interest. The group has been asked to prepare a plan for the reorganisation and development of acute hospital services, taking account of the recommendations of the national task force on medical staffing, including spatial, demographic and geographic factors. Neither the local implementation groups nor the acute hospitals review group has been able to meet due to the consultants' continuing industrial action. I again ask that all parties return to the table to progress the work of these groups.

I emphasise that the Hanly report is about developing hospitals, not closing them. In the mid-western region's acute hospitals, for example, we have increased the total staff numbers by almost 1,200 since 1997. We have provided an 80 extra consultants during that period and increased ambulance personnel by 77%. There have been important investments in Ennis, including a new €5.7 million acute psychiatric

[Mr. Martin.] unit, and I have approved the appointment of design teams for further improvements in Ennis General Hospital and Nenagh General Hospital. These initiatives illustrate the Government's commitment to smaller hospitals as a continuing and vibrant element of our acute services.

Other key elements of the Hanly proposals are being progressed. Negotiations with the Irish Medical Organisation on the reduction of NCHD working hours are continuing in the Labour Relations Commission. A national co-ordinator and support team are overseeing the implementation process in the health agencies. Regarding the consultant contract, a number of meetings have taken place between officials of my Department, health service employers and representatives of the Irish Hospitals Consultants Association and the Irish Medical Organisation. These talks are also affected by the current programme of industrial action by the Irish Hospital Consultants Association.

On medical education and training, the subgroup of the task force which dealt with these issues has remained in place. The group has been asked to examine and report to me on the measures required to accommodate NCHD training in all postgraduate programmes and safeguard both training and service delivery during the transition to a 48-hour working week. A major national seminar was held last January involving all stakeholders including training bodies, employers and medical representative bodies. Drawing on the views expressed at this seminar and the ongoing work of the medical education and training group, draft proposals have been developed with a view to ensuring the provision of high-quality training for NCHDs in the context of the initial implementation of the 58-hour week and the eventual implementation of the 48-hour working week. I anticipate that these proposals will be submitted to me in the near future.

Caoimhghín Ó Caoláin: Is the Minister aware that the Taoiseach, the Minister for Defence and others have stated repeatedly that the Hanly report recommendations have in some way been amended? The Minister for Defence stated that in this House in relation to Nenagh hospital. Will the Minister with responsibility outline exactly where stands the Hanly report?

Noting that Hanly states that in time "in local hospitals there should not be a requirement for on-site medical presence overnight or at weekends", does the Minister accept that if adopted this would mean that most smaller hospitals will not be able to provide in-patient care or effective accident and emergency services since they both require 24-hour medical cover? Will the Minister accept that the Hanly proposals to downgrade local hospitals should be set aside because they are unworkable and unacceptable?

Mr. Martin: I do not accept what the Deputy has said. I answered a number of questions on

this over recent months. I made the point earlier that following discussions with the chairman of the Hanly group in January it was agreed that there would be 24-hour medical cover in acute hospitals across the country. I explained the last time I was here that the health board in the Ennis and Nenagh area took a decision following submissions from the Irish Medical Council to advertise for the recruitment of emergency care physicians, qualified doctors——

Ms McManus: For two years.

Mr. Martin: The Deputy should allow me to speak. This is in the context——

An Ceann Comhairle: Deputy McManus, we want an orderly Question Time. A number of Deputies are offering.

Mr. Martin: Reference to the two years is in the advertisement, there is no secret about that. The point I make, and which I made then, is that this was not in response to the Hanly report. This was an immediate issue on which we had to respond, namely, points made by the Irish Medical Council in communications to the health board. Deputy Ó Caoláin, coming from Monaghan, is aware of the importance of the Irish Medical Council, which is a standard-setting body, and the royal colleges, the Institute of Obstetricians, the Royal College of Surgeons, the Royal College of Physicians or whatever, in influencing what eventually happens in acute hospitals and the configuration of services. It is better to have certainty on an overall national framework as to how our acute hospitals will be organised, rather than limping on depending on the latest six monthly review of a college, which can suddenly change the capacity of a given hospital and what it is doing.

Ms McManus: Is the Minister aware that during the local election campaign, the Minister of State, Deputy Dick Roche, allowed a letter sent to him by the Minister to be published in the local press? In the letter he gave an undertaking that there would continue to be a full accident and emergency service on a 24 hour seven day a week basis at Loughlinstown hospital. This caused a certain amount of mystification as it is a flat contradiction of the recommendations of the Hanly report, which is supported by the Government. In the Hanly report, St. Columille's hospital is to become a local hospital that will no longer have a full 24 hour seven day a week accident and emergency service provided to the local community. Yet during an election campaign, the Minister put commitments in writing that the service is protected into the future. How does the Minister intend to square the circle? The Minister is now contradicting recommendations of the Hanly report, even though he accepted them.

Mr. Martin: There was a great deal of mischief during the election campaign and Deputies across the House were responsible and clearly took a decision, once the Hanly report was published, to milk it for electoral advantage.

Mr. Durkan: They tried to but it backfired.

Mr. Martin: That was the agenda, irrespective of what the report said. It is a bit rich——

Ms McManus: Will the Minister answer the question? We will run out of time. This is an old trick by the Minister.

Mr. Martin: I am answering the question. With all due respect to Deputy McManus, it is very rich of her to talk about pre-election promises and commitments. That is what she did.

Ms McManus: There he goes again.

Mr. Martin: The Hanly report did not suggest that we close accident and emergency departments next week, next year or the year after. The framework is ten years at best. The report referred to the establishment of local implementation groups, which would have some flexibility in determining how services were to be organised locally.

Mr. Durkan: Is the Minister trying to convince himself? He is not convincing anyone here.

Ms McManus: We are starting with St. Columcille's. It is in a pilot area.

Mr. Martin: Exactly. A local implementation group has been established.

Ms McManus: It has not met.

Mr. Martin: It has not met because there is an industrial dispute over medical indemnity as the Deputy knows. That is a fundamental issue.

Ms McManus: I am not talking about implementation bodies.

Mr. Martin: I have been interrupted consistently since I gave my reply.

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

Ms McManus: I am talking about the Minister's duplicity.

Mr. Martin: I could equally accuse the Deputy and the Labour Party of duplicity in the manner in which it conducted its electoral campaign, but I do not want to go down that road. We have established a local implementation group.

Ms McManus: That is not the answer.

Mr. Martin: The fear was stoked up that accident and emergency departments would close next week, in six months, next year and the year after. They will not close and if local implementation——

Mr. Durkan: The Minister's Cabinet colleague had to rush to the rescue in Nenagh hospital.

Caoimhghín Ó Caoláin: What of those that have already closed?

Mr. Durkan: Did the Minister go to Nenagh?

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

Mr. Martin: I was down in Nenagh.

Mr. Durkan: There was a bit of a dispute over that.

Mr. Martin: I was greeted by a group led by the Labour Party Senator there, who tried to make sure that I could make no announcement at all. There was almost a sense of disappointment that I went to Nenagh and that the Midwestern Health Board did what it did, as it upset the electoral game that was going on.

Ms McManus: I have a question on St. Columcille's hospital and the Minister is going all over the country. The Hanly report is committed to closing the accident and emergency department in a hospital in a pilot area. The Minister is claiming at the same time that he will keep it open. He cannot have it both ways.

An Leas-Cheann Comhairle: The Chair has no control over the Minister's reply.

Mr. Martin: Deputy McManus gets upset and goes into high dudgeon. We have expanded services in almost every hospital in this country.

Ms McManus: There were many people upset in my constituency and they showed it at the local election.

Caoimhghín Ó Caoláin: That is nonsense. I hope the Minister addresses the House to explain that claim.

Mr. Martin: I will address the House. Let us have a rational debate on this, one that we did not have during the local elections as the Opposition did not want one. A rational debate did not suit its purposes.

Ms McManus: I wish to raise a point of order.

Caoimhghín Ó Caoláin: The Minister should check the facts.

Mr. Martin: The Deputy can check the report by Comhairle na nOspidéal. The tables show

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attendance in accident and emergency departments between midnight and eight o' clock in the morning. People have suggested to me that we need 21 senior consultants to cover two attendances per night. Is that what the Opposition is suggesting? If we propose some alternative, is that akin to closing the accident and emergency department? That is the kind of duplicity that has been articulated in recent months on this issue. I only want to improve the outcome for people.

An Leas-Cheann Comhairle: The Minister's time is limited to one minute.

Ms McManus: We come in here and ask the Minister questions that are relevant to our brief or to our constituency. I asked the Minister a question and he was not able or willing to answer it. The Minister is a disgrace. He says one thing at election time——

Mr. Martin: The Deputy should not play that game.

An Leas-Cheann Comhairle: That is not a point of order. The Chair has called Deputy Olivia Mitchell. The Minister and Deputy McManus should resume their seats.

Ms O. Mitchell: When the transcript of proceeding is available, we will see that the Minister has given a commitment that no accident and emergency department will close.

I want to ask a more immediate question about the Hanly report, which was originally set up to deal with the European working time directive. Does the Minister accept that Hanly has failed in that respect? On 1 August, hospitals all around the country will be completely unprepared to deal with it. Arrangements are being made to cancel some services and clinics and to hire GPs to work in the hospitals, although GPs themselves are an endangered species. Is Hanly basically dead on all fronts?

Mr. Martin: It was never the job of the Hanly group to negotiate the move to a 48 hour working week.

Ms O. Mitchell: I beg the Minister's pardon, but it was.

Mr. Martin: It was set up to produce a configuration of how——

(Interruptions).

An Leas-Cheann Comhairle: If interruptions continue other Deputies will be deprived of the opportunity of putting their questions.

Mr. Martin: The Hanly group was established following the report on medical manpower a number of years ago. It was set up explicitly in a

non-industrial relations and a non-political context, to start with a blank sheet and ask how hospital services should be organised in the Mid-West or the East Coast Area Health Board in the context of a 48 hour working week. They were explicitly told not to get involved in the industrial relations implications. That was a matter for the Government and the social partners, not the Hanly group. It is wrong to apportion blame to the Hanly group for any industrial relations difficulties in pursuing the 58 hour working week by next August, or the 48 hour working week by 2009. That is the factual position.

Ms O. Mitchell: Does the Minister accept that services will be affected?

Mr. Martin: The bottom line is that services will not be affected as we approach the deadline.

Dr. Cowley: I am here due to the frustration in sorting out patients in the Mayo general hospital and further afield. The Hanly report seems to get away from the real needs of the people. There has been a backtrack on the report regarding hospitals in Ennis and Nenagh. Originally it was supposed to be a nursing unit from nine o' clock in the morning to five o' clock in the evening, but we now hear about a GP on cover after that. Is the Minister stating that acute medical and surgical services by consultants around the clock will continue in Nenagh and Ennis?

When the second Hanly report is implemented in Mayo general hospital, we will lose the orthopaedic service we have due to a campaign I started ten years ago. We would not have that service now only for that campaign because the institute of orthopaedic surgeons did not want it. Vested interests are doing their damndest to stop a campaign now. I sent in a request to the Mayo general hospital, which handles the urology service for Galway, for a gentleman with prostate cancer on 30 December 2003. To date that man has not been called. Ten new patients are seen every month by two surgeons who attend on alternate months. Is the Minister aware that that list dates back to 1996? The man concerned was put on that list last December. Is that acceptable?

Mayo General Hospital, Castlebar, needs a urologist but, under the Hanly report, will not get one. As regards orthopaedic services, people believed that one would hold what one had. We need to update our urology services. The Hanly report is a disaster. The distance from Mayo to Galway is virtually the same as from Galway to Dublin. Does the Minister expect people to travel to Galway for a 20-minute prostate operation? Is it acceptable that the man concerned, who has cancer, has been waiting since last December for a urology appointment?

Mr. Martin: The Deputy asked a number of questions. There has been no back-track on promises for Nenagh or Ennis hospital. The Mid-Western Health Board, independently of me, had

to respond quickly to communications from the Irish Medical Council on the continuation of services in the accident and emergency departments in Nenagh and Ennis hospitals.

Dr. Cowley: It responded to public pressure.

Mr. Martin: The Hanly report is a ten-year document which did not suggest the closure or alteration next week or next year of the accident and emergency departments in Nenagh and Ennis hospitals. The Mid-Western Health Board submitted its model to the Department and the post was sanctioned. In the cold light of day, that is what happened. People put all types of spins on the matter prior to the election. However, I am not responsible for the outcome in that regard.

The Deputy is wrong to forecast doom and gloom in the context of the acute hospital review group considering acute hospital services across the country. The Government, led by Fianna Fáil with the Progressive Democrats, has invested significantly in Mayo General Hospital, an investment which has transformed the fabric of that hospital.

Dr. Cowley: What about all those people awaiting services?

An Leas-Cheann Comhairle: Order, please. I call Deputy Crawford to put his question.

Mr. Martin: I do not suggest there is not more to be done at Mayo General Hospital. However, at some stage in the process we must acknowledge, as I did on local radio recently, the enormous investment made in that hospital. The review group is examining issues such as peripherality. I have appointed a special planner and people from the regions to take on board the needs of people living in rural Ireland and its periphery. Hanly has not yet reported on the west. Deputy Cowley will be aware that the Fianna Fáil-Progressive Democrats Government has done more for the west in terms of adding medical services than any previous Government or coalition of parties.

An Leas-Cheann Comhairle: The Chair has called Deputy Crawford.

Mr. Martin: It has improved areas such as cardiac surgery and radiotherapy.

Dr. Cowley: Hanly denies any such services for Mayo.

Mr. Martin: The Deputy must face reality. I accept the Government has more to do.

An Leas-Cheann Comhairle: I call Deputy Crawford to put his question.

Dr. Cowley: Hanly denies that.

Mr. Crawford: The Minister should listen to what is being said. He stated that it is wrong that anybody should have to wait six months to find out what is happening. However, that is what is happening in terms of Monaghan General Hospital, which is reviewed every six months.

The Minister did not visit the hospital prior to the recent local and European elections but visited it prior to the last general election. Accident and emergency services at Monaghan General Hospital closed during the first week in July 2002. During his visit, the Minister gave a commitment to five Oireachtas Members to do his best to have them reopened as quickly as possible. Is the Minister prepared to give to Monaghan General Hospital the same commitment he is making to the hospitals in Nenagh and Ennis? He has invested a great deal of money in the hospital in Castlebar.

I was delighted with Mr. Kevin Bonner's appointment to the review group. That group suggested that a minimum of €14 million was needed if the hospital was to reopen its accident and emergency service. However, the Minister provided only €2.7 million in that regard. Is that fair play to a Border area which suffered so much as a result of the Troubles? The Minister's representative, Mr. Paul Robinson, stated today on radio that he has overall responsibility in this area. The Minister can no longer place the blame on the health boards. Mr. Robinson stated that the Department has come a long way in terms of the development of hospital services in the eastern health board region.

Is the closure of Monaghan General Hospital to accident and emergency and many other services the way this Minister wants to go? Is he prepared to give a commitment to reopen services at Monaghan General Hospital, as he did in regard to the hospitals in Nenagh and Ennis?

Mr. Martin: The Deputy's question is based on the false premise that I——

Mr. Crawford: It is based on facts.

Mr. Martin: ——have responsibility in terms of what happens at the hospitals in Nenagh and Ennis. The health board came up with that proposal in terms of emergency care physicians in Ennis and Nenagh.

Mr. Crawford: Is the Minister blaming health board members for that decision?

Mr. Martin: I am not placing the blame on them, I am stating the reality. This is not a question of placing blame. The health board looked at the problem innovatively in response to the Irish Medical Council which was threatening, in terms of communication to the board, to close accident and emergency services in Ennis and Nenagh. The board responded with its proposal which the Irish Medical Council accepted. That is the reality of the situation.

[Mr. Martin.]

The North Eastern Health Board has drawn up proposals for Monaghan General Hospital, a matter of which I am sure the Deputy is aware. I urge Deputy Crawford and others to speak to the various interests in Monaghan with a view to getting people around the table. I understand the board recently produced a reasonable set of proposals. I met the Mid-Western Health Board and the medical board in Cavan, both of which urged that there be closer liaison between the two hospital campuses and that a set of proposals be tabled which could lead to constructive dialogue and engagement between the various parties with everybody signing off on the proposals to begin the journey onwards. Unfortunately there has been a lack of agreement between the parties involved. The degree of unwillingness of certain quarters to put their heads above the parapet and take risks in progressing some of the issues has held up progress.

The Deputy referred to the closure of on-call services at the hospital. Earlier I raised with Deputy Ó Caoláin the question of why the hospital originally went off-call — the Royal College of Anaesthesia undertook its own examination of services and came to the conclusion that they did not meet its standards. It pulled the rug on the continuation of on-call services at Monaghan General Hospital.

Mr. Crawford: The Minister refused funding to bring the services up to standard.

Mr. Martin: We all know that but, unfortunately, what then happens is that political polemic takes over and we get more heat than light.

An Leas-Cheann Comhairle: We must move on to the next question as the time for dealing with this question has elapsed.

Mr. Martin: That is what happened.

Mr. Connolly: May I ask a brief supplementary, a Leas-Cheann Comhairle?

An Leas-Cheann Comhairle: We have gone well beyond the 18 minutes allowed. We have gone way over the time. I ask the Minister to deal with Question No. 10.

Mr. Connolly: I would like to state why Monaghan General Hospital is off-call. The Minister's proposal provides for cover from 9 a.m. to 5 p.m.

Mr. Martin: It involves 24-hour medical cover and includes a mechanism by which we can explore the issue further. If we could get people together, we would make progress.

Mr. Crawford: Will the Minister give to Monaghan General Hospital the same commitment he has given to the hospitals in Ennis and Nenagh?

An Leas-Cheann Comhairle: We must move on. The Chair has ruled that we will discuss Question No. 10.

Mr. Martin: I alone cannot sort out the problem. People in Monaghan have to take on some of the responsibility.

Mr. Crawford: There are no boards to blame now.

An Leas-Cheann Comhairle: I ask the Minister to deal with Question No. 10.

Caoimhghín Ó Caoláin: It is about time the Minister faced up to his responsibilities.

Mr. Martin: I have.

Caoimhghín Ó Caoláin: No, the Minister has not.

Mr. Martin: I have been very facilitative in terms of trying to create solutions.

Caoimhghín Ó Caoláin: No, the Minister has not.

Mr. Martin: I will say no more on the matter.

Mr. Crawford: There is no point.

Mr. Martin: Deputy Crawford knows the answer as well as anybody else. Unfortunately, the political polemic has taken over.

An Leas-Cheann Comhairle: We must move on to Question No. 10.

Mr. Martin: The Deputy knows it was the Royal College of Anaesthesia which dealt with the matter and it had a legitimate right to do so. Such issues require an imaginative response.

An Leas-Cheann Comhairle: The Chair has called for Question No. 10 to be dealt with.

Hospitals Building Programme.

10. **Mr. Neville** asked the Minister for Health and Children his views on the increased number of private hospitals built around the country; if he intends to give direction and leadership to this development through formal public private partnerships; and if he will make a statement on the matter. [18495/04]

Mr. Martin: One of the key goals of the Government's health strategy is to improve access for public patients through a significant increase in acute hospital bed capacity. The Government indicated in the health strategy that it was committed to exploring fully the scope for the private sector to provide some of the additional capacity required in the acute hospital sector. Towards this end, my Department has

developed close contacts with the Independent Hospitals Association of Ireland.

For its part, the national treatment purchase fund, NTPF, purchases procedures from private hospitals in Ireland. Where it is not possible to treat patients within a reasonable period in public hospitals arrangements are made to refer the public patients for treatment in private hospitals having regard to quality, availability and cost. The majority of procedures funded by the NTPF to date have been carried out in private hospitals in Ireland. To date the NTPF has arranged treatment for some 15,000 patients who have been waiting longest on waiting lists.

The Minister for Finance has moved to promote investment in the private hospital sector. Section 64 of the Finance Act 2001 as amended by section 32 of the Finance Act 2002 provides for significant tax allowances for the construction or refurbishment of buildings used as private hospital facilities under conditions which will also benefit public patients. I expect that the health services executive, when established on a statutory basis, will promote a strategic partnership with the private hospital sector with the objective of securing enhanced treatment options for public patients.

Ms O. Mitchell: I accept the Minister's comments regarding the purchase of services in the private sector. However, I am worried about the emergence of a large number of private hospitals in an *ad hoc*, unplanned and unco-ordinated manner. That is not an optimum use of resources from anyone's point of view. Does the Minister accept that those hospitals are emerging in response to market forces with people demanding services not available to them from the State in the quantity required or in any sort of timely manner? If the private sector can provide those services, why does the State not work in tandem with it, commissioning services from it so that there is some sort of co-ordination in the planning of hospitals around the country?

At a recent meeting of the Joint Committee on Health and Children, the Minister refused to give any kind of commitment to purchase radiotherapy services in Waterford, although there is a clear demand for them and a lack of capacity in the country as a whole. It defies understanding that we are not availing of the capacity provided by the private sector, given that incentives are being provided by the Department of Finance, as the Minister has said.

An Leas-Cheann Comhairle: There is a one-minute time limit.

Ms O. Mitchell: The direction in which we are going is leading to a duplication of resources. It is completely wasteful and we will end up with a far less equitable service. God knows the service lacks equity as it is. If we go down this route, the result will be that only those who can pay will have access to services.

Mr. Martin: Tax incentives and the treatment purchase fund have proved effective mechanisms to make use of additional private sector capacity in the system. They represent a complementary approach. For a whole range of procedures and specialties, there is no reason that some of the capacity demands should not be met by private sector hospitals being established, especially for day surgery, which has been the main driver for productivity increases in the acute hospital sector to date. There is a great deal of potential for increased capacity in day case procedures and surgical activities which may be funded through the treatment purchase fund. Some 50% of the population is now insured under private health insurance and the market can take a degree of additional capacity.

For the more major, supraregional specialties such as cardiac or neural surgery or radiotherapy, there is a need for synergy between the State and private sectors. However, the State sector has set out its stall. The Government has tried to build up capacity in radiotherapy, which we know was lacking historically. We had only one major centre at St. Luke's and two machines in Cork. That was the sum total of our radiotherapy infrastructure. Some years ago we gave a commitment to set up a radiotherapy unit in Galway. That was long before any private hospital facility was available and that is now almost ready. The building has been completed and the equipment is coming on stream. Staff are now being recruited.

Ms McManus: What is the Minister's view on the fact that money is being lost to the Exchequer through the tax breaks the Minister for Finance, Deputy McCreevy, gave to encourage the provision of private day hospitals as a result of his being lobbied by a constituent? Had it been retained that money would have been more than enough to pay for the opening of almost €500 million worth of public facilities that had been closed or cannot be opened because money has not been forthcoming from the Cabinet. Does the Minister not think it bad value that we are losing money from our taxation system to build private day hospitals yet we cannot commission public facilities which are already built because not enough funding is being provided by the Minister for Finance? Such public facilities might be fully functioning if a relatively modest amount of money had been retained.

Mr. Martin: The Deputy is assuming the funding that went to hospitals through the tax relief scheme would not have gone elsewhere. We have a range of tax relief schemes of which people avail. Increasingly they are investing abroad in the global economy. Therefore, it is always important that one has mechanisms to attract and retain capital for domestic investment projects.

Ms McManus: In Kildare.

Mr. Martin: There is no question that we have expanded the public service a great deal in the past five years. We have opened many new units and have several ready to open. Many were equipped but could not be opened until towards the end of the year. The Government is currently dealing with how to commission and open those units over the next two years, as they come on stream. There is an open question about the level of revenue. In theory, if one abolished the tax relief, some money should come back into the Exchequer but it could go elsewhere.

Ms McManus: The Minister did not mention that some facilities have been waiting to be opened since last June which is a year ago. We are not talking about facilities that will come on stream by the end of this year. I am asking about facilities that are due to be opened or should have been opened many months ago but have not been opened.

Mr. Martin: That is the result of ongoing discussions regarding the opening and commissioning of those buildings, including the provision of equipment. The equipment is being provided in several of the units. There are issues with the other units to do with finance and the employment ceiling.

Dr. Cowley: I am amazed that people have marched for a radiotherapy unit for the south-east. There were four massive marches and the Government was reduced to one Progressive Democrats and one Fianna Fáil member on Waterford City Council. Surely it will get the message. People are marching not to bring down the Government but for basic services. A radiotherapy unit in the grounds of Waterford Regional Hospital would provide the missing modality. As well as surgery and chemotherapy, it would provide radiotherapy. For less than the travel costs of transporting people where they do not wish to go, those facilities could be provided in Waterford. I ask the Minister how he can justify not providing that.

I also wonder about the money put into the treatment purchase fund. There is an old saying that if one gives a man a fish, one will feed him for a day, whereas, if one teaches him to fish, one will feed him for life. Where there are no consultants, there are massive waiting lists. For example, in Mayo General Hospital, 1,000 people are waiting for urology services and 1,500 for orthopaedics. What is the point in taking those people under the treatment purchase fund and paying people to carry out the work when one could open those facilities and have a local service without such long waiting lists? That quick-fix solution will not work. If one considers the numbers there and the treatment purchase fund itself, one sees that those people have been waiting on that urology list since 1996 which is eight and a half years. That is a long time to wait for the much talked about treatment purchase fund. What

good is that to those 2,000 urology patients in Mayo General Hospital or the 1,500 orthopaedic patients who have been waiting for four years?

Mr. Martin: I do not know whether the Deputy is for or against the treatment purchase fund. Perhaps he should ask the 15,000 people who have had operations carried out under it for their views. We have done so and there is almost 96% approval.

Dr. Cowley: I am amazed at the Minister.

Mr. Martin: One can do both and the waiting times have come down.

Mr. Durkan: What about those still waiting?

Mr. Martin: I listed the hospitals in an earlier reply. In over ten hospitals, waiting lists are down to three months. In another ten, waiting lists are down to six months. Regarding specific issues, specialties and health boards, some issues might have to be resolved.

Dr. Cowley: The Minister is using the wrong list.

Mr. Martin: No, I am using the treatment purchase fund list.

An Leas-Cheann Comhairle: I call Deputy Crawford.

Mr. Martin: Some 15,000 procedures were carried out.

An Leas-Cheann Comhairle: We have run over the time on this question.

Dr. Cowley: How long will patients wait?

Mr. Martin: Is the Deputy for or against the fund?

Dr. Cowley: They must wait eight years.

Mr. Martin: No one will ever have to wait for eight years under the treatment purchase fund. The wait is down to three months in some hospitals and six months in others.

Dr. Cowley: Once they get on the list.

An Leas-Cheann Comhairle: Allow Deputy Crawford to ask a brief question.

Mr. Martin: I will send them out to the Deputy's area next. He came in here one day and talked about 12 months. Rome was not built in a day.

Dr. Cowley: The Minister forgets about one list.

Mr. Martin: I do not forget but let us get one list sorted out first.

An Leas-Cheann Comhairle: Deputy Crawford has the floor. I ask Deputy Cowley to resume his seat.

Dr. Cowley: A man will have to wait another eight years before he is treated under the treatment purchase fund.

Mr. Crawford: Is the Minister aware that before Monaghan General Hospital was taken off call, it was serving patients from Northern Ireland under a similar fund? Is it good value for money to have a hospital such as Monaghan sitting less than fully utilised while buying treatment outside the country?

Mr. Martin: The treatment is good value for money. The figures have been done on that in terms of the costs of procedures and so forth.

Mr. Crawford: The Minister refused to answer me before when I asked——

Mr. Martin: The Government invested in a new modular theatre for Monaghan Hospital. I said on countless occasions that, while I have no difficulty in increasing surgical activity there, it is not all one-way traffic. It is about time that the stakeholders in the area and the hospital got together and moved on. We have not moved on over the past two years as people found proposals unacceptable and refused even to meet on that basis. That is no way to progress the issue. I have given €2.7 million because I asked the health board to advise me of the immediate requirement of Monaghan Hospital. I gave it on that basis having asked the health board to inform me what could be done.

While we will do more in the hospital, in terms of the organisation of the services, Cavan and Monaghan must work together. This notion that they are both operating in splendid isolation cannot be sustained. Deputy Crawford needs to tell people the truth about that. If we work in that way, we can make progress. If politics were to be taken out of the matter for about six months, something might be sorted out. I say that genuinely.

Mr. Crawford: Did I not try to take it out of it?

Mr. Martin: The Deputy did and I give him credit for that.

Substance Misuse.

11. **Ms Lynch** asked the Minister for Health and Children his views on the report of the Oireachtas Joint Committee on Health and Children on alcohol misuse by young persons; and if he will make a statement on the matter. [18359/04]

29. **Mr. Boyle** asked the Minister for Health and Children the steps he intends to take to implement the recommendations of the Oireachtas Joint Committee on Health and Children on alcohol abuse; and if he will make a statement on the matter. [18486/04]

Mr. Martin: I propose to take Questions Nos. 11 and 29 together. I welcome the publication of this report and thank the members of the Oireachtas Joint Committee on Health and Children for its time and efforts in its preparation. I have outlined my concerns on the matter of alcohol abuse and on the measures being taken to address this issue in the House on a number of occasions. The strategic focus of my Department as regards alcohol abuse is on the implementation of the recommendations contained in the interim report of the strategic task force on alcohol and on the interdepartmental group established to progress its recommendations.

Progress has been made in a number of areas since the publication of the interim report of the task force. In the December 2002 budget, excise duty on spirits was increased. As a result, spirits sales significantly decreased, confirming the international research that increased taxes influence alcohol consumption. It is expected that this decrease in consumption will contribute towards a decrease in alcohol-related harm in the medium term.

A number of measures in the Intoxicating Liquor Act 2003 address issues such as serving alcohol to intoxicated customers and so forth. The task force recommended that legislation be introduced to reduce the exposure of children and adolescents to alcohol marketing. The heads of a Bill have been agreed by Government and work is ongoing on its preparation.

As regards the recommendations calling for research and systematic data collection, my Department has undertaken extensive research on alcohol-related issues. The task force is finalising a second report which will bring forward a further set of recommendations aimed at tackling this problem. However, I have requested officials from my Department to review the report of the Oireachtas Joint Committee on Health and Children and to identify areas where progress can be made.

Ms McManus: I thank the Minister for his reply and wish to ask him about specific recommendations made in this report. One relates to the increase in excise duty on alcopops. The Minister has made the point that increasing excise duty has an impact on consumption. Does he agree with the committee's findings that the excise duty on these products should be increased significantly? In light of his pending legislation, does he agree that there should be an end to alcohol advertising and sports sponsorship? Is he comfortable, for example, with the idea that the GAA accepts so much sponsorship from companies that promote alcohol to such a degree? Is this something he can

[Ms McManus.]

live with or does he intend to deal with this issue of advertising and sponsorship effectively in his legislation?

Mr. Martin: In terms of taxation, that in the first instance is a matter for the Minister for Finance.

Ms McManus: Does the Minister have an opinion?

Mr. Martin: We submit representations on an annual basis for increased excise duty on alcohol, especially spirits. As I said in my reply, they were accepted and there was a significant increase in the duty on spirits and alcopops in the budget before last. The reduction in alcopop consumption was dramatic in the aftermath of that budget increase. We took action on that and it resulted in a decline in the sale of spirits in the aftermath of that budget increase.

In terms of the advertising issue, I suspect we cannot have a total ban. This is a matter we will explore with the European Commission. Our initial legislative response is to examine advertising in so far as it is directed at young people and children and in so far as they are exposed to wrong advertisements in terms of content. The legislation will affect both the content and timing of the advertisements. These are issues we are examining. It should be borne in mind, however, and I have some experience of this in terms of the tobacco legislation, that the Internal Market pillar of the European Union treaty is strong and not easily circumvented in terms of a total ban on the advertisement of a product such as alcohol. It could be argued, for instance, that one drink is not bad for a person but four or five are. That is the difficulty. These are matters we are exploring with the Office of the Attorney General. I do not believe a total ban is possible.

In terms of sponsorship, almost every sport is affected. It is wrong to single out any one sport as regards sponsorship because nearly all major sports have alcohol companies as major sponsors. One can go from the Heineken Cup to the Amstel Champions League to Guinness and the GAA and so on in terms of major sport sponsorship. I am not comfortable with that. My views have been placed on record on regular occasions. Again, we want to concentrate on preventing sponsorship of under age activities and activities in which young people engage. If we can achieve that on the advertising and sponsorship fronts, an important step forward will have been taken.

We have commissioned a significant degree of research with general practitioners and with consultants in terms of the accident and emergency situation as regards alcohol issues. It is a matter of getting a better analysis of what is happening among the general population, including those who present at hospitals or visit their GPs. That research will inform further policy developments. We have succeeded in getting the governing bod-

ies of colleges to change their policies and have more proactive alcohol controls on the campuses of many universities. One clear example was where a drinks company sponsored young students to promote, sell and give free alcohol to societies and guilds. That practice has been stopped on our university campuses. There has been an improvement in awareness and so on. We will study the recommendations of the committee and will be pleased to discuss them further.

Caoimhghín Ó Caoláin: Most of the actions to which the Minister has pointed are reactive. These include the increase in excise duties, advertising charges, identity cards and a raft of other measures that are reactive. I wonder if he has given any consideration to proactive measures. The Minister for Finance has provided tax breaks to a number of sectors, including for the provision of multi-storey car parks and holiday homes to name just a couple. He cannot inform us of the actual cost these represent to the Exchequer and it would be difficult to measure their social contribution. There would, however, be no question of the social value and contribution of tax incentives for the provision of alternative leisure pursuit opportunities for young people.

I invite the Minister to examine this area as regards young people in general and not just those who are under age. It is highlighted repeatedly that there are limited outlets for young people within great swathes of this State. Recommendations to remedy this would include alternative evening leisure pursuits and non-alcohol bar opportunities so that young people would have a choice. I do not believe it will happen just by expecting the economic forces to create it, even if the Progressive Democrats might recommend it. It will need encouragement, direction and support. What is the Minister's response to those points?

Mr. Martin: I agree there is a need for a proactive approach. We are adopting such an approach. I support the No Name Club, an organisation which engages in the activities mentioned by the Deputy. It is led by the great former Kilkenny hurler, Eddie Keher. The club has set up branches across the country and is quite strong in some counties. We have helped it to appoint permanent co-ordinators. It organises activities for young people, with no alcohol as the key theme, and is working quite well. We need to support such organisations on an ongoing basis. We also need to support abstinence movements which go into schools to educate young people about alcohol, etc.

In the educational context, the Walk Tall programme in primary schools has been proactive in introducing a well thought-out and well researched multidisciplinary programme. It introduces children to the benefits of developing strong character and independence of thought and mind. Above all, it teaches children about

self-esteem and trust so they can have confidence in themselves. This is particularly important when children are threatened or presented in an environment of peer pressure, with alcohol or other addictive substances.

The lottery grant has been superb in bringing about a transformation in sports facilities throughout the country. We cannot keep saying for the next 20 years that things are as bad as they always were, as that is not the case.

Mr. Crawford: Things are as bad as ever in some counties.

Mr. Martin: There are far more sports halls in parishes than was previously the case.

Caoimhghín Ó Caoláin: What happens when people leave the sports halls?

Mr. Martin: The drug task forces have been quite useful in some areas of significant economic disadvantage.

Caoimhghín Ó Caoláin: People need somewhere to go as an alternative.

Mr. Martin: The task forces have undertaken important steps such as the development of alcohol-free café facilities, etc.

Dr. Cowley: As a member of the Joint Committee on Health and Children I am biased but I think the report we have produced is very good. The €2 billion that is being wasted every year could be saved if alcohol was used properly. The Minister knows that such funds could be put to good use in many hospitals. The moneys could be used to open the 26 elderly assessment beds which have been lying idle in Mayo General Hospital since 2001, or to do something about the 14 trolleys that are downstairs for older people who are not fit to go to nursing homes. No beds are available for such people who have been sent in by their GPs.

Mr. F. McGrath: The money could be used at Beaumont Hospital.

Dr. Cowley: The Minister did not come to the Joint Committee on Health and Children to discuss the radiotherapy report, even though he had promised to do so. He kept putting it off.

Mr. Martin: That is not true.

Dr. Cowley: He announced a week in advance that he would not come to the meeting.

Mr. Martin: We are talking about alcohol.

Dr. Cowley: The Minister did not turn up for the radiotherapy meeting. He gave notice a week in advance that he would not meet the joint committee to speak about the radiotherapy report.

Mr. Martin: We are not talking about radiotherapy.

Dr. Cowley: I mention the Minister's failure to attend as a member of the committee that produced the report under discussion. The Minister will agree that the report on alcohol misuse has some good elements. I was disappointed that its central recommendation that there should be a ban on alcohol advertising within two years was completely rejected.

Mr. Martin: Where?

Dr. Cowley: It was rejected by the Government.

Mr. Martin: No, the Deputy is wrong.

Dr. Cowley: A statement was issued saying that it was not a practical situation.

Mr. Martin: I did not issue any statement.

Dr. Cowley: It was in the media. I hope the Minister will state that he favours a total ban on alcohol advertising within two years. It would be a wonderful thing. Is the Minister prepared to allocate the necessary resources to ensure the laws that are in place to tackle alcohol misuse are implemented? I refer to the proposal to recruit 2,000 additional gardaí, for example. The recruitment of so many extra gardaí would do wonders for the situation.

Mr. Martin: The Deputy should have ran for Europe.

Mr. F. McGrath: One cannot even have a smoke.

Ms O. Mitchell: Sport is promoted in this country from a health perspective. The Minister constantly talks about the promotion of sport, which we read about in the media. I have doubts about the merits of a total prohibition on alcohol advertising. I would like to make a point about the sponsorship of sporting activities. Would it not be fair to signal to organisations which depend on alcohol sponsorship that the days of such sponsorship are coming to an end? If one is to speak about the promotion of sport among young people, it is hypocritical to allow sport to be associated with alcohol.

Mr. Martin: I wish to discuss the issue of banning this and that. I think Deputy Mitchell is right to signal that the legality of what we do in respect of advertising and sponsorship has to be teased out properly before we make a move in that regard. While it is the case that one of my spokespersons pointed out on my behalf the difficulties of the committee's blanket absolute recommendation that all alcohol advertising be banned, I remind Deputy Cowley that I did not reject any-

[Mr. Martin.]
thing. There are hurdles to be jumped in terms of EU law. I welcomed the joint committee's report.

Ms O. Mitchell: What about those who are targeting children?

Mr. Martin: I am working on that. We are drafting legislation on advertising and sponsorship in so far as it applies to children and young people. We think we are on a strong footing on public health grounds.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Connolly — the need for temporary teacher cover when brief decreases in pupil enrolment adversely affect educational standards; (2) Deputy Cowley — the need to reverse the decision of 8 June 2004 to downgrade a school (details supplied) from a three-teacher school to a two-teacher school; (3) Deputy Naughten — the need for the Minister for Education and Science to approve an extension to a school in County Roscommon (details supplied) in light of the current overcrowding in the school; (4) Deputy Costello — the Minister for Finance's proposal to include staff of Bus Éireann's head office in his decentralisation plans, given that 85% of Bus Éireann's staff are based outside Dublin; (5) Deputy Wall — the need for the Minister for Education and Science to outline the position of an application for capital funding by a school (details supplied); (6) Deputy Neville — orthodontic services in mid-west region; (7) Deputy Crawford — the need for the Minister for Health and Children to take immediate action to ensure that sufficient money is available for home help and home care and that people doing such work get a proper mileage allowance; (8) Deputy Pat Breen — the need for the Minister for Education and Science to provide the necessary funding for the refurbishment and upgrading of science facilities at a school (details supplied); and (9) Deputy Fiona O'Malley — the proposed changes to graduate entry into medical training.

The matters raised by Deputies Connolly, Naughten, Fiona O'Malley and Costello have been selected for discussion.

Leaders' Questions.

Mr. Kenny: An unprecedented level of abuse has flown between Fianna Fáil and Progressive Democrats members of the Government in the past week. The sight of Fianna Fáil backbenchers on the plinth is nothing new, as they have publicly wrestled with their consciences in recent months in respect of a range of issues, such as cutbacks

in community employment schemes, the smoking ban, social welfare cutbacks and stealth taxes. They have provided meek lobby fodder in the House, however, when the Government has voted its business through the Chamber. One occasionally encounters the rare sight of a PD backbencher sighing publicly about issues such as freedom of information, electronic voting or something else that is about to upset the national psyche.

The business of slagging has reached unprecedented levels in the past week, involving Ministers from the same Cabinet. The Constitution sets out clearly that members of the Government are "collectively responsible" for the Departments they administer. Such collective responsibility now appears to be in shreds. The human punchbag for the Government is in the House today to soak up and absorb all the treatment being meted out to it.

Mr. F. McGrath: Good man, Smith.

Mr. Kenny: When the Minister, Deputy Michael Smith, has been in the House on behalf of the Government in recent weeks there has been evidence to suggest that he has not wanted to answer questions, that he has not had the information to answer them, or, if the information has been available to him, that he has been economical with the truth. There is evidence today that the Minister for Communications, Marine and Natural Resources has actually communicated who he was giving out about.

Mr. Rabbitte: Who was that?

Mr. Kenny: We are not sure who he was speaking about. Did somebody refer this morning to a man from Ranelagh?

Mr. Rabbitte: The Minister is prematurely balding.

Mr. Kenny: It may have been a member of the Minister's own party. Can I ask the Minister, Deputy Michael Smith, to state on behalf of the Government if it continues to have collective responsibility? Do we have a functioning Government? Has it started to reflect on the people's verdict of last week? Is it listening to the concerns of the people?

Will the Government implement certain aspects of its programme for Government during its term of office? I refer to the recruitment of 2,000 extra gardaí, the issuing of 200,000 extra medical cards and the opening of 3,000 extra hospital beds. Will the Government implement those promises which were made in the programme for Government?

Deputies: Hear, hear.

Minister for Defence (Mr. M. Smith): Fianna Fáil and the Progressive Democrats are separate

parties with distinct policies and mandates. It is natural that we have different outlooks from time to time. We do not attempt to deny that we have differences of opinion. It is important that Fianna Fáil and the Progressive Democrats have agreed an effective programme for Government. We are working effectively on the five-year programme.

Mr. Rabbitte: The Minister is tightly scripted today.

Mr. McCormack: He is on a leash.

Mr. M. Smith: Fianna Fáil and the Progressive Democrats have made great strides in promoting social inclusion and ensuring that economic prosperity is more equitably spread throughout our communities.

Caoimhghín Ó Caoláin: Who said that inequality is a great incentive within the economy?

Mr. Rabbitte: The Minister is much better fun when he does his own thing.

Mr. M. Smith: We have successfully introduced the highest minimum wage in Europe, over 90% of which is free of tax. Almost 420,000 people have been removed from the tax net since our first budget in 1997. Some 380,000 new jobs have been created which proves that work has become the best way out of poverty.

Mr. F. McGrath: One cannot get a bed in a hospital.

Mr. M. Smith: Long-term unemployment has been cut by 80%. We have seen the most generous social welfare improvements since the establishment of the welfare state.

Mr. Rabbitte: Keep repeating the above.

Mr. M. Smith: Child benefit trebled and old age pension increased by almost 60%.

A Deputy: The Minister's P45 is in the post.

Caoimhghín Ó Caoláin: This sounds more like a party political broadcast.

Mr. M. Smith: This is in stark contrast to the £1.60 increase given by the president of the Deputy's party.

Mr. Durkan: No houses.

Mr. M. Smith: As far as the specific questions are concerned, I have just come from a business-like Government meeting—

Mr. Rabbitte: Never mind that auld script.

Mr. M. Smith: This is a week in which Deputy Kenny and every Deputy in this House can be

proud of the achievements of the Government, led by the Taoiseach and the Minister for Foreign Affairs, in Brussels. As far as the proposals that have been made are concerned, the Minister for Justice, Equality and Law Reform has outlined on a number of occasions—

Mr. Kenny: A broken promise.

Mr. M. Smith: —the commitment of the Government to ensure that programme is completed and the steps that will be taken, with the best efforts that could be made in the Garda College in Templemore, to meet that target. Already, 589 of the hospital beds promised have been provided and there is an ongoing commitment from the Minister for Health and Children on additional resources to ensure that the necessary ground will be made up in the provision of hospital beds as soon as possible.

Mr. Allen: Hold on to your trolley.

Mr. Kenny: I am not sure what kind of guru speaks to this Minister before he comes into the Chamber to psyche him up to get the answers out.

Mr. English: He is hypnotised.

Mr. Kenny: The Minister spoke about social inclusion and said that the Government is in favour of social inclusion. Did he consider, at that businesslike meeting this morning, that a man in Tallaght left his cubicle to go to the toilet only to find his bed gone when he came back? At that businesslike meeting this morning, did he consider that 150 patients are lying on trolleys in accident and emergency units? Did he consider at that meeting the thousands of parents who are waiting for psychological assessments for their children and that, in the case of parents to whom psychological assessments have been provided, the national educational psychological service branch of the Department of Education and Science is unable to process their applications and they do not know whether they will have full care assistance in September? So much for social inclusion in the Government's businesslike meeting.

An Ceann Comhairle: The Deputy's minute has concluded and I am not sure he is still on the same question he began with.

Mr. Kenny: When will we have a situation where Cabinet responsibility applies and where the people elected to Government stop squabbling among themselves when they know the people are out to get them? The Minister should answer the questions. Will the Minister confirm that the Government will employ the 2,000 extra gardaí in its lifetime?

An Ceann Comhairle: I ask the Deputy to give way to the Minister.

Mr. Kenny: Will he confirm the allocation of 200,000 extra medical cards and that 3,000 extra beds will be provided and not left in units that are built but unopened? He is a disgrace.

Mr. M. Smith: This Government, and the previous Government, would put the previous Administration to shame.

(Interruptions).

Mr. Crawford: The people will put the Minister to shame.

An Ceann Comhairle: Allow the Minister to reply without interruption.

Mr. Connaughton: Answer the questions.

Mr. M. Smith: It would put that Administration to shame in terms of what has been attempted to be done for the people with special needs. Whether one is talking about special assistance, resource teachers, remedial teachers, the provision of long-stay facilities or respite care——

Mr. Connaughton: We want that now.

Mr. McCormack: What about the disability Bill?

Ms O. Mitchell: Answer the questions.

Mr. M. Smith:——in every one of those areas, the Government puts that Administration to shame.

Mr. Kenny: There are 51 Down's syndrome children waiting for special needs assistance.

Mr. M. Smith: I would be the first to admit there is still more to be done.

Mr. Connaughton: Good.

Mr. M. Smith: We will continue to dedicate additional resources to these special needs areas. It is a high priority for the Government but I will not be lectured by parties which put £1 million into capital resources for special needs in their last year of Government.

Mr. Kenny: A phoney war. The Minister should not talk about social inclusion.

Mr. Connaughton: Who is not talking to each other now?

Mr. M. Smith: As far as the patient in Tallaght is concerned, I understand the hospital authorities will make a statement in connection with that individual.

Mr. F. McGrath: How many more cases?

Mr. M. Smith: However——

An Ceann Comhairle: The Minister's time has concluded.

Mr. M. Smith:——we have increased the number of specialists in the emergency areas. We are trying to provide additional step-down facilities. We know the medical services have to be improved in these areas. We are understanding and sympathetic and we want to provide additional resources for these areas——

An Ceann Comhairle: I ask the Minister to give way.

Mr. M. Smith:——but everything will not be solved overnight.

Mr. Connaughton: What about Tuam hospital?

Mr. McCormack: What about Hanly?

An Ceann Comhairle: For the benefit of Members on both sides who have difficulty with the clock, the Chair has requested a report on the timing system in the European Parliament where, when the time allocated under Standing Order arrives, the microphone is cut off.

Mr. English: It is getting worse.

An Ceann Comhairle: If Members want to change the Standing Order, so be it.

Mr. Rabbitte: Who took that initiative, a Cheann Comhairle?

An Ceann Comhairle: I requested a report which I will bring to the Committee on Procedure and Privileges.

Mr. Rabbitte: The Chair requested it?

An Ceann Comhairle: The Chair has requested a report on what happens in the European Parliament to bring to the CPP.

Mr. Durkan: We will reject it.

Mr. Rabbitte: This is a sovereign Parliament, a Cheann Comhairle, and we can manage fine——

An Ceann Comhairle: Yes, Deputy, and the Members lay down Standing Orders. If Members continue to abuse the Standing Order, there is no option but to find another way in which we can implement the Standing Order as laid down by the Members of the House.

Mr. Rabbitte: Did you ever consider closing down the House altogether, Sir? We will meet for the budget once a year.

An Ceann Comhairle: That is a matter for the Members of the House also.

Mr. P. Power: A good idea.

Mr. Rabbitte: That is the way many Government backbenchers treat it. I want to ask the Minister about the new caring face of Fianna Fáil that is trying to break out all over the place. What exactly does it mean in terms of the implementation of the Hanly report? Will the Hanly report be implemented *à la* the Minister for Health and Children or will it be abridged and aborted in line with this Minister's thinking? Which will it be? I ask the question specifically in regard to the implications of the Hanly report for accident and emergency services throughout the country and in the context of the point made by Deputy Kenny when he averted to the fact that a man in my constituency who got off a trolley to go to the toilet came back and found the trolley was gone.

In this region yesterday, 150 patients were on trolleys. There were 30 patients on trolleys in Naas hospital alone, with 40 beds closed, a shortage of nurses and nurses in that hospital on work to rule. What are the implications of this state of chaos for the new caring Fianna Fáil that is about to break out were it not for the Progressive Democrats? The Minister of State, Deputy Brian Lenihan, told the country this morning that our economy is the envy of Europe. Our health services are not the envy of Europe. What is the point of economic growth if we are to endure health services like these? Will the Minister indicate exactly what the new social democratic wing of Fianna Fáil says it should do with Hanly if it could get the Progressive Democrats off its back? What are the implications for patients lying on trolleys in the circumstances described in this morning's newspapers, a phenomenon that existed once or twice during peak winter periods in the past but which now appears to be a regular feature throughout the year?

Mr. M. Smith: First, there is no new social democratic wing in Fianna Fáil. As for the Fianna Fáil record on helping the poor, increasing pensions and providing funds for those who are in need, we will stand our record against that of any political party in this House, and we will continue to do that.

Mr. Kenny: What about widows?

A Deputy: The Progressive Democrats are to blame.

Mr. M. Smith: Second, of course there is a need for economic development because it is the economic development and growth in our economy that affords us the opportunity—

Mr. Rabbitte: What is the Government doing about Hanly?

Mr. M. Smith: Allow me to answer the question. The Deputy raised a number of questions.

Mr. Kenny: The time is up. Switch off the microphone.

Mr. M. Smith: It is the economic development and growth in our economy that affords us the opportunity to deal with these questions.

The numbers of people on hospital trolleys and the problems in accident and emergency services are unacceptable. That is the reason the number of accident and emergency specialists has increased from 14 in 1997 to 51, including ten in Dublin, bringing the number there to 21, to try to grapple with the problems associated with accident and emergency services.

Other services, such as those provided by GPs, need to be developed to ensure that only appropriate admissions are made to accident and emergency departments. Step-down services for patients in acute beds must also be developed to free up beds. Accident and emergency departments must also be expanded and developed.

With regard to the Hanly report, the Minister for Health and Children and I have already indicated to the House the core principles of improving the structures of the health services through providing more consultants to the regions and the provision of services that have hitherto not been available. At the same time, local communities must be listened to to ensure accident and emergency services are provided in regional hospitals on a 24-hour basis and improvements in existing services.

Mr. Rabbitte: This is in total contradiction to what is actually in the Hanly report. From the Minister's answer, I take it that the report's recommendations are now dead. Will the Minister specifically address the problems in accident and emergency service provision? After seven years in office, it is unacceptable, even with its new social democratic and caring face, that there are approximately 100,000 fewer medical cards in the system. The reality is that while in the economically difficult days of the 1980s approximately 40% of the population had medical cards, the figure is now only 29.6%. I do not want to raise the other social welfare cuts such as rent allowance.

If that is the social democratic and caring face of Fianna Fáil, no wonder it is concentrating its fire on choreographed press statements, well-signalled in advance to the newspapers, attacking the Progressive Democrats. This focus on the Minister for Justice, Equality and Law Reform, Deputy McDowell, will only undermine his already fragile self-confidence. It will not improve the lot of those using accident and emergency wards.

Mr. M. Smith: The Government is always working to increase the qualifying limits for medical cards.

Ms McManus: The Government has not done this.

Mr. Rabbitte: It has done the opposite.

Mr. M. Smith: I am proud that approximately 400,000 more people are now at work than in 1997. Their incomes are such that they are in a better position to cater for themselves.

Ms McManus: They cannot afford to get sick.

Mr. Rabbitte: People are entitled to work. What kind of boast is that?

Mr. Sargent: There will be a few redundancies over there soon.

Mr. Connaughton: A few Members opposite will be out of work soon.

Mr. M. Smith: That thrust of economic development takes more people out of the poverty trap. It gets them into jobs, allowing them the better opportunity to look after themselves.

Ms McManus: Of course the Government will not give them a medical card.

Mr. Ring: The Government is spending it all on State dinners for all its pals coming over from Europe.

Mr. M. Smith: Deputy Ring is not leader yet.

Mr. Connaughton: Neither is the Minister.

Mr. Ring: The Minister will never be leader because he is for the backbenches.

An Ceann Comhairle: Allow Deputy Ó Caoláin without interruption.

Mr. Durkan: The Minister better not get too much money.

Caoimhghín Ó Caoláin: Deputy Ring is looking for a trolley for the Minister.

Mr. Ring: I might be looking for the Minister's job. He should be careful about it but then it was saved before.

Caoimhghín Ó Caoláin: It must be remembered that we are talking about people, not statistics. A man with a degenerative heart condition was recently admitted to Tallaght Hospital where he spent three full days on a trolley before getting a bed. He was then discharged 45 minutes later. In the course of waiting, while having to attend the toilet, his trolley was taken. These are traumatic experiences for ordinary people. Many of those lying in trolleys in hospital corridors, not just in the eastern region but throughout the country, are subjected to difficult experiences. Older people are robbed of their dignity while young people visiting are unnerved, even frightened, when going past these streams of trolleys with sick people.

What steps is the Government taking to address this problem? Is the Government increas-

ing bed provision or providing additional staff? What nursing staff have to contend with at the coalface of the delivery of acute services is unacceptable. We do not want reports constantly cited to us in answer to these questions but evidence of what the Government is actually doing to address these issues. With an upturn in the economy, there are no excuses for failing to address these needs.

Mr. M. Smith: No objective analysis of health services can claim this Government has failed to invest in them. An unprecedented increase has been made in health services investment.

Ms O. Mitchell: There is a difference between spending and investing.

Mr. F. McGrath: The Government has not delivered.

Caoimhghín Ó Caoláin: People are suffering on trolleys in hospitals.

An Ceann Comhairle: Allow the Minister without interruption.

Mr. M. Smith: In the last seven years in the health services, the number of additional nurses has increased to 8,200 and the number of additional consultants stands at 491. The number of patients treated in-hospital and at out-patient facilities has increased by over 250,000. In 2003, 47,000 additional patients were treated in hospitals between in-patient and out-patient facilities. That marks an increase of 4.7%.

I understand the pressures on accident and emergency wards. I have already indicated the number of additional consultants that have been employed and the additional facilities provided. Step-down facilities and improvements in GP services must be developed to ensure that patients are screened to ensure accident and emergency facilities are available for the acutely ill.

In Tallaght Hospital, the nine cubicles in the accident and emergency ward have a high turnover. Many patients arrive without prior notice and many need resuscitation and other urgent assistance to save their lives. In the event of a life-threatening admission, it is normal for a patient to be moved to another bed or trolley after assessment so that space can be freed up. Due to different patient types, this is part of the work of many accident and emergency departments in major hospitals. I accept that the number of patients on trolleys is unacceptable. However, additional resources are being dedicated in a wide range of areas to combat that problem.

Caoimhghín Ó Caoláin: The Minister's response will be but cold comfort to the 150 patients who are now on trolleys in the Eastern Regional Health Authority area. How many more are on trolleys in other regional acute hospitals? Nothing in what the Minister has said

will address their need today. Make no mistake, it could be the Minister's or my need tomorrow. This is an urgent issue that needs to be addressed.

In the Fianna Fáil 2002 general election manifesto, a promise, often overlooked while others are cited, was made that the Government intended to implement a full range of measures to improve accident and emergency services by significantly reducing waiting times and having senior doctors available at all times. The Government has failed to live up to this promise. The promises regarding an additional 200,000 medical cards and the ending of waiting lists are often cited. However, this is another promise that brought this Government into power. While the House discusses this issue, the Government is offering no redress to the situation in which many people find themselves. Will the Minister outline how he proposes to address the policy deficiencies of this Government?

Mr. M. Smith: A sum of €17.6 million has been allocated to the Eastern Regional Health Authority to facilitate the discharge of patients from the acute system to more appropriate settings. This funding has already resulted in the discharge of some 300 patients from acute hospitals in the eastern region. Funding has been provided for the recruitment of additional emergency medicine consultants and consultant anaesthetists. There are now 51 emergency medicine consultant posts in acute hospitals and the number of emergency medicine consultants in the eastern region has increased from ten to 21. A sum of €46.5 million has been allocated for the development of general practitioner out of hours co-operatives between 2000 and 2003, with an additional €24 million being provided in 2004. These additional resources are clearly making an impact. All the problems have not been resolved and the Minister for Health and Children will continue his efforts and will be supported strongly in the Government to get the additional resources which will ultimately deal with the remaining problems which need to be addressed.

Requests to move Adjournment of Dáil under Standing Order 31.

An Ceann Comhairle: Before coming to the Order of Business, I propose to deal with a number of notices under Standing Order 31. I will call on the Deputies in the order in which they submitted their notices to my office.

Mr. Connolly: I seek the adjournment of the Dáil under Standing Order 31 to discuss the following matter of urgent public and national concern, namely, the fourth interim report of the Tribunal of Inquiry into Certain Planning Matters and Payments under the chairmanship of Mr. Justice Alan Mahon, originally established by the Oireachtas, which reported, *inter alia* that the tribunal's final report would not be issued until 2015 at the earliest, by which time many of the tribunal

witnesses may be infirm or deceased, the extent to which the statute of limitations may apply to the tribunal's findings, the enormous ongoing cost to the taxpayer, the fact that matters under consideration by the tribunal cannot be swiftly dealt with, amounting to a denial of justice and the feasibility of devising an alternative mechanism to expedite and streamline the tribunal's deliberations.

Mr. Crowe: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance and public interest requiring urgent consideration, namely the necessity for the Minister for Community, Rural and Gaeltacht Affairs to make a commitment to provide funding to keep the Carmichael Centre open and running at its current level of professionalism. This centre currently hosts 45 volunteer groups including the Coeliac Society of Ireland which serves 7,500 coeliac patients.

Mr. Ferris: I seek the adjournment of the Dáil under Standing Order 31 to discuss the effects which changes to the taxation system are having on lower paid employees, namely those in Dunnes Store who have been informed that they are no longer entitled to staff discounts due to new regulations.

An Ceann Comhairle: Having considered the matters raised, I do not consider them to be in order under Standing Order 31.

Order of Business.

Minister for Defence (Mr. M. Smith): The Order of Business today shall be No. 12, motion re Referral to Joint Committee of proposed approval by Dáil Éireann for a Council Directive on a specific procedure for admitting third-country nationals for purposes of scientific research; No. 13, motion re Revised Estimates for Public Services 2004 [Votes 1 to 27 and 30 to 38], back from committee; No. 17, National Monuments (Amendment) Bill 2004 — Second Stage (resumed); No. 4, Council of Europe Development Bank Bill 2004 — Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 8.30 p.m. tonight and business shall be interrupted not later than 10 p.m. Nos. 12 and 13 shall be decided without debate, and in the case of No. 13 [Votes 1 to 27 and 30 to 38] shall be moved together and shall be decided by one question which shall be put from the Chair and any division demanded thereon shall be taken forthwith. The proceedings on the resumed Second Stage of No. 17 shall, if not previously concluded, be brought to a conclusion at 10 p.m. Private Members' business shall be No. 39, motion re Nitrates Directive.

An Ceann Comhairle: There are three proposals to put to the House. Is the proposal for

[An Ceann Comhairle.]
dealing with the late sitting agreed? Agreed. Is the proposal agreed for dealing with Nos. 12 and 13 without debate, motions re Referral to Joint Committee and Revised Estimates?

Mr. Kenny: I have no objection to No. 12. In respect of No. 13 will the Minister for Defence say if Vote No. 20 dealing with the Garda Síochána revised estimates includes sufficient moneys for extra recruitment for this year, and can he explain the numbers of the 2000 extra that will include?

Regarding Vote No. 33 for Revised Estimate for the Department of Health and Children, is there sufficient money there, in addition to the salaries and expenses for the office of the Minister, to deal with the matter of opening 3000 hospital beds promised by the Government, and the allocation of 200,000 extra medical cards?

Mr. Rabbitte: Regarding No. 20, it would be prudent to give the House an opportunity to discuss these two Estimates in particular, but not only those. Many Members of the House did not have an opportunity to contribute on Committee Stage. In one of his more recent press releases the Minister for Justice, Equality and Law Reform has suggested that he will after all recruit a number of gardaí. I do not know how much money will be permitted for this by the provision, nor do I know why it must be taken without debate.

Mr. Sargent: In common with many people the Green Party also wishes to have this matter debated in the House. The lack of Garda resources is regularly brought to our attention. We are also mindful of the need for a more comprehensive report to come before the House regarding proposals which are not being debated by Government. No. 12 highlights this aspect. It would be interesting to have more details on what is proposed. It paints quite a macabre picture of admitting third country nationals "for the purposes of scientific research" when one does not have the background. It is important that we are aware of what is being proposed here before giving it the go-ahead.

Caoimhghín Ó Caoláin: No. 12 is somewhat regrettably worded. I wonder if it could have been better presented than "third country nationals for purpose of scientific research". I would not be surprised if this accorded with some of the views current on the Government benches.

Regarding the Revised Estimate proposals, I join colleagues in urging that they be addressed in full and open debate and not passed without debate. The point was made earlier that an insufficient number of Deputies got the opportunity to participate in the recent Private Members business that directed attention regarding the need for further supports for the Garda presence throughout the country. Many local stations,

particularly rural stations are under threat, and closures are taking place. I support the views expressed and urge the Government to accede to the request to allow for these proposals to be debated.

Mr. M. Smith: There is a procedure in this House for dealing with these matters in this way. There is an opportunity for every Deputy in the House to contribute in the committee where these matters are fully debated. In Private Members business last week the Minister for Justice, Equality and Law Reform reiterated the Government's commitment to the recruitment of additional gardaí and noted that garda numbers this year would be at an all-time high of 12,200. I will try to get the details of the numbers to be recruited, but I understand the figure is about 700.

Question, "That the proposal for dealing with Nos. 12 and 13 without debate be agreed to", put and declared carried.

An Ceann Comhairle: Is the proposal for dealing with No. 17, conclusion of Second Stage of the National Monuments (Amendment) Bill 2004, agreed?

Mr. Kenny: In accordance with long-standing practice in this House I object on behalf of the Fine Gael party to a guillotine in this case. In recent weeks I have had extensive material submitted to my office from concerned persons and organisations regarding matters related to the National Monuments (Amendment) Bill. There is particular reference to the building of a major motorway in County Meath which is of interest to the Minister for Education and Science, Deputy Dempsey. It is interesting that prior to the last general election, the National Roads Authority was of the opinion that the N4, the road west, could not be developed because of the national monument site at Rath Crucacháin in Roscommon, whereas there appears to be a very different view regarding the Hill of Tara. In that sense there are matters Deputies would wish to discuss. I object to the use of the guillotine on this matter.

Mr. Gilmore: This is significant legislation under which the Minister for the Environment, Heritage and Local Government will be given the power to order the demolition, destruction or even export of pieces of our national heritage. It is proposed that we conclude Second Stage of the Bill tonight at 10 p.m. The Select Committee on the Environment and Local Government has scheduled, at the Government's request as I understand it, the Bill to commence Committee Stage at 10.30 a.m. tomorrow. What is the rush? The Supreme Court decision which gave rise to the Bill was handed down last February. The Bill was concealed before the local elections and published only on the day of those elections. What is the rush to conclude Second Stage by 10 p.m. and to begin Committee Stage little more than 12

hours later without sufficient time for preparation of amendments?

I draw to the attention of the House that Report Stage of the long awaited Residential Tenancies Bill, which I am delighted is restored to the Order Paper, is scheduled to be taken in the House at the same time as Committee Stage of the National Monuments (Amendment) Bill. Clearly those of us dealing with these Bills cannot be in two places at one time. Therefore, could we at least have an assurance from the Government that Committee Stage of the National Monuments (Amendment) Bill, which is due to take place tomorrow, will be deferred until Report Stage of the Residential Tenancies Bill has been dealt with in the House?

Mr. Sargent: While I can understand why the Government would want to guillotine the Bill, that does not mean it is the best thing to do in the interests of the heritage of the country. The Government should reconsider this. After filleting *5 o'clock* Dúchas and repeatedly demoralising those involved with conservation, the Minister is now taking enormous powers unto himself. His discretion to date has not given great confidence that he would use those powers in any responsible way or in a way that would ensure the long-term interests of our heritage. I ask that Members of the House be allowed the opportunity to speak on this important Bill, which will have serious knock-on effects. It should not be guillotined. Pushing a vote at 10 p.m. would be the ultimate insult to the interests of heritage in this country.

Caoimhghín Ó Caoláin: This Bill, if adopted, will have far-reaching consequences for many

heritage sites throughout the country. It is absolutely unacceptable that it should be guillotined. As other speakers have said, a number of important sites of national interest are under direct or indirect threat, and there will be many others as plans unfold in the years ahead. Members, with their local knowledge of the various constituencies throughout the jurisdiction, should be given full opportunity to participate on Second Stage of the Bill. I strongly object to the imposition of a guillotine at this time. The Government should reconsider this. It is not in the interests of proper debate and due attention to the importance and seriousness of what is involved in the proposition within the National Monuments (Amendment) Bill. Again, I record my opposition to the guillotine.

Mr. M. Smith: We have already had four and half hours of debate and I understand there will be three additional hours this evening. It is proposed to take Committee Stage of the Bill tomorrow. The urgency attached to this has already been explained to the House, particularly in the context of the completion of the M50 at Carrickmines.

Mr. Gilmore: Where was it since last February?

Mr. M. Smith: It is well known that the resources dedicated to the protection of our heritage and the number of additional personnel employed in recent years have been significant. The House can be assured the Bill will protect that heritage in every way possible.

Question put: "That the proposal for dealing with No. 17 be agreed to."

The Dáil divided: Tá, 66; Níl, 53.

Tá

Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Brady, Johnny.
Brady, Martin.
Browne, John.
Callanan, Joe.
Carey, Pat.
Carty, John.
Cassidy, Donie.
Coughlan, Mary.
Cregan, John.
Cullen, Martin.
Curran, John.
de Valera, Síle.
Dempsey, Noel.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Fahey, Frank.
Finneran, Michael.
Fitzpatrick, Dermot.
Fleming, Seán.
Glennon, Jim.
Grealish, Noel.
Hanafin, Mary.

Haughey, Seán.
Hector, Máire.
Jacob, Joe.
Keaveney, Cecilia.
Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Kirk, Séamus.
Lenihan, Brian.
Lenihan, Conor.
McDowell, Michael.
McEllistrim, Thomas.
McGuinness, John.
Martin, Mícheál.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M.J.
Ó Cuív, Éamon.
Ó Fearghaíl, Seán.
O'Connor, Charlie.
O'Dea, Willie.
O'Donnell, Liz.
O'Donovan, Denis.
O'Keeffe, Batt.
O'Malley, Fiona.

Tá—continued

O'Malley, Tim.
Parlon, Tom.
Power, Peter.
Power, Seán.
Roche, Dick.
Sexton, Mae.

Smith, Brendan.
Smith, Michael.
Treacy, Noel.
Wallace, Dan.
Wilkinson, Ollie.
Woods, Michael.

Níl

Allen, Bernard.
Breen, Pat.
Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Connaughton, Paul.
Costello, Joe.
Coveney, Simon.
Cowley, Jerry.
Crawford, Seymour.
Crowe, Seán.
Cuffe, Ciarán.
Deasy, John.
Deenihan, Jimmy.
Durkan, Bernard J.
English, Damien.
Enright, Olwyn.
Ferris, Martin.
Gilmore, Eamon.
Gormley, John.
Gregory, Tony.
Higgins, Joe.
Kenny, Enda.
McCormack, Pádraic.
McGinley, Dinny.
McGrath, Finian.
McGrath, Paul.

McHugh, Paddy.
McManus, Liz.
Mitchell, Gay.
Mitchell, Olivia.
Moynihan-Cronin, Breeda.
Murphy, Gerard.
Naughten, Denis.
Neville, Dan.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Shea, Brian.
O'Sullivan, Jan.
Pattison, Séamus.
Penrose, Willie.
Rabbitte, Pat.
Ring, Michael.
Ryan, Eamon.
Ryan, Seán.
Sargent, Trevor.
Sherlock, Joe.
Shortall, Róisín.
Stagg, Emmet.
Timmins, Billy.
Twomey, Liam.
Upton, Mary.
Wall, Jack.

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

Question declared carried.

Mr. Kenny: When will the legislation on citizenship arising from the referendum be published and debated? Arising from the Electoral Act, there are reports from throughout the country that, when the counts were being conducted following the recent elections, some ballot boxes had numbers of perfectly valid ballot papers which were not perforated. Should the Government not issue an instruction to all returning officers that the presiding officers in question should not be re-employed in view of the failure to deliver their constitutional rights to citizens who cast their votes properly but whose votes were not counted because the ballot papers were not perforated for whatever reason?

Mr. M. Smith: That legislation will be published in the autumn. I accept the Deputy's point. It is regrettable that this occurs. All Members have experienced it. There is no acceptable explanation for that type of negligence, and it is negligence. I will undertake to discuss the matter with the appropriate Minister and also discuss the steps that can be taken to eliminate it as far as possible. That is the least that should be done. There are other matters regarding spoilt ballot

papers which can be discussed on another day. However, the problem outlined by the Deputy should be avoidable.

Mr. Rabbitte: I earlier voiced my concern that the constant sniping from Fianna Fáil would undermine the self-confidence of the Minister for Justice, Equality and Law Reform. Has the Minister for Defence given any thought to my proposition last week that the House sit late in July to facilitate the clearing out of some of the dead wood in the Cabinet and allow the new Government to be put in place?

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

Mr. Sargent: Like Deputy Kenny, I am anxious to see an improvement in the voting system. Does the Government plan to publish the report of the commission on electronic voting? It has promised to do so but has a date been set for publication? There is a need to get to the bottom of this *faux pas* and to put in place a proper voting system that is accountable and transparent.

With regard to the Civil Service regulation (amendment) Bill, there has been a call from IMPACT for the establishment of an indepen-

dent body to consult stakeholders on decisions about the decentralisation programme. Is there any possibility of acceding to that request in advance of publication of the legislation—

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

Mr. Sargent: —so there can be confidence in the public service that the Government is not trying to abuse it?

Mr. M. Smith: Some policy issues have been raised and are being examined but the Civil Service regulation (amendment) Bill should be published shortly. There is no legislative provision in connection with the publication or otherwise of the deliberations of the commission. It is a matter for the commission.

Ms Enright: In light of the publication in England today of the report on the Soham murders, when does the Government intend to keep the promise it made on 17 December to publish legislation providing for proper vetting of people working with children?

Mr. M. Smith: That report is with the Department of Justice, Equality and Law Reform. With regard to the legislation, it is not possible to give an indication at this stage.

Caoimhghín Ó Caoláin: My question is about the adoption Bill, which was due to be published in 2004 as stated in the previous legislative programme of Government. Adoption Ireland has called for the Bill to be expedited to give effect to the Hague Convention. The Bill has been postponed for a further 12 months. Is there any possibility that the Bill can be introduced in 2004, as was promised until recently?

Mr. M. Smith: The final draft will depend on the outcome of an extensive consultative process. The Bill is not expected until next year.

Mr. Allen: With regard to the local government Bill, what is the Minister's attitude to the strategic policy committees in local authorities?

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

Mr. Allen: There appears to be serious confusion about their future.

An Ceann Comhairle: The Deputy should submit a question to the Minister.

Mr. M. Smith: The legislation will be ready in 2005.

Mr. Gormley: When is the strategic national infrastructure Bill expected to be published? There is a difference of opinion between the two Government parties on this.

Mr. M. Smith: It will be published shortly.

Mr. Gormley: How shortly?

Mr. M. Smith: Very soon.

Mr. Stanton: I have two questions for the Minister. The disability Bill was promised before last Christmas. Will we see it by next Christmas? Is there any truth in the rumour that the Minister for Justice, Equality and Law Reform is changing his title to the Minister for Justice, Inequality and Law Reform?

Mr. M. Smith: The answer to the first question is "yes".

Mr. Stanton: When will that be? Will it be next month before the session ends? There have been so many false dawns with this legislation.

Mr. M. Smith: The Deputy asked if the Bill would be ready before next Christmas and I said "yes".

Mr. Stanton: When will it be published?

Mr. M. Smith: I cannot give a precise date but it will be soon.

Mr. Stanton: Why not? We have been waiting for months. When will it happen?

Mr. F. McGrath: When will the disability Bill be ready?

Mr. Stanton: Thousands of people are waiting for it. Why is it being put off?

Mr. Crawford: When will the property registration authority of Ireland Bill be brought before the House? Second, in light of the slugging taking place between Ministers, when will the defamation Bill be ready?

Mr. Timmins: It is true so it is not defamatory.

Mr. M. Smith: The property registration authority legislation will be ready in late 2004. The other Bill is scheduled for early 2005.

Mr. Neville: On secondary legislation, when will all sections of the Children Act be commenced? Since 27 April I have been endeavouring to discover what sections of the Act have been implemented. Perhaps the Minister will communicate with me later on this because the Minister for Justice, Equality and Law Reform just gives rambling answers to my questions. What sections of the Act have been implemented and when will the remaining sections be implemented?

Mr. M. Smith: The provisions of that Act are being commenced on a phased basis. I will com-

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municate directly with the Deputy about the arrangements for the remaining sections.

Mr. Durkan: Given the trials facing the Government parties, collectively and individually, when will legislation be introduced to replace the clinical trials Acts?

Mr. Stanton: The Minister is cracking up at last.

Mr. Broughan: The Minister for Communications, Marine and Natural Resources is currently cooling down in Norway. Is it intended to allow the House to discuss the new arrangements for the shrunken Irish Box delivered by the Minister in light of the concerns of the Irish fishing industry, especially east coast fishermen?

Mr. M. Smith: Usually these matters are discussed by the Whips. However, the Deputy will appreciate that there is a large volume of business and much pressure on time so such a debate is unlikely.

Personal Explanation by Minister.

An Ceann Comhairle: The Minister for Education and Science, Deputy Noel Dempsey, has given notice in writing that he wishes to make a personal explanation and I have decided to permit his statement. This statement will be heard without comment or intervention of any kind. The personal explanation procedure cannot give rise to debate and no questions may be asked.

Minister for Education and Science (Mr. N. Dempsey): I thank the Ceann Comhairle for facilitating my request to give a short personal explanation to the House.

The House will be aware that controversy arose some weeks ago about my action in preparing and disseminating information to election candidates. The Standards in Public Office Commission made inquiries about the matter and I fully responded to the inquiries. It has now written to me to indicate that it has decided not to carry out an investigation in the matter. However, the commission has taken account of the code of conduct for office holders and is of the view that I did not have regard to and was not guided by the terms of the code of conduct.

In light of that, I offer an apology to my colleagues in Government and to the House. I have made arrangements to repay the cost of the materials and the time of the civil servants involved, €2,590.40, to the Department.

Treaty of Amsterdam: Referral to Joint Committee.

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

That the proposal that Dáil Éireann approve the exercise by the State of the option, pro-

vided by Article 3 of the fourth Protocol set out in the Treaty of Amsterdam, to notify the President of the Council that it wishes to take part in the adoption and application of the following proposed measure:

a proposal for a Council Directive on a specific procedure for admitting third country nationals for purposes of scientific research

a copy of which proposed measure was laid before Dáil Éireann on 6 May 2004, be referred to the Joint Committee on Justice, Equality, Defence and Women's Rights, in accordance with paragraph (2) of the Orders of Reference of that committee, which, not later than 8 July 2004, shall send a message to the Dáil in the manner prescribed in Standing Order 85, and Standing Order 84(2) shall accordingly apply.

Question put and agreed to.

Estimates for Public Services 2004.

Minister for Defence (Mr. M. Smith): I move the following Revised Estimates:

Vote 1 — President's Establishment (Revised).

That a sum not exceeding €2,221,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for the salaries and expenses of the office of the secretary to the President for certain other expenses of the President's establishment and for certain grants.

Vote 2 — Department of the Taoiseach (Revised).

That a sum not exceeding €37,585,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for the salaries and expenses of the Department of the Taoiseach, including certain services administered by the Department and for payment of grants and grants-in-aid.

Vote 3 — Office of the Attorney General (Revised).

That a sum not exceeding €13,765,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2004 for the salaries and expenses of the Office of the Attorney General, including a grant-in-aid.

Vote 4 — Central Statistics Office (Revised).

That a sum not exceeding €36,408,000 be granted to defray the charge which will come in course of payment during the year ending

on the 31 December 2004 for the salaries and expenses of the Central Statistics Office.

Vote 5 — Office of the Comptroller and Auditor General (Revised).

That a sum not exceeding €7,759,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for the salaries and expenses of the Office of the Comptroller and Auditor General.

Vote 6 — Office of the Minister for Finance (Revised).

That a sum not exceeding €127,341,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for the salaries and expenses of the Office of the Minister for Finance, including the Paymaster-General's office, for certain services administered by the office of the Minister and for payment of certain grants and grants-in-aid.

Vote 7 — Superannuation and Retired Allowances (Revised).

That a sum not exceeding €229,416,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004, for pensions, superannuation, occupational injuries and additional and other allowances and gratuities under the Superannuation Acts 1834 to 1963, and the Superannuation and Pensions Act 1976, and sundry other statutes; extra-statutory pensions, allowances and gratuities awarded by the Minister for Finance; fees to medical referees and occasional fees to doctors; compensation and other payments in respect of personal injuries; fees to Pensions Board; payments in respect of pensions benefit system, miscellaneous payments, etc.

Vote 8 — Office of the Appeals Commissioners (Revised).

That a sum not exceeding €571,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for the salaries and expenses of the Office of the Appeals Commissioners.

Vote 9 — Office of the Revenue Commissioners (Revised).

That a sum not exceeding €327,703,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for the salaries and expenses of the Office of the Revenue Com-

missioners, including certain other services administered by that office.

Vote 10 — Office of Public Works (Revised).

That a sum not exceeding €432,082,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for the salaries and expenses of the Office of Public Works; for services administered by that office including the Stationery Office as part of the Government Supplies Agency, and for payment of certain grants and for the recoupment of certain expenditure in connection with flood relief.

Vote 11 — State Laboratory (Revised).

That a sum not exceeding €16,186,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for the salaries and expenses of the State Laboratory.

Vote 12 — Secret Service (Revised).

That a sum not exceeding €767,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for the Secret Service.

Vote 13 — Office of the Chief State Solicitor (Revised).

That a sum not exceeding €29,356,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for the salaries and expenses of the Office of the Chief State Solicitor.

Vote 14 — Office of the Director of Public Prosecutions (Revised).

That a sum not exceeding €32,122,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for the salaries and expenses of the Office of the Director of Public Prosecutions.

Vote 15 — Valuation Office (Revised).

That a sum not exceeding €9,498,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for the salaries and expenses of the Valuation Office and certain minor services.

Vote 16 — Civil Service Commission (Revised).

That a sum not exceeding €11,763,000 be granted to defray the charge which will come in course of payment during the year ending

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on the 31 December 2004 for the salaries and expenses of the Civil Service Commission and of the Local Appointments Commission.

Vote 17 — Office of the Ombudsman (Revised).

That a sum not exceeding €5,517,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for the salaries and expenses of the Office of the Ombudsman, the Standards in Public Office Commission and the Office of the Information Commissioner.

Vote 18 — National Gallery (Revised).

That a sum not exceeding €8,602,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for the salaries and expenses of the National Gallery, including grants-in-aid.

Vote 19 — Justice, Equality and Law Reform (Revised).

That a sum not exceeding €331,436,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for the salaries and expenses of the Office of the Minister for Justice, Equality and Law Reform, and of certain other services, including payments under cash-limited schemes administered by that office, and payment of certain grants and grants-in-aid.

Vote 20 — Garda Síochána (Revised).

That a sum not exceeding €1,054,927,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for the salaries and expenses of the Garda Síochána, including pensions, etc.; for payments of compensation and other expenses arising out of service in the local security force; for the payment of certain witnesses' expenses; and for payment of a grant-in-aid.

Vote 21 — Prisons (Revised).

That a sum not exceeding €345,726,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for the salaries and expenses of the Prison Service, probation and welfare staff and other expenses in connection with prisons, including places of detention; for probation and welfare services; and for payment of a grant-in-aid.

Vote 22 — Courts Service (Revised).

That a sum not exceeding €75,707,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for such of the salaries and expenses of the Courts Service and of the Supreme Court, the High Court, the Special Criminal Court, the Circuit Court and the District Court and of certain other minor services as are not charged to the Central Fund.

Vote 23 — Land Registry and Registry of Deeds (Revised).

That a sum not exceeding €32,658,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for the salaries and expenses of the Land Registry and of the Registry of Deeds.

Vote 24 — Charitable Donations and Bequests (Revised).

That a sum not exceeding €411,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for the salaries and expenses of the charitable donations and bequests office.

Vote 25 — Environment, Heritage and Local Government (Revised).

That a sum not exceeding €2,309,788,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for the salaries and expenses of the Office of the Minister for the Environment, Heritage and Local Government, including grants to local authorities, grants and other expenses in connection with housing, miscellaneous schemes, subsidies and grants.

Vote 26 — Education and Science (Revised).

That a sum not exceeding €6,384,854,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for the salaries and expenses of the Office of the Minister for Education and Science, for certain services administered by that office and for payment of certain grants and grants-in-aid.

Vote 27 — Community, Rural and Gaeltacht Affairs (Revised).

That a sum not exceeding €278,334,000 be granted to defray the charge which will come in course of payment during the year ending the 31 December 2004 for the salaries and

expenses of the Office of the Minister for Community, Rural and Gaeltacht Affairs, and for certain services administered by that office, including certain grants and sundry grants-in-aid.

Vote 28 — Foreign Affairs (Revised).

That a sum not exceeding €163,240,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for the salaries and expenses of the Office of the Minister for Foreign Affairs and for certain services administered by that Office, including grants-in-aid and contributions to international organisations.

Vote 29 — International Co-operation (Revised).

That a sum not exceeding €400,030,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for certain official development assistance, including certain grants-in-aid, and for contributions to certain international organisations involved in development assistance and for salaries and expenses in connection therewith.

Vote 30 — Communications, Marine and Natural Resources (Revised).

That a sum not exceeding €257,582,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for the salaries and expenses of the Office of the Minister for Communications, Marine and Natural Resources, including certain services administered by that office and for payment of certain grants and sundry grants-in-aid.

Vote 31 — Agriculture and Food (Revised).

That a sum not exceeding €926,077,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for the salaries and expenses of the Office of the Minister for Agriculture and Food, including certain services administered by that office and of the Irish Land Commission and for payment of certain grants, subsidies and sundry grants-in-aid and for the payment of certain grants under cash-limited schemes.

Vote 32 — Transport (Revised).

That a sum not exceeding €1,981,960,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for the salaries and expenses of the Office of the Minister for

Transport, including certain services administered by that office, for payment of certain grants and grants-in-aid and certain other services.

Vote 33 — Health and Children (Revised).

That a sum not exceeding €8,664,272,000 be granted to defray the charge which will come in course of payment during the year, ending on the 31 December 2004 for the salaries and expenses of the Office of the Minister for Health and Children — including Oifig an Ard-Chláraitheora and certain services administered by that office, including grants to health boards and miscellaneous grants.

Vote 34 — Enterprise, Trade and Employment (Revised).

That a sum not exceeding €1,124,471,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for the salaries and expenses of the Office of the Minister for Enterprise, Trade and Employment, including certain services administered by that office, for the payment of certain subsidies, grants and grants-in-aid and for the payment of certain grants under cash-limited schemes.

Vote 35 — Arts, Sport and Tourism (Revised).

That a sum not exceeding €424,387,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for the salaries and expenses of the Office of the Minister for Arts, Sport and Tourism, including certain services administered by that office, and for payment of certain subsidies, grants and grants-in-aid.

Vote 36 — Defence (Revised).

That a sum not exceeding €697,656,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for the salaries and expenses of the Office of the Minister for Defence, including certain services administered by that office; for the pay and expenses of the Defence Forces; and for payment of certain grants-in-aid.

Vote 37 — Army Pensions (Revised).

That a sum not exceeding €159,604,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for retired pay, pensions, compensation, allowances and gratuities payable under sundry statutes to or in respect of members of the Defence Forces and certain other military organisations, etc., and for sun-

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dry contributions and expenses in connection therewith; for certain extra-statutory children's allowances and other payments and for sundry grants.

**Vote 38 — Social and Family Affairs
(Revised).**

That a sum not exceeding €5,999,368,000 be granted to defray the charge which will come in course of payment during the year ending on the 31 December 2004 for the salaries and expenses of the Office of the Minister for Social and Family Affairs, for certain services administered by that office, and for certain grants including a grant-in-aid.

Votes put and agreed to.

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

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

Mr. O'Donovan: I am glad of the opportunity to speak on this important Bill. I welcome the thrust of the Bill as presented to the House. During the debate on the Bill last week, one of the finest contributions was made by a Member from the opposite side who explained her support for the Bill clearly, succinctly and reasonably.

For approximately 16 years I was a member of the national monuments committee of Cork County Council. The committee was set up in 1985. It is a great pity that more councils throughout the country did not follow our example in setting up such a committee. In 1985, despite a meagre budget of £25,000, we did tremendous work. There were a number of non-elected members on the committee — people with a particular interest in archaeology, the environment and monuments generally. I will not give their names, but their contribution was immense. We travelled to Goleen, Barryscourt and other places where amazing work was done in designating national monuments and so on. If that model was followed by other counties, the problems we face today may not have occurred. I am not aware of any other local authority that has a national monument committee, and that is regrettable.

In every electoral division in Cork the committee considered archaeological sites of all types, including forts, churches and old castles, such as Castle Donovan in west Cork. Places of interest were logged and mapped and records were kept by Cork County Council. Whenever a development was carried out the local planners were aware of artefacts, monuments or sites of archaeological importance that might be impinged upon and the county council was given advance warning.

This Bill is the result of the Minister's duty to find a balance between development and conser-

vation. Motorways and water and sewerage schemes need to be built and a balance must be found in the interest of the common good. I chaired the Joint Committee on the Constitution during its consideration of property rights and one of the main themes that emerged was the common good. Should projects be delayed in the interest of the common good? If we are to be parochial, we could take the example of the snail that held up construction of the Kildare bypass. In my area, a water scheme has been held up since 1985, when a public hearing took place at which the then Department of the Environment and Local Government decided to reschedule the scheme because of a water lily. The scheme was later moved at great expense and delay. The Minister has allocated funds for it and, I hope, building will be commenced shortly. In another area the discovery of an otters' bed resulted in an appeal to An Bord Pleanála, which resulted in further delays.

There are 20,000 people in Cork whose water supply is inadequate. This scheme is being held up because of certain extreme elements. The water lily concerned has since vanished of its own accord after costing the Department several million euro. I looked for the otters' bed in a location near the sea and a local man in his late 70s told me he had not seen an otter in the area for more than 40 years. Sometimes we need to get a grip on reality.

This Bill focuses on the problems created by the Carrickmines Castle site. Of course we must take into account the importance of archaeological and heritage sites such as this. However, there are similar sites everywhere in the country because of our ancient heritage. We must decide on these in the interest of the country and the people who live here. We must protect our heritage without going too far.

This Bill gives the Minister power to make a direction in certain circumstances. This is a sensible provision. Somebody must grasp the nettle. If there are delays which cost the taxpayer millions, the Minister is accused on the one hand of delaying projects and on the other of not protecting the environment. Somewhere in between there must be a fair balance. The Minister must be lauded for achieving that balance in the Bill. I have been a Member of the Oireachtas for almost 11 years and I have seen Ministers hammered over delayed projects. Questions are raised such as why this or that water scheme is not going ahead, why there is no major sewerage scheme and why this or that motorway is not finished.

One will find some item of archaeological interest in every part of Ireland if one digs. In my area, the Sheep's Head Peninsula, there is a hill-walking committee called Slí Muintir Bheara, with which I am involved. With the help of people who are enthusiastic about going on walks and investigating historical sites, we discovered, with advice from experts in UCC, what we thought was a cláirín of stones on top of a mountain called

Seefin. This turned out to be a megalithic tomb which, it was later confirmed, dates back to 2000 BC. We discovered two or three more of these in the Beara Peninsula. The town of Castletownbere was built facing towards the mountains for fear of attack from the sea. Sensible people will support the protection of important archaeological finds.

I do not have figures but perhaps when replying the Minister might indicate the cost in economic terms of delays during the past seven years since this Government took office. What were the legal costs of going to court? I do not deny that people have right to object. In this instance, An Bord Pleanála was involved and will continue to play a role. However, I would like the Minister to give some indication, not necessarily today but perhaps some time before the Bill is concluded, of the cost to the taxpayer of delays in proceeding with projects such as the N11, the Dundalk bypass or the Kildare by-pass. There was fierce criticism following the spending of millions of euro on electronic voting but, listening to today's debate, people probably regret that it was not introduced. However, it will be introduced at some stage. What we want to know is the real cost associated with delays to such developments as the M50.

To people who might say I am anti-environment, I am not taking away from the argument put forward regarding the importance of the historical Carrickmines Castle. However, the completion of that part of the M50 is of critical importance not alone to people living in and commuting to Dublin but to the whole country. We need a network of motorways, and we have made significant progress throughout the country. However, we are some years behind the European model which has a network of road and rail, and particularly motorways, throughout developed Europe.

Motorways and infrastructure developments are planned for many years. The plans for the Cork-Dublin motorway have been in existence for the past two decades. The plans for the M50 have also been in existence for a long time. The Supreme Court granted an injunction against Dún Laoghaire Rathdown County Council in relation to the Carrickmines site. The court was unhappy with the current legislation. Consequently the Minister was obliged to bring in this amendment Act of 2004 to get around the difficulty.

The Bill will make provision for appropriate protection of our archaeological heritage along the routes of approved road developments, including the south-eastern section of the M50. It is not a case of giving the Minister *carte blanche* to drive motorways and pipelines through any part of Ireland with absolute disregard for our heritage, our archaeological sites and national monuments. I congratulate the Fine Gael spokesperson who spoke on this last week. I reject the notion being bandied about by some parties that this Government has no desire to protect the

environment and our heritage. Nothing could be further from the truth.

Historically, one person who promoted our heritage and national monuments and was one of the leading lights in this regard was former Taoiseach, Mr. Charles J. Haughey. He was particularly supportive of the national monuments committee in the mid-1980s, a time when finances were strapped. I was a member of that committee for a number of years. It was a cross-party committee representative of all sides. Its budget was increased to close to €0.5 million. It is still quite small, but the committee works in conjunction with the OPW, another State agency, and the council. In all the areas we visited throughout the county, from Mitchelstown and Youghal to west Cork, the support of local engineers and the consultation process were second to none. It galls me to hear the current Government accused of lack of interest in heritage. Over the past 20 to 25 years of my political life, going back to my student days, this Government has always had a very strong handle on and a realistic and common-sense approach to the environment. I want to emphasise that the former Taoiseach, Mr. Charles J. Haughey was one of the most outspoken in his support for preserving our heritage and national monuments. The work he did then was ahead of his time and I want to acknowledge his significant contribution.

The Joint Committee on the Constitution, which I chaired, examined the issue of property rights in the context of infrastructure and so on. That committee was composed of members from all parties. Its deliberations were delayed for a couple of months in order to allow in other small groups — Sinn Féin, the Independent group and the Green Party. The committee came to certain conclusions which were supported by an eminent constitutional lawyer, Mr. Gerard Hogan. It was clearly of the view that Article 43 of the Constitution, which was set up in 1937 by the then Government and President, allowed for what it called the common good. We must consider the common good when building motorways. In some instances we are inclined to disregard it. The traffic problems involved in building motorways cause us all headaches and stress, but we must build them. We must make sensible provision, but we cannot allow every inch of the way to be stopped by protesters and court action and so on. If that happens we will need to do a serious economic analysis of the loss to the taxpayer that results when various projects are delayed. We are now in an era of great economic growth. Significant progress has been made in the past decade or so. This growth may not exist in ten or 15 years. We must, therefore, proceed while we have that advantage and take into account that in our booming economy traffic counts were never higher. I examined figures relating to the period from the middle 1980s to 2000, which show that the volume of traffic on our roads quadrupled. That created its own problems.

[Mr. O'Donovan.]

I want to put it on record that this is a caring and forward-thinking Minister. He must grasp the nettle. Thinking about the famous lily which upset our water supply in Bantry and has since died, the Minister must gild the lily, move forward and make sensible provision. This Bill does not give the Minister draconian powers. He will not be able to drive a coach and four through the legislation. The Bill contains safeguards. There is provision for a consultation process, and the issue may also be taken up by An Bord Pleanála. In a nutshell, the Bill allows the Minister to make decisions and give directions. I am certain that such decisions will not be taken lightly. We have a country whose young people are well educated and cognisant of our heritage, archaeology and monuments and they want to protect them.

Coming from an area which is very dependent on tourism, particularly places such as west Cork and Kerry, I have noted the numbers of people who now visit our country from mainland Europe and America and even China and the Far East.

Coming from an area which is very dependent on tourism, particularly places such as west Cork and Kerry, I have noted the numbers of people who now visit our country from mainland Europe and America and even China and the Far East. These visitors come here to explore our fairly unspoiled heritage. Barryscourt Castle in east Cork, which is run by the Department of the Environment, Heritage and Local Government in conjunction with the OPW, is an excellent example of a castle which was falling into decay and which has now mushroomed. It has been protected and there is now an information centre there. The last time I was there one could look around and have a coffee in the coffee shop. That type of facility is the product of successful, caring Governments. I have already mentioned Charles J. Haughey but over the last few years successive Governments have not turned their back on the environment. I will take issue with anyone on that.

I support this Bill. It is necessary and we must take account of the common good in the development of this country. We must not delay forever large developments like the M50 or the eastern link road by neglecting the common good. It will cost the taxpayer a lot of money and it will cause many headaches for the general public. If it were to come to a plebiscite of the people of Dublin, they would want to protect their heritage, they would take account of the archaeological findings, but progress has to be made.

Mr. Allen: Many of those who visit from abroad come to take in our history, culture and heritage. Many of the American tourists that I meet around Cork city would be off to Florida if they were looking for the sun. The Europeans that come from Germany and Italy would be in the Costa del Sol or the Algarve. They come to enjoy the richness of our history and heritage. They even endure the rip-off Ireland culture that

is there so that they can enjoy that history and culture. As a result, it is even more important that a Bill of this nature is given the scrutiny and examination it requires. I resent the fact that it is being guillotined this evening at 10 p.m. with a vote. I also resent that it will go to Committee Stage tomorrow, at a time when the Residential Tenancies Bill 2004 is on Report Stage. We do not have the gift of bilocation so there is the possibility of a clash between the consideration of both Bills. The Minister has his two able Ministers of State. The deputy spokesman on the environment in my party, Deputy McCormack, will deal with one of them. However, it is important that this Bill not be rushed and that it be given the consideration it deserves. Even though the Bill has many merits, the reservations raised by many outside the House deserve examination and scrutiny. It is unwise of the Minister to guillotine this Bill and to rush it through Committee Stage tomorrow. There should be no presumption that this Bill will be passed tonight but the Government has arrogantly tabled Committee Stage for tomorrow as it is confident in its weight of numbers.

The publication of this Bill arises from a decision made in the courts last January and since then I have been told that the situation has deteriorated in the Carrickmines area. Putting forward this Bill, the Minister had to deal not only with the Carrickmines issue but the possibility of many other cases arising in the near future such as the M3 and the troubles that may arise at Tara and the N25 which is the Waterford city bypass in the Minister's own backyard. The problem that has arisen in Carrickmines has given rise to a significant cost for the local authority, the taxpayer and every commuter, resident and business. The court judgment has had significant implications not only for Carrickmines but for every other road development in the future. The role of the National Roads Authority has been questioned by previous speakers and the cost implications were reflected in the news yesterday that the N8 Rathcormac and Fermoy bypass is one of 11 new public private fee paying schemes being developed by the NRA.

It is estimated that €300 million will be paid in tolls each year by motorists who will finance these projects. I find it hard to accept that taxpayers who have paid income tax, road taxes and many stealth taxes introduced in the last 12 months, will now be caught again by the tolling of these roads. That will add to the competitiveness difficulties experienced by our businesses and industries. This Bill is also being discussed against a background of damage to a major prehistoric coastal fort on the Dingle Peninsula. The heritage section of the Department of the Environment, Heritage and Local Government ordered an assessment of the damage done to that major prehistoric coastal fort after part of the linear fortification earthwork was flattened during what is believed to be land reclamation activities.

I am asking the Minister to state why there is no ministerial preservation order on the Dún Mor Fort, a major coastal fort in use from 1000 BC until the early Christian period. I understand the monument is listed as a national monument but that no agreement is in place on how the land could be farmed around the monument without interference with the fort. The Department has claimed that new legislation will be introduced shortly which will see a root and branch overhaul of existing legislation on the protection of monuments and how the protection may be enforced, especially in view of the fact that all but 1% of recorded monuments are on private land. When will we see legislation to address these issues and how will the legislation address the issue of the protection of national monuments on private land? What is the situation regarding the standing stone with ogham inscriptions in the fort situated on about 80 acres and which is possibly the largest coastal fort in Ireland?

This Bill is not a comprehensive Bill but at the same time it has provoked conflicting reactions. The Bill gives An 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 study rather than waiting for the courts to adjudicate on the matter. Our national monuments need to be preserved because we must value our history and our past and our national monuments should only be interfered with where there is no alternative. When a situation arises where a unique and irreplaceable monument of archaeological value and significance is discovered, an alternative route for a proposed road must be found. As has already been stated by Deputy Olivia Mitchell who is familiar with the situation in Carrickmines as it is in her area, the core of the dispute is whether what was discovered is archaeologically unique or merely of historical interest. The problem, as she has pointed out, is the designation of what constitutes a national monument. How is a national monument designated?

The Minister referred to the archaeological remains at Carrickmines as a national monument. This classification has never been accepted by the county council and there was no one to adjudicate on it. One side of the dispute claimed it was a national monument while the county council stated it was not. However, in the absence of objective criteria, the council was put in an impossible position of having to apply for consent to interfere with a national monument. Despite no official classification, the county council applied for permission to interfere with the historical remains at Carrickmines, the Minister gave his consent, it was appealed to the courts and the appeal was upheld on a technicality which had nothing to do with the merits of the case.

A major flaw of this Bill is that it does not deal with the designation of a monument and therefore leaves every road project open to the accusations that its path goes through a national

monument. The designation of a national monument must therefore be clarified. Comprehensive legislation is urgently needed and we are not too sure when it will be brought before this House.

Given the unsatisfactory and uncertain nature of the situation, it is the responsibility of all agencies dealing with projects involving taxpayers' money to ensure that the initial investigation and the environmental impact assessment are comprehensive and conclusive to avoid a repeat of what we witnessed in Carrickmines. Like the balance that should be in place between industrial development and protection of our environment, there should be no tension between infrastructural development and preserving our heritage. We must have balance in the issue. Our national monuments, which are unique and irreplaceable, must be preserved and alternative routes found for our roads.

I thought the Bill would attempt to lay out clearly the procedures for dealing with discoveries despite that the designation of those discoveries is still not clear. However, since then I have received a copy of an opinion on the Bill which should and must be read into the record. The Minister has a major responsibility to reply to the issues raised by the opinion of senior counsel, Frank Callanan, on the Bill. Unfortunately, I do not have the time to read into the record the full opinion, but I will deal with some aspects of it which I believe require a response. It states:

The National Monuments (Amendment) Bill 2004 has a number of immediately striking objectionable features as a piece of proposed legislation. That does not mean that there are not others which are not immediately apparent but are fully intended by the Minister and this renders both the speed of it and the lack of consultation surrounding this legislation reprehensible if not sinister. [They are strong words.] The Minister of course seeks to justify the speed of this Act's introduction to the situation prevailing at Carrickmines.

The Bill is however not limited to Carrickmines nor is it even limited to what might be called crisis management in the construction of roads. It is profound and radical change to the provisions of the existing national monuments legislation for the protection of national monuments in Ireland contained in the National Monuments Acts 1930-1994.

The legislation reflects a long standing consensus in Ireland in relation to the treatment of national monuments not merely among political parties but among the broad community of officials and experts concerned with the preservation of Ireland's archaeological and historical heritage. It is proposed to dismantle that consensus without permitting a proper national or even parliamentary discussion. This legislative scheme is almost as old as the Irish state. The Minister has advanced no grounds to justify what might itself in legislative terms be charac-

[Mr. Allen.]

terised as an act of vandalism. No justification except of course Carrickmines...

One might have expected that in relation to a major legislative change of this kind the Minister as part of a process of public consultation would have produced some form of comparative study as to how other European states address these issues. He will not do so no doubt for the very good reason that it would expose the gross deficiencies of this legislative scheme...

The proposed amendment to section 14 of the principal Act by substitution of the criteria on which the Minister is to exercise his discretion so that it is not limited to archaeological considerations is utterly retrograde and removes any settled basis of the exercise of a ministerial discretion ... Again, this goes far beyond the Carrickmines issue to which the Minister ceaselessly harks back and seeks to pre-empt legal challenge across the range of national monuments. It is the evisceration of the protection conferred by the existing Act. The Act is concerned with the removal of both legislative and judicial safeguards. It is, as legislation, deeply irresponsible, and is quite likely to have the effect of involving the courts in the determination of controversial issues which ought never to have arisen and to have been addressed by some form of legislatively created arbitral process.

As stated earlier I do not have time to read into the record the full opinion but it further states:

The hands of An Bord Pleanála are tightly bound in making its determination that a material alteration is likely to have significant adverse effect on the environment by Schedule 2. An Bord Pleanála has no role in relation to the national monuments aspect of the matter other than to have regard to 'landscapes of historical cultural or archaeological significance.' So, the one apparent institutional check on the Minister is nullified, apparently intentionally, in relation to the national monuments aspect.

Will the Minister explain why he did not address the issues described by the courts as technical hitches or glitches rather than introduce a Bill which has greater implications for infrastructural development and the preservation of national monuments? Beyond the Carrickmines issue, the Bill diminishes the protection appended to national monuments and removes safeguards. Is this price we must pay for the serial litigants intent on delaying progress on every major infrastructural project? In other words, are we using a sledgehammer to crack a nut?

Aengus Ó Snodaigh: Is trua liom gur tháinig an lá go bhfuil an t-Aire ag tógaint a leithéid de reachtaíocht isteach. Tá sé gránna a leithéid de reachtaíocht a thógaint isteach i dtír a bhfuil an oiread stuif stairiúil faoin talamh inti. Go háirithe

nuair atá cuid mhór de eacnamaíocht na tíre ag brath ar thurasóireacht, tá sé náireach go dtugann an reachtaíocht seo cumhacht don Aire seandálaíocht agus stair na hÉireann a scrios. Ní cóir go mbeadh an cumhacht sin ag duine amháin. Is le muintir na hÉireann amach anseo an stair agus an seandálaíocht. Ní cóir go mbeimis ag scrios ár n-oidhreacht, fiú leis an rachmas atá againn. Sin atá ag tarlú i Carrickmines agus i Trim agus sin a tharla sa chathair seo thar na blianta.

Mr. Cullen: Níl sin ceart.

Aengus Ó Snodaigh: Tá sé ceart. Cá bhfuil Wood Quay agus Frascati House anois? Scriosadh iad. Scriosadh dhá theach Georgian i mBaile

Átha Cliath an tseachtain seo caite.

6 o'clock

Scriosfar an chuid de sheandálaíocht na tíre amach anseo mar atá á dhéanamh i Carrickmines. Is é an scéal céanna i Tara áit a bhfuil an Rialtas ag iarraidh bóthar a chur tríd gach cuid de stair agus oidhreacht na tíre. Tá sin scanallach.

I mBaile Átha Thrim tá an Rialtas ag iarraidh caisleán álainn a chlúdú trí ligint de óstán a thógáil in aice leis. Tharla an rud céanna do Phríosún Chill Mhaighneáin i mo cheantair féin. In áit a bheith ag cur le hoidhreacht na tíre, a bheith ag cuidiú leis agus ag iarraidh turasóirí a mhealladh go dtí an tír, tá an Rialtas ag iarraidh na suíomhanna seo a scrios. Scrios iomlán atá i gceist, mar a tharla sa Dún Mór. Is é an t-aon difríocht go mbeidh cead an Rialtais ag pé tógálaí atá ag iarraidh an scrios a dhéanamh. Deir tógálaí leis an Aire gur cheart dó cead a thabhairt dó mar ba mhaith leis an rud sin a scriosadh. Tá sé sa bhealach, agus sin an dearcadh a bhíonn ag an Rialtas seo i gcónaí maidir le seandálaíocht na hÉireann. Tá sé sa bhealach roimh an dul chun cinn eacnamaíochta atá i gceist. Seo cuid eile den mheon céanna. If it is in the way, they want to get rid of it, hide it or concrete it over. Tharla sé sin sa chathair seo thar na blianta. Scríobhadh leabhar iontach—

Mr. Cullen: That sounds very like Sinn Féin with the IRA.

Aengus Ó Snodaigh: The Minister is looking for them to do that.

Mr. Cullen: They will tell no one where it is.

Aengus Ó Snodaigh: Yes, bury it, just like the Minister is burying our history. Má tá an tAire ag iarraidh, tógfaidh mé timpeall na suíomhanna sa chathair seo é, áit ar chuir an Rialtas coincreit ar stair agus oidhreacht na tíre. Is é sin an meon scannalach gránna a thagann ón Aire i ngach uile ábhar atá ag baint le seandálaíocht. Scriosann sé é, mar ní fiú é dó. Cuireann sé bóthar ann. Tá sé scannalach go mbíonn sé i gcónaí ag dul thart á dhéanamh sin. Cuireann sé coincreit air.

Mr. Cullen: They are like the Marxists over in Europe.

An Leas-Cheann Comhairle: Deputy Ó Snodaigh.

Mr. Cullen: That makes it fairly clear.

Aengus Ó Snodaigh: Gabh mo leithscéal, a Aire, ach táimid ag caint faoi cheist stair agus oidhreacht na tíre seo. Níl an tAire sásta éisteacht, agus níor éist sé ó thosaigh an díospóireacht seo. Tá sé scannalach nach bhfuil sé sásta éisteacht sa Teach seo ar cheist na seandálaíochta agus na hoidhreacht. Téir suas go Teamhair, agus scrios í. Téir síos go Port Láirge, agus scrios an suíomh nua sin. Is é sin an meon scannalach atá ag an Aire — corruption. Tá sé ceangailte go huile is go hiomlán leis an dream atá ag scriosadh na tíre seo agus ag baint airgid as. Is é caimiléireacht go huile is go hiomlán atá ag baint leis, mar níl aon fháth eile leis an reachtaíocht seo ach go bhfuil caimiléireacht taobh thiar de. Bhí caimiléireacht taobh thiar de na rudaí a tharla i dTroim.

Mr. Cullen: Níl sé sin ceart.

Aengus Ó Snodaigh: Tá sé ceart. Ba chaimiléireacht go huile is go hiomlán é, agus tharla sé sin sa chathair seo maidir le Cé an Adhmaid. Caimiléireacht a bhí ann sin, agus bhí caimiléireacht i gceist i gCarraig Mhaighin. Níl aon fháth go mbeadh Jackson Way bainteach leis seo, ach tá sé, mar tá caimiléireacht ann, agus tá muintir páirtí an Aire gafa leis go huile is go hiomlán. Ba chóir dó seasamh suas agus náire a bheith air. Ba chóir dó éirí as a phost. Is éard atá á dhéanamh aige ná comhshaol, stair agus oidhreacht na tíre seo a scriosadh. Níl muidinne sásta glacadh leis sin, agus ní ligfidh muid dó é sin a dhéanamh. Ní ligfidh muid dó i dTeamhair. Ní ligfear dó i gCarraig Mhaighin. Tógfar cásanna eile cúirte, agus cuirfear moill air. Bhí an deis ag an Aire——

Mr. Cullen: The Deputy does not have any policies.

An Leas-Cheann Comhairle: Order.

Aengus Ó Snodaigh: Bhí an deis ag an Aire déileáil leis an cheist i gCarraig Mhaighin ar bhealach éifeachtach agus dul timpeall air, ach ní raibh sé sásta glacadh leis sin toisc go raibh airgead i gceist. Tá airgead taobh thiar de seo, agus sin an cheist nach bhfuil sé sásta a fhreagairt. Tá sé sásta bheith ina sheasamh ansin ag screadaíl orm, mar tá mé ag insint na fírinne; níl seisean. Mar a dúirt mé faoin Teamhair, tá sé ag iarraidh bóthar mór a chur tríd. Dúradh ag an am nach raibh ach dhá shuíomh seandálaíochta ann. Cheana féin, tá tar éis 28 suíomh nua faighte timpeall an cheantair sin. Ba cheart don Aire an plean a athrú seachas dul in aice le oidhreacht na tíre seo. Ba cheart dó í agus a leithéid de Charraig Mhaighin a chaomhnú. Tiocfaidh na turasóirí,

mar sin an fáth go dtagann siad go dtí an tír seo sa chéad dul síos. Seachas é sin a dhéanamh, áfach, cuireann an tAire coincreít air. Seans go dtiocfaidh postanna as sin ar feadh cúig bliana. Má dhéanaimid caomhnú agus cur chun cinn ar ár n-oidhreacht agus ár seandálaíocht, beidh níos mó turasóirí ag teacht go dtí an tír seo. Beidh níos mó daoine ag teacht. Ba cheart don Aire smaoiniú.

Mr. Cullen: I have never heard such rubbish.

Aengus Ó Snodaigh: Níl an bruscar á ra agamsa ach aige féin.

Mr. Cullen: He comes in here and pontificates.

An Leas-Cheann Comhairle: Deputy Ó Snodaigh should be allowed to make his contributions without interruptions.

Mr. Cullen: This is Dáil Éireann. This is called a democracy.

Aengus Ó Snodaigh: Tá an tAire ag déanamh iarrachta mé a mhaslú. Is eisean an duine is gránna sa Dáil seo. Más féidir leis, fiú, éisteacht leis na ceisteanna agus na pointí atá á ndéanamh——

Mr. Cullen: This is lost in history.

Aengus Ó Snodaigh: Thig leis leanúint ar aghaidh ag maslú. Sin cé chomh híseal is atá sé. Tá sé maslach go bhfuil náire air faoin rud atá sé ag iarraidh a dhéanamh. Níl sé sásta, fiú, cead a thabhairt do Ard-Mhusaem na hÉireann dul ar an shuíomh. Cad é a tharlóidh má fhaightear rud nua amuigh i gCarraig Mhaighin i gceann míosa nó dhó? Ní bheidh cead ag an musaem dul ann, mar tá an tAire gafa go hiomlán le caimiléireacht. Cé mhéad breabanna atá an tAire agus daoine cosúil leis tar éis glacadh? Tá daoine ar an taobh sin den Teach ag glacadh breabanna le 30, 40 agus 80 bliain. Tá an tAire agus a leithéidí tar éis glacadh leo le déanamh cinnte go mbeadh rachmasaithne na tíre seo ag scriosadh stair na tíre seo go huile is go hiomlán. Dhein siad é ar Wood Quay, áit a thóg an bardas. Scrios siad an t-aon suíomh mór-le-rá san Eoraip ag an am. Cá bhfuil sé anois? Níl faic ann. Is cuimhin liom bheith ar an mhairseáil ag iarraidh é sin a chaomhnú. Is cuimhin liom dul amach sa cathair seo.

Mr. Cullen: The Deputy's party is very good at that. That is what they are for — kneecapping people and bombing people.

Aengus Ó Snodaigh: An bhfuil an tAire críoch-naithé? Níl.

Mr. Cullen: They were going around murdering people.

An Leas-Cheann Comhairle: The Minister will cease interrupting.

Aengus Ó Snodaigh: Táimid ag déileáil le ceist amháin anseo. Má tá an tAire ag iarraidh déileáil leis an cheist sin, ba cheart dó í a chur síos ar an ord-pháipéar, agus déanfaidh muid díospóireacht leis ar an cheist sin. Táimid ag díriú ar cheist amháin. Tá an tAire maslach. Níl sé sásta mé a fhreagairt i nGaeilge, fiú, ach níl sí aige, mar níl spéis nó suim aige i stair nó oidhreacht na tíre seo. Tá sé maslach agus náireach. Imíodh leis. Ba chóir dó éirí as a phost, mar ní féidir leis díospóireacht a dhéanamh ar an ábhar os a chomhair. Ní féidir leis, mar tá náire air. Mar a dúirt mé, tá sé gafa le caimiléireacht go huile is go hiomlán. Ba cheart dó an cheist seo a fhreagairt. Cé mhéad daoine ar an taobh sin den Teach a ghabh breabanna? Ba cheart dó í a fhreagairt. Níl sé sásta an freagra a thabhairt, mar táispeánann sé cé mhéad agus cé chomh gafa agus atá siad leo. Scríos siad an oidhreacht sa chathair seo, agus tá sé fós ag déanamh iarrachta an chuid atá fágtha againn a scríosadh ionas nach mbeidh sé againn nó ag na glúinte amach anseo.

Mr. Cullen: The Deputy is like a broken record.

Aengus Ó Snodaigh: Nílím, ach tá seisean cosúil le broken record, mar leanann sé ar aghaidh ag scríosadh na hoidhreacht.

Mr. Cullen: The Deputy should get on with it.

Aengus Ó Snodaigh: Tá 20 nóiméad agam, agus muna bhfuil an tAire sásta iad a ligint dom—

Mr. Cullen: The Deputy does not want to hear the truth.

Aengus Ó Snodaigh: Ní thuigeann sé, fiú, cad atá á rá agam. Sin cé chomh tiubh is atá sé. Ní féidir leis éisteacht agus glacadh lena bhfuil le rá agamsa. Tiubh agus breabaireacht — caimiléireacht go huile is go hiomlán — atá i gceist ag an Aire, agus bhí i gcónaí. Fiú nuair nach raibh sé sa pháirtí sin, bhí sé gafa leis an rud ceannann céanna. Slíbhín den scoth é, ach ba chóir go mbeadh spéis aige sa Teach seo agus ligint dom a bhfuil le rá agam a rá. Cén fáth, nuair a fuair siad Woodstown thíos i bPort Láirge, nár dúradh faic ar feadh bliain iomlán?

Mr. Cullen: This is the latest now. They are starting to dig up all over the country.

An Leas-Cheann Comhairle: Deputy Ó Snodaigh should be allowed to make his contribution without interruption.

Aengus Ó Snodaigh: Bhí mise ar an mhairseáil i mBaile Átha Cliatha go Frascati House. Bhí mé ar an mhairseáil go Wood Quay. Sin cé chomh fada is atá mise gafa le ceist na seandálaíochta. Fós ní thuigeann sé mé. Is tiubh atá sé. Ní thuigeann sé cad tá á rá agam. Níl sé sásta éisteacht,

mar tá sé tiubh. Sin cé chomh tiubh is atá sé. Is mór an trua é nach n-imíonn sé agus nach n-éiríonn sé as an jab go huile is go hiomlán. Níl sé sásta éisteacht le daoine. Tá an pobal dáiríre faoin oidhreacht agus faoin tseandálaíocht.

Mr. Cullen: They should put aside the rhetoric and put forward a few policies for which people might vote.

Aengus Ó Snodaigh: Tá an polasaí seo curtha chun cinn i bhfad Éireann níos fearr agus níos soiléire ná aon rud ón ina iarracht a dhéanamh mé a mhaslú. Tá an t-Aire ag iarraidh mé maslú ach ní féidir leis an Teachta maslú mar tá sé tiubh agus ní féidir leis é a dhéanamh sa teanga náisiúnta. Tá sé ceangailte le caimiléireacht agus tá sé sásta, cosúil leis an daoine atá timpeall air breabanna a ghlacadh. Sin an t-aon fáth a mbéadh an t-Aire sásta ionsaí a dhéanamh ar an oidhreacht. Níl na freagraí aige. Níl sé ach tiubh. Ba chóir dó éisteacht éigin a dhéanamh agus gan a bheith ag maslú daoine.

Tá ceist mhór le freagairt ag an Aire maidir le Carrickmines agus le háiteanna eile cosúil leis an Hill an Tara, Trim agus Wood Quay. Níor fhreagair an Rialtas na ceisteanna sin ariamh. Tógadh daoine os comhair na cuirteanna agus rinne an Rialtas iarracht gach pingin a bhaint uathu. Sin chomh scanallach is atá siad. Níl an Rialtas sásta ár n-oidhreacht a chaomhnú. Níl siad sásta ach cumhachtaí breise a thabhairt don Aire chun é a loit amach anseo.

Is í an fhoclaíocht atá san mBille ná, “That the Minister can issue an order to demolish or remove, wholly or in part, or to disfigure, deface, alter, or in any manner injure or interfere with...”.

Mr. Cullen: That is in the legislation since the 1930s.

Aengus Ó Snodaigh: Bhí an deis ag an Aire é a thógaint amach as.

Mr. Cullen: The Deputy should read the legislation.

Aengus Ó Snodaigh: Tá mé ag rá go bhféadfadh an t-Aire é a athrú ach níl sé ag éisteacht liom. Tá sé ag tabhairt an chumhachta dó féin an rud a scríos, agus gan cead na Dála agus gan cead ón Ard-Mhusaem. Tá an t-Aire ag iarraidh an cumhacht ar fad a ghlacadh ionas gur féidir leis suíomhanna nua a thabhairt go rachmasóirí eile má tá siad sásta breab a thabhairt dá cháirde. Sin cé chomh scanallach is atá an t-Aire agus a dhream. Níl siad sásta éisteacht leis an phobal agus níl siad sásta, fiú, féachaint ar na toidhcháí. Muintir na hÉireann—

Mr. Cullen: The Deputy should stop using muintir na hÉireann.

Aengus Ó Snodaigh: I gcionn 100 bliain beidh muintir na hÉireann a rá gur scríos an t-Aire

oidhreacht na hÉireann agus gur dhein sé loitiméireacht timpeall na tíre ar fad. Sin an méid atá sé in ann a dhéanamh.

Mr. Cullen: The Deputy would have worn brown shirts in the thirties. He should grab the banners and have a private army. That is what he wants. He wants a private army to back up everything he does. He will not get away with it. Sinn Féin will not get away with it.

Aengus Ó Snodaigh: Ní gá dúinn aon airm ins an cheist seo. Tá an cheist seo glan simplí. An t-Aire an duine a scriosfar oidhreacht na hÉireann. Cad atá an Rialtas ag trialladh a dhéanamh amuigh i gCluain Dolcáin? Tá siad sásta cead a thabhairt do thógálaí—

Mr. Cullen: He is in here shouting and roaring while his private army is outside the door to back up everything he says.

An Leas-Cheann Comhairle: Order, please. The Deputy should be allowed make his speech without interruption.

Aengus Ó Snodaigh: Is é an t-Aire a thosaigh an screadaíl. Is trua nach n-aithníonn sé oidhreacht a pháirtí féin. Ba chóir dó smaoineamh ar oidhreacht Fhianna Fáil.

Mr. Cullen: That is old cleverality. He should tell that to what is left of the Marxist Communist group in Europe that his party has joined. Their failed old policies never delivered a job, built a house or did anything for anybody. That is all Sinn Féin is interested in.

An Leas-Cheann Comhairle: The Minister is being disorderly.

Aengus Ó Snodaigh: Ní dhearna an t-Aire mórán ach oiread ach airgead a thabhairt to rachmasóirí agus a bheith ag cruinniú airgid. Sin an méid a dhein an t-Aire agus sin an méid atá ag teacht ón Rialtas. Sin an fáth nach bhfuil an t-Aire sásta éisteacht leis an gceist. Tá sé ag iarraidh mise a mhaslú. Is cuma liom.

Mr. Cullen: The Deputy is not at one of his back-room lectures being told what to do and when to do it.

Aengus Ó Snodaigh: Is féidir leis mise a mhaslú de shíor. Ní chuireann sin as dom.

Mr. Cullen: We live in a democracy.

Aengus Ó Snodaigh: Cuireann sé as dom nach bhfuil an t-Aire sásta na ceisteanna atá á ardú agam a fhreagairt nó fiú éisteacht leo. Sin cé chomh maslach is atá an t-Aire. Is cuma liom. Tá an t-Aire ag maslú mhuintir na hÉireann. Cé gur Aire de mhuintir na hÉireann é nil sé sásta éisteacht leis na pointí a ardaítear ar an gceist seo. Sin cé chomh gránna is atá sé. Sliabhín beag

bídeach is ea é. Ní bheidh a ainm thíos amach anseo. Beidh sé gránna. Smaoineofar air mar loitiméir na tíre, loitiméir na staire agus loitiméir agus loitiméir na hoidhreacht. Sin a bhfuil sé tar éis a dhéanamh.

Mr. Cullen: That describes Sinn Féin and their carry-on.

Aengus Ó Snodaigh: I am talking about the Minister.

Mr. Cullen: The Deputy should look in the mirror.

An Leas-Cheann Comhairle: The Minister is being disorderly.

Mr. Cullen: His party knee-caps people who do not agree with it. They terrorise people. They are the experts in building concrete bunkers.

An Leas-Cheann Comhairle: The Minister is being disorderly.

Aengus Ó Snodaigh: If the Minister wants a debate on that subject or any subject he should order time through his Whip.

An Leas-Cheann Comhairle: Members should address the Chair.

Aengus Ó Snodaigh: If the Minister wishes to have a debate on any other subject, he is in Government. He can order time for it and I will willingly debate any subject in this House. I am debating this matter and the Minister is insulting me and the Irish people.

Mr. Cullen: Facts do not get in the way of the Deputy spinning his old yarns.

Aengus Ó Snodaigh: I have not spun any yarn yet.

Mr. Cullen: Sinn Féin never does.

Aengus Ó Snodaigh: The Minister does not even have the intelligence to listen to what I have to say, in Irish or English.

Mr. Cullen: The Deputy knows I do not have the same facility in Irish that he has.

Aengus Ó Snodaigh: There he is, shouting again. The Minister has just shown himself to be both simple minded and a bigot who has destroyed our heritage.

Mr. Cullen: The Deputy should look in the mirror.

Aengus Ó Snodaigh: I look in the mirror every day and I am proud of what I see. What I see across the Chamber is a tiny little bigot who

[Aengus Ó Snodaigh.]
should be thrown out of the House for continually disrupting me.

Mr. Cullen: I have plenty of reasons to get at a person, without getting down in the muck.

An Leas-Cheann Comhairle: Order, please.

Aengus Ó Snodaigh: The Minister should be ashamed of himself that he will not even answer or listen to the debate on this important matter.

An Leas-Cheann Comhairle: Will the Minister please stop interrupting?

Aengus Ó Snodaigh: The Minister is scandalous. He is connected with corruption on his side of the House, as regards people who have taken payments in respect of Jackson Way and other works.

Mr. Cullen: The Deputy should make that statement outside the House, if he is man enough, or withdraw it.

An Leas-Cheann Comhairle: The Chair is calling on the Minister to cease interrupting.

Aengus Ó Snodaigh: I have no problem repeating that outside the House. Who, in the Minister's party, have already been in front of the tribunal?

Mr. Cullen: Back it up.

Aengus Ó Snodaigh: I have backed it up. The tribunal is doing its work. These people are connected with the Minister's party, not my party. That is the scandal. That has to do with corruption. Just look at what that is destroying. That is how small-minded the Minister is, and the rest of his party. To destroy the heritage and concrete it over is their solution to everything. The Minister is scandalous and should give up as quickly as possible. He is no Minister for the environment. The only environment he wants is concrete.

An Leas-Cheann Comhairle: The Deputy should address the Chair.

Aengus Ó Snodaigh: I will address the Chair if I do not get any more interruptions. If the Minister continues to interrupt I will continue in the same vein. Just in case the Minister does not understand Irish in any shape or form, I referred to the scandal in Trim, where a multistorey hotel is being built next to a national monument. It is taking away from the national monument. The Minister is supposed to promote national monuments, not allow building on top of or next to them.

Mr. Cullen: The Deputy should state the facts.

Aengus Ó Snodaigh: That is exactly what the Minister is doing.

Mr. Cullen: It is not.

An Leas-Cheann Comhairle: Order, please. The Minister will have the opportunity to reply.

Aengus Ó Snodaigh: A seven storey building is going up across the road from Kilmainham Jail. At the back of it is another ten storey building.

An Leas-Cheann Comhairle: The Deputy will conclude.

Aengus Ó Snodaigh: I conclude by continuing with my claim that the Minister is connected with people in this House who are corrupt, who have forced through Carrickmines.

Mr. Cullen: The Deputy will withdraw that remark or repeat it outside the House.

An Leas-Cheann Comhairle: Order, please.

Aengus Ó Snodaigh: I have repeated it ten times and I will not withdraw it. If the Minister wishes, I will repeat it outside the House.

Mr. Cullen: The Deputy should repeat that outside the House if he is man enough.

An Leas-Cheann Comhairle: Deputies should be allowed to make their contributions without interruption.

Mr. English: That was great. I should have spent more time in Irish class. I could have enjoyed that much more.

The Minister may not realise it but this Bill depends on trust. It is not just the trust of the Minister, but of the Department of the Environment, Heritage and Local Government, the procedures etc. One person told me the Bill was equivalent to giving the Minister a JCB and telling him to point it where he likes. That is what is felt about it. It is the duty of the Minister to allay people's fears in this regard once and for all. Either this is proper legislation or it is not. To rush it though without proper consultation and without involving everybody will not help to allay those fears.

This is similar to what I have said on numerous occasions in this House. Bills which could be rushed through are not, and straggle on for ages. Important Bills, over which there may be doubts, are forced through. The last example was another Bill rushed through in a mad charge by the Minister on electronic voting. I told the Minister to take his time so that people's fears could be allayed. We did not do that and it came back to haunt us.

What is wrong with getting it right and bringing everybody with us, rather than alienating people? People have fears in this regard. The Department of the Environment, Heritage and Local Government will be in charge of this Bill, whether the Minister, Deputy Cullen, is still here in three

years' time or his successor is in place. If the Bill is passed, the Department will have the power to decide whether a monument should be flattened.

I wish to discuss the Department's record. It once proposed the construction of a nuclear power plant by the coast, on the Irish Sea, but fortunately it did not happen. Nobody passed such a law. That is the Department's record. We are here to discuss the Bill because the routes selected by the Department, or an authority for which it is responsible, led to problems. The Bill is needed because of bad planning, whether on the part of the Minister, his Department or local authorities. A site beside the castle in Trim intended to be developed as a car park will now be the location of a hotel. There is right and there is wrong but it all relates to the record of the Department. I do not refer to the Minister but the Department which will be responsible for the Bill.

People have fears because the Bill gives serious powers to anyone who wants to use them, for example to knock or move a monument. I accept that such powers may sometimes be needed. There may be doubts about whether something is a monument. The Bill does not clarify what a national monument is.

Mr. Cullen: It is in the main Bill.

Mr. English: It is not.

Mr. Cullen: It will be seen later this year.

Mr. English: There are doubts about that. We had problems in Carrickmines because nobody knew how to decide whether something was a national monument. There are problems with laws when there are doubts.

Mr. Cullen: There is no doubt.

Mr. English: There is. There was a problem in Carrickmines because the council said it was not a national monument, whereas others said it was. There was a doubt because nobody could adjudicate on the matter.

Mr. Cullen: Can the Deputy define it?

Mr. English: I cannot but I am not the Minister.

Mr. Cullen: I ask the Deputy to define it.

Mr. English: Am I the Minister? No.

Mr. Cullen: Define it.

Mr. English: Nobody can define it. The Minister is introducing a law that will provide for the power to remove a national monument, even though nobody can define what a national monument is.

Mr. Cullen: I am not.

Mr. English: The Minister is bringing in a law that gives him the right to remove a national monument.

Mr. Cullen: Deputy Olivia Mitchell must be the only Fine Gael Deputy who supports the Bill. She supported the entire Bill.

Mr. English: I have read her speech. She questioned——

Mr. Cullen: She was very supportive.

Mr. English: The Minister is saying she was right. She questioned the lack of a definition of national monument.

Mr. Cullen: I accept that. We will do it in the main Bill.

Mr. English: The Minister accepts it but when will he do something about it?

Mr. Cullen: It is very difficult to define.

Mr. English: I agree that it is difficult but that is not the point.

Mr. Cullen: That is all I am saying.

Mr. English: The Minister is bringing forward this Bill without defining a national monument. The phrase "putting the cart before the horse" comes to mind.

Mr. Cullen: No.

Mr. English: I wish to examine the Minister's record. When he introduced the Bill to provide for electronic voting, he rubbished the claims of so-called computer experts who had concerns about it. He said they were not accredited to anybody and did not have any expertise. Something similar is happening in this case. The Minister is introducing a Bill which will provide the power to remove, knock or disturb a national monument but he cannot define what a national monument is.

Mr. Cullen: That has always been the case. It is in the 1930 legislation.

Mr. English: What is in the 1930 legislation?

Mr. Cullen: What the Deputy just said is in the 1930 Act.

Mr. English: It is in it. The Minister is reaffirming it by bringing it back again.

Mr. Cullen: It is not new.

Mr. English: It is because it was not accepted as law by the courts. The Minister has to re-establish it.

Mr. Cullen: It was all——

Mr. English: What is in the legislation then?

Mr. Cullen: The 1930 Act states it is not lawful “to demolish or remove wholly or in part or to disfigure, deface, alter, or in any manner injure or interfere with any such national monument”.

Mr. English: What is stated in this Bill?

Mr. Cullen: This Bill states——

Mr. English: It states the same thing. It is reaffirming it.

Mr. Cullen: I am not changing the law.

Mr. English: Why is this Bill being brought forward then? It is not needed if the Minister is not changing the law.

Mr. Cullen: I am proposing this Bill because section 14 of the 1930 Act was struck down by the High Court.

Mr. English: There was a doubt.

Mr. Cullen: We now have a hiatus.

Mr. English: We are back to the same question. The Bill gives the Minister powers which he does not have because there are doubts in respect of the courts. He cannot pursue the Carrickmines case. The Bill which will give the Minister, or his Department, more powers does not define what a national monument is. The definition is fundamental to the entire matter.

It is a question of trust, as I have said. I mentioned that this Bill was being proposed to deal with bad planning. Why did the M50 end up at Carrickmines Castle? Surely many other routes could have been pursued.

Mr. Cullen: There is no castle.

Mr. English: The Minister can call it what he likes.

Mr. Cullen: No, but I mean——

Mr. English: If the Minister wants to debate at such a pathetic level——

Mr. Cullen: I am not being political but I have to say it came as a surprise to me when I went there to find that there was no castle.

Mr. English: That is great. One could argue all day about whether something is a monument but the Minister cannot argue with me because he does not have a definition of a national monument. We ran into a roadblock in the case of the M50. The Minister and the Minister of State, Deputy Fahey, can chat away — I will talk to myself if they want.

In the case of the M3 we ended up in the Tara and Skryne valley. One could have chosen many alternative routes. Six were proposed — one could have considered 20 others — but we have ended up in a questionable place. Why did we end up there? Could we not have gone somewhere else where there would have been no hassle and this legislation would not have been needed? Despite our many planners, whizz-kids and technology experts, we have ended up in a place with 30 or 40 potential archaeological sites.

Mr. Cullen: We will find such sites everywhere.

Mr. English: We will.

Mr. Cullen: We have identified 120,000 heritage sites.

Mr. English: We are lucky to have them.

Mr. Cullen: No matter where we go, we will hit heritage sites.

Mr. English: Let us face facts — if one was trying to avoid an archaeological site, one would certainly not choose a spot in the middle of Tara and Skryne. Nobody would make such a decision.

Mr. Cullen: The proposed road will be further from the Hill of Tara than the existing road.

Mr. English: Who is the Minister telling? I live there and know all about it but that is not my point. The Department is building a new motorway for which it will have to dig up the ground. The road to which the Minister referred is already in place.

Mr. Cullen: It does not even come under my Department.

Mr. English: The Government is funding the road.

Mr. Cullen: The NRA which comes under the Department of Transport is funding it.

Mr. English: Who will fund the NRA? The funding will come from the Government, including the Department of the Environment, Heritage and Local Government. It will come from the Government.

Mr. Cullen: No.

Mr. English: Are you telling me——

An Leas-Cheann Comhairle: I remind the Deputy to address the Chair.

Mr. English: I am sorry. The Chair is so quiet that I nearly forget about him.

Mr. Cullen: I am not being argumentative.

Mr. English: The M3 motorway was discussed by the Joint Committee on the Environment and Local Government in recent months.

Mr. Cullen: I accept that.

Mr. English: The NRA made a submission. It is part of the Department. There is point in saying it is not. One cannot put the emphasis on the Department of Transport. It started off with the Department of the Environment, Heritage and Local Government and will finish with it. The M3 motorway started five years ago when I first came on the scene as a councillor.

Mr. Cullen: It is vested in the NRA.

Mr. English: I know that.

Mr. Cullen: That is all I am telling the Deputy. I am not arguing with him.

Mr. English: We will agree on that much. I wish to discuss why we need this Bill. The process of selecting a route for the M3 started five years ago but the construction of the motorway has not yet started. Digs have started but arguments about the route are continuing and may continue for another five years.

Mr. Cullen: There will be arguments, regardless of the route one chooses.

Mr. English: The Minister is wrong. Routes have been chosen in other cases and it has been done. There was no problem when the so-called bypass was originally constructed in Navan — there was no argument about it and it was done. It turned out that the bypass went through the town. The Minister is leaving the Chamber but I will finish my contribution.

One has to ask why we ended up here. A bad tradesman will always have his tools to get him out of trouble but this Bill is getting us out of bad planning and bad decision-making. A carpenter might measure twice and cut once but that does not seem to apply to the Government which can correct its mistakes with new laws. Fundamental mistakes have been made and there is a doubt about procedures in respect of the M50, the M3 and other roads. I do not understand why we do not take steps to avoid such problems, thereby ensuring we do not need Bills of this kind.

It is a matter of trust, as I have said. People do not trust the record of the Department under the leadership of the Minister, or his predecessor. It is proposed to give the Department which sanctioned the spending of €50 million on machines that have the potential to be proven to be flawed or unusable the power to remove national monuments at its discretion. I find it strange that we are asking the people to accept such a law. If we are to shove through this Bill, it should include a provision that will allow the Minister to reconsider a national monument, for example, by

establishing a panel of experts to assess it. Any group which fights the Government or the NRA on this issue or any issue relating to roads, trains, etc., will employ experts. The best way to get agreement is to bring experts from both sides together. If they have been trained in the same place and have the same background, they will be able to decide what is right or wrong and advise the Minister accordingly.

I question many of the things done by the NRA as it was choosing the route of the new motorway through County Meath. It would not give answers or listen to people. It was shy in coming back with information. It adopted a kind of bully-boy attitude. Any mistakes made by it can be covered up because the Minister can get it out of trouble by removing a monument, or getting An Bord Pleanála to make site changes on the roads without going back again. It is wrong. It does not make sense.

The Bill gives the Minister the right to remove monuments but it is mainly concerned with driving through the M50 project. It is not democratic that the need to proceed with the M50 will override anybody else's view. There is no doubt that we want things to be built quicker. We all want the M50, the M3 and every other road built quicker but we have to put a price on our heritage. We cannot just bulldoze through our heritage sites any time we want. We cannot remove them willy-nilly. It took thousands of years for our heritage to develop and we cannot simply destroy it with the stroke of a pen because it is in the way. That is not the way to proceed. I could say more but I have made my point, although it is a pity the Minister had to leave the Chamber.

I question the need for this Bill. If we did our job right, we would not need it. It is wrong to give anybody the power to move or bury a monument. The way we are going about this whole process is wrong. We need to involve others and listen to them. There are those who object to roads for the sake of objecting. We can all see through this but people have a right to object to the building of a road if it affects them personally or because they have a strong belief in protecting our heritage and culture. We do not have the right to override this. That is not what the law is about. Governments should govern, be fair and make the right decisions.

The Bill will give more powers to An Bord Pleanála in that if something has to be changed slightly, the whole process will not have to be gone through again. I do not have a major problem with this. An Bord Pleanála is independent and it will not be a case of one person making the decision. In quite a number of cases, however, An Bord Pleanála did not accept its own inspectors' recommendations. This happened most recently in Dunboyne, prior to which there was another case in County Meath. Its own inspectors made a recommendation — I understand it had to do with an incinerator — not to grant permission but the board overruled them. I wonder why the

[Mr. English.]

board would send its own investigators and then overrule their recommendations. That is strange but it all comes down to the Department of the Environment, Heritage and Local Government which is all over the people concerned. It also has a say in what the National Roads Authority does because it provides funding for it. It is wrong to say the NRA is in charge. Those in charge are the Ministers for Transport and the Environment, Heritage and Local Government. They make the decisions and it is to them the NRA should answer.

I said previously in regard to the M3, about which I know more than the M50, on which Deputy Olivia Mitchell can speak, that there is a doubt about the reason that route was chosen. The Government has a duty to put that doubt to bed if there is to be agreement on all sides. If we go back over the procedures, if everything is done properly and fairly, and if we listen to the experts on all sides, there will be agreement on a route. It may be proved that there is an alternative and that alternative could be a railway line.

To return to the M3, when we talk to the experts employed by the Government, through the NRA, the councils or whatever, they say a railway line cannot be built beside a motorway. They said it could not be done in this case. Most people in any county would accept that some farmland might have to be destroyed to build a railway line but the building of a motorway will always be questioned. Other countries have not always succeeded in reducing traffic delays but trains do this. In the case in County Meath, however, people were told they could not have a railway line, that they were getting a motorway. The suggestion then was to acquire enough land through CPOs to run a railway line beside the motorway but, again, that is not possible. There is a lack of common sense in picking routes, what we do afterwards and even in our daily business in not running a railway line beside a motorway. This is done in every other country. Why can it not be done here?

Speaking of other countries, no example has been given of what happens in other countries when national monuments are in the way of development. If this Bill is so right, why can someone not give an example of what happens in France or Spain? I am sure other countries come up against these problems. What do they do? Do they go around them, remove them or bury them? What is the procedure? What laws do they have to deal with this issue? We have not been given examples to back up the Bill. There are too many unanswered questions and too many doubts raised. We had doubts about the previous Bill the Minister brought before the House and we all know where it ended up — it cost a lot of money.

Mr. Costello: I wish to share my time with Deputy Burton.

I share the views expressed on this side of the House about this legislation. There is no doubt

that the Bill goes far beyond what is necessary in terms of the Supreme Court decision to deal with the technical glitch that made the orders invalid and that it moves into a whole new realm of transferring power to the Minister for the Environment, Heritage and Local Government. That is the nub of the issue. We should remember it is not just the Minister for the Environment about whom we are talking but the Minister for the Environment, Heritage and Local Government.

The Minister has a particular responsibility to protect our heritage but it appears that the direct thrust of section 5 — the core of the Bill — is to allow the Minister to demolish, destroy or export archaeological heritage, our built heritage, if he or she deems fit. The only caveat is that he or she has to wait 14 days for a reply from the director of the National Museum of Ireland. How can the character of a particular archaeological find be assessed in 14 days? It simply cannot be done. In the Carrickmines controversy initially nobody had any idea of the extent of the find. It was only after a considerable period that it came to light. To expect something of that nature to be identified and dealt with adequately in that space of time is unreal. It is so unreal it makes that particular caveat meaningless because the Minister will have absolute discretion to do what he or she likes. That is the thrust of this legislation. That is the reason everybody is concerned about it.

Now more than ever modern technology — geophysics, aerial photography, etc. — has revealed a far greater quantity of archaeological sites than was previously expected or known. They have multiplied by a huge factor in recent years and many of them have not been properly mapped out. The Minister indicated that he was working his way through the various counties in the mapping process but that we were a long way from having it completed with the modern technology currently available. Some independent assessment must be made. A flexible timescale is needed to ensure we do not destroy valuable treasures. This is not presented in the Bill which leaves open to legalised vandalism our various sites in that if a road or a particular building is required on economic grounds, it will always take precedence over the heritage that may be in its path.

We need to reflect and seek expert opinion on the broader powers being granted to the Minister in the Bill. Our heritage, whether archaeological or architectural, including contents, fittings and furniture of buildings in place for centuries, needs a broader canvass than the one with which we have been dealing. It is difficult to see a situation where adequate protection is given to it.

Recently the contents of Lissadell House were sold without reference to its future. The impact of the distribution of the contents far and wide to the highest bidder on the heritage of the house and its lands was not taken into consideration. Likewise, the house was disposed of, despite the cry for State involvement to ensure protection of

its heritage. There is still no guarantee that it will be protected. Today the contents of University Hall on Hatch Street, run as student accommodation by the Jesuit order since the foundation of University College Dublin, are being sold to the highest bidder. In the autumn the hall will be sold.

A number of churches, church halls, schools and properties have been disposed of in an *ad hoc* fashion. In the Dublin Central constituency Arran Quay Church is boarded up and falling into rack and ruin. Temple Street Church is used for late night raves unsuited to its fabric and already the spire is in a dangerous condition. The Black Church is one of the few churches which have been put to a business use while the Sandy-mount Church was demolished. The school, church and lands at Belcamp and Claude Hall in Drumcondra have been sold. Everywhere our built heritage, including fittings and contents, is being sold off without any protective mechanisms being put in place. No warning is given for these sales and often the owners sell to the highest bidder.

Legislation that gives absolute discretion to the Minister for the Environment, Heritage and Local Government to dispose of, demolish or destroy our heritage if it is inconvenient to a particular development is not needed. An overall structure with broad parameters to protect our heritage should be put in place. For example, University Hall, with a capacity for 100 people, could be developed as a wonderful asset for international students, particularly in this the centenary year of Bloomsday. It could be developed in the context of our international literary renown rather than being sold off as an apartment block. The contents have already been disposed of. A moratorium is needed to ensure this part of our heritage is not put on the market. Instead such buildings should be referred to the Office of Public Works, local authorities and a heritage conservation body to give breathing space to permit appropriate use. Without such a structure, much of our built heritage is coming on the market and being inappropriately used or destroyed.

This Bill was originally intended to deal with the Carrickmines case and the technical issue that arose from the Supreme Court decision. However, it will now open the floodgates to the destruction of far more of our archaeological and built heritage than would be possible under the original Act. The National Monuments Act is not adequate to meet our needs or cope with the number of previously unknown heritage sites. However, this Bill is damaging in its potential, unnecessary in what it sets out to do and does not deal with the positive requirements to protect our national heritage.

Ms Burton: I thank Deputy Costello for agreeing to share his time with me.

This long-awaited Bill intends to bring a resolution to the Carrickmines case and its long planning history associated with the old Dublin

County Council. The debacle of the Carrickmines case, with a large amount of money misspent, would never have occurred if there had been more work and transparency on the project ten years ago. Many wish to see a resolution. I accept that many confronted with traffic gridlock feel desperate situations require desperate remedies. Every Member realises that this Bill seeks to address an extremely difficult case. However, it also sets out wider powers and authority for the Minister for the Environment, Heritage and Local Government regarding our archaeological and built heritage. Given that Fianna Fáil is above all else the builders' party, the manner in which this Bill is being rushed through the House, without adequate measured public debate from those for or against, gives rise to the deepest suspicion as to its real motivations.

The Dublin West constituency, like much of north County Dublin, is an area of outstanding natural beauty. Its small number of greenbelt areas and protected buildings are the envy of builders and developers who wish to build on them. It is lucky that the Phoenix Park is protected, because if not, it would be the site of Fianna Fáil developers' nine to 11 storey buildings. Every Member is glad that Dublin city's population is growing. Part of the solution in providing accommodation lies in a high density approach which must be related to the availability of public transport.

Why has the Dublin West constituency lost much of its built heritage through accidental fires and the like? There are sites where up to 2,000 homes are built alongside a listed 19th century house, around which hoardings go up, indicating it is either to be a nursing home or a restaurant. Then, over a bank holiday weekend, it is either accidentally demolished, destroyed by vandals or accidentally catches fire.

In north County Dublin, a huge amount of our built heritage has disappeared. What about trees, some of them 200 years old? In the area action plan, preservation of trees is a priority but when surveys are then done by tree surgeons, half of the trees are listed as being diseased. If the same principle were applied to humans, half the human race could be demolished on the basis of lacking perfection and perhaps having some incipient conditions.

We are bleeding our environment and losing our historic properties and houses. In former days they belonged in many cases to the Anglo-Irish community, to big farmers, but they were built by ordinary Irish craftsmen. They were built by our grandfathers and looked after by our grandmothers. We have no respect for preserving that fantastic built heritage which younger people today are finally coming to appreciate. It was understandable that in the aftermath of independence such buildings would be seen as somehow symbolic of something that might be done away with, but that is no longer the case.

We now have the amazing concept of two motorways within 20 miles of each other in the

[Ms Burton.]

Meath area. In the original plans they were far apart, but they are now planned to come close to each other. We have a disused railway line running from Dunboyne to Navan, yet the Government prioritises a motorway which may cause incredible destruction to possibly the richest archaeological area in Ireland.

I represent Dublin West and many people from there now live in the Meath area. Everyone knows the incredible levels of traffic in the eastern part of Meath and west Dublin. It crosses part of Deputy Costello's constituency because there are only a few points through which that traffic can get to the Dublin city centre. What has happened? We are proposing more motorways to end up accessing three narrow funnels into the north side of Dublin city which, with the advent of Luas, may well provide substantially reduced access. We are not putting the money into public transport, into the re-opening of railways, the electrification of the railway line or bus routes, which would offer a short-term resolution. We have an open season for builders and developers who are allowed to do what they want without any countervailing balance of development of public transport or in terms of the preservation of the historic environment, including outstanding trees. This is totally wrong.

Another example relates to my own constituency. Farmleigh was initially purchased by the State as the Taoiseach's weekend residence and then became a State guest-house. When it was purchased, the OPW had to give an undertaking that the land across the road, owned by the trust representing the Guinness family interests, would not be the subject of any intervention by any State body with regard to planning applications on that land. As a consequence, Dúchas, the heritage services and various other bodies who would properly have an interest in developments on the edge of the Phoenix Park had no power to put forward sensible interventions regarding trees and historic properties on the site. However much money Ireland makes from pharmaceuticals or from IT, for example, tourism will remain a critically important product in terms of its employment and earnings.

In the Dublin and east coast regions we are allowing an important heritage to be destroyed piecemeal, which in the end will cost this country economically. This Bill has raised many fears among those interested that once again, it is open season for Fianna Fáil, the builder's friend.

Mr. P. Breen: I wish to share my time with Deputy Cuffe.

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

Mr. P. Breen: I welcome the opportunity to speak on this Bill. Like many other Deputies, I am disappointed that the Bill is to be guillotined tonight and that there will be a vote on it. There

should have been much more debate. I know that four hours were given to it, but it is an important Bill. When one deals with monuments and planning issues there is bound to be contention, with many views expressed, particularly the view that we should protect our heritage and culture.

A common sense approach is needed in this matter. The Bill gives the Minister permission to issue directions in respect of national monuments notwithstanding the fact that such consent or directions may involve injury or interference to the whole or part of a monument. The Bill also makes provision for appropriate protection of our archaeological heritage along the routes of approved road developments, including the south eastern route of the M50 which most Deputies have been speaking about since the Bill was introduced.

This is the seventh piece of emergency legislation to be brought before the Oireachtas this year. It is obviously rushed legislation to deal with the Carrickmines issue. We have much rushed legislation before us in the next few weeks. There is also the Airport Authority Bill published this afternoon. That important Bill, which provides for the break-up of the three main airports, will be rushed and will be guillotined on July 8. It is a different issue for another day.

Road building projects throughout the country are very important. We live in a changing society where many of us regularly make representations either to the NRA or to the Minister for Transport to rush through road building projects. In my own constituency the Ennis by-pass was supposed to start in 2002, but started in April of this year, two years overdue. It involved many problems, particularly regarding archaeological finds and surveys. Before the motorway started, €9 million was put aside for the archaeological work. Some 50 recorded monuments were found on parts of the route. Most were marked and photographed, but they did not hold up the project, which went ahead. Some of the items found dated back to the Bronze Age. Timber vessels and washing utensils were found. It is important, however, to remember that the Carrickmines archaeological project cost nearly €50 million of taxpayers' money. The road building was delayed because of the finds along the route. In Deputy Cullen's constituency, where the Waterford by-pass is being built, there has been a major Viking find which may turn out to be the most important in Europe. Its full extent is not yet clear.

I visited the Vasa Museum in Stockholm a few years ago. An old ship was found in the port area of the city. It was covered in silt but was perfectly preserved.

Mr. Cullen: A longboat.

Mr. P. Breen: Yes.

Debate adjourned.

Message from Select Committee.

An Leas-Cheann Comhairle: The Select Committee on Communications, Marine and Natural Resources has completed its consideration of the Electricity Supply (Amendment) Bill 2004 and has made no amendment thereto.

Private Members' Business.

Nitrates Directive: Motion.

Mr. Timmins: I move:

That Dáil Éireann:

- condemns the Fianna Fáil/Progressive Democrats Government for its incompetence and mismanagement in its handling of the nitrates directive;
 - denounces this Government for its failure to take any action on implementing this directive from 1997 to date, and for failing to build on the 1996 Code of Agricultural Practice to Protect Water from Pollution by Nitrates;
 - recognises that this directive will place severe financial burdens on farmers in its implementation, estimated to be over €1 billion annually; and
 - expresses its concern that this Directive will threaten the continued livelihood of Ireland's most productive and efficient farmers due to the storage and stocking densities, which will result from this directive;
- calls on the Fianna Fáil/Progressive Democrats Government to:
- explain the scientific basis underlying the current Government proposals for nitrogen levels and storage periods; and
 - seek an increased nitrogen level of 210kg/hectare and derogations up to 250kg/hectare on a countrywide basis.

I wish to share my time with Deputies Crawford, Stanton, Neville and Breen.

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

Mr. Timmins: I welcome the Minister for the Environment, Heritage and Local Government to the House. While I realise the matter is an environmental responsibility, I regret the Minister for Agriculture and Food is not present. Perhaps he will contribute later in the debate.

The importance of a good quality environment to our individual well being, and to the national economy cannot be over-emphasised. This is especially so in the case of the agricultural sector which promotes high quality produce from a

green, pollution free environment. Water is a major national asset that, some time ago, may have been taken for granted by some sections of our population. However, the sectors that realised its economic importance were always aware that, as a basic raw material for agriculture and industry and an important amenity, it was essential that it be protected. I am not aware of anyone unconcerned with the protection of water quality.

The agricultural community knows more than most that modern farming practices must be managed with due care. If not, they will be the main victims from the fallout. This realisation led to the farm organisations signing up to the code of good agricultural practice to protect waters from pollution by nitrates in 1996. Farmers are committed to a high quality rural environment.

Directive 91/676/EEC concerning nitrates is a 1991 directive concerning the protection of waters against pollution caused by nitrates from agricultural sources. The directive generally requires member states to monitor waters and identify waters which are polluted or are liable to pollution, promote good agricultural practice to protect water quality, develop and implement action programmes to reduce and prevent pollution of waters from agricultural sources, monitor the effectiveness of action programmes and report to the EU Commission on progress in reducing pollution.

Excluding the period 1995 to 1997, when the then Minister for Agriculture, Food and Forestry, Mr. Ivan Yates, and the then Minister for the Environment, Deputy Howlin, got agreement on good agricultural practice to protect waters from pollution by nitrates, what have successive Fianna Fáil-led Governments done since 1991? Nothing. The failure to implement the directive in the 13 years since its inception means that we may face its implementation at the strictest possible levels and against a background of European Court rulings against various member states, including Ireland.

What the Government had to do was not too difficult — an implementation timeframe for the directive was laid down in black and white at the time. The Government should have identified waters with nitrate problems or those at risk from nitrate pollution by 1992, whether through a whole territory approach or nitrogen vulnerable zone approach. In addition, Ireland's first four year action programme to address this problem should have been in place by 1995.

The organic nitrogen level to be adhered to in this initial action programme would have been 210kg per hectare. All but 2,000 to 3,000 of Ireland's most intensively stocked farmers would be below this 210kg level. Ireland should now be completing its second action programme and a level of 170kg per hectare is set for this. However, Ireland would have had the opportunity throughout the period 1995 to 1999 to put forward a strong case for derogations for intensively

[Mr. Timmins.]

stocked farmers — derogations which would have been in place by 2000 and the commencement of Ireland's second action programme. However, procrastination and a failure to act has left us staring at a 170kg per hectare stocking rate across the country, whether farmers are in an area which has a problem with nitrate in groundwater.

The directive is enforceable under cross-compliance from the mid-term review from January 2005 and failure to comply with it may result in penalties on the single farm payment. This threat, aligned to changes that farmers will have to make if the Government does not act on the 170kg limit, has led to serious concerns in the agricultural sector as it faces the options of up-sizing in land or decreasing stock levels. The approach proposed by the Government in its draft action programme, which I believe is still policy — the Minister might confirm this — will have a disastrous impact on the efficiency, income and competitiveness of Irish farmers. Farmers have invested heavily in improved farmyards and manure storage facilities. It is estimated that approximately €1.5 billion has been spent in this area over the past 15 years, a clear indication of the commitment of farmers to protecting and improving water quality.

The EPA's latest monitoring of water quality suggests that 70% of our rivers are unpolluted and 85% of our lakes are in a satisfactory condition. This is an improvement in water quality on previous reports and water quality has improved dramatically, particularly since the advent of the rural environment protection scheme. There has been a decline in the amount of river channel classified as seriously polluted from 1% to 0.5%. This improvement needs to continue and is continuing as farmers adhere to the code of good agricultural practice.

Other groups and organisations, including statutory ones, need to get their houses in order and it would be welcome if they were pursued with the same vigour as the farming sector. At a rough estimate, the action programme as it currently stands could result in an income loss of €60 million per annum. Some 9% of farms will have to reduce stock numbers or up-size and, as the Minister is aware, most farmers cannot compete for the purchase of land given the current climate. In some more intensive farming regions, up to 18% of farmers may have to reduce stock numbers. In County Cork, the home county of the Minister for Agriculture and Food, the majority of which does not have a nitrates problem, 18% of farmers will have to reduce stock numbers at a cost of €13 million per annum to the county. The capital cost for extra farm storage will be approximately €1.5 billion, which will impact on 10,000 to 12,000 farmers, many of whom have no nitrates problem. Over 40% of dairy farmers would have to either cut production or expand their land area.

Criticism of the Government draft action plan has come from many quarters in addition to the Opposition. Dr. George Smilie of the Department of Crop Science at UCD has dismissed the directive, stating: "There is a total of lack of scientific facts in the plan." He also criticised Teagasc for its lack of research in the area. He noted that the two crucial determinants for the acceptance of slurry on land are climate and soil and that the storage requirements in the action programme do not take into consideration the different land soil conditions within various counties.

The farm organisations point out that Teagasc cannot provide scientific evidence for the 170kg limit. Teagasc, in defence of its position, stated:

In January 2002, the agency recommended a whole country approach as the best option for Ireland based on the assumption that the option of 210kg organic nitrogen per hectare provided for in the directive for the first four years of an action programme would be available to Ireland.

Teagasc also stated that the ultimate decision has been taken by the Minister for the Environment, Heritage and Local Government, Deputy Cullen, and the Minister for Agriculture and Food, Deputy Walsh. In addition, farm organisations insist that during partnership talks they were led to believe that 210kg per hectare on a country-wide basis would be implemented, with subsequent derogations up to 250kg per hectare.

The directive is most definitely not a case of "one size fits all". It might be appropriate in some parts of Europe where soil temperatures and growth over the five months of winter are close to zero. However, in Ireland, particularly along the south coast, soil temperatures are higher. Growth rates there cannot be equalled elsewhere in Europe. It is important to note that the directive discriminates heavily against the grassland farming practised in Ireland. Intensive dairy farmers in Ireland currently take advantage of our very high grass production as a consequence of an unusually long growing season. As conditions for grass growth are exceptionally good over a very large part of the year, high stocking rates can be sustained, unlike parts of the Continent. A scientific survey carried out in the Ballyroe Co-operative area, a copy of which I am sure the Minister's colleague has at his disposal, indicates that with a growing season of 330 days, 320 grazing days and more than adequate rainfall and livestock indoors for just six weeks of the year, a level of 250 kg. of nitrogen per hectare can be justified without any negative impact on water quality.

The Irish Grassland Association put forward arguments against the current proposals. It states that water quality in Ireland ranks as one of the highest in Europe, and I acknowledge the role the Minister has played in achieving this. The grassland crop has a longer growing season based on permanent grassland. Irish climatic and soil conditions allow a longer grazing season in many

areas of the country. The majority of Irish dairy herds calve in spring with the aim of optimising grass utilisation. Grazed land is normally harvested in a three to four week cycle, which ensures that the grass remains in a vegetative state and capable of high nitrogen uptake rates over a very long period. Intensive Irish grass-based farming systems do not pose a threat if point source pollution is contained and good agricultural practice is adhered to, which is happening.

In a parliamentary reply on 1 June 2004, the Minister for Agriculture and Food stated:

Under Sustaining Progress, the Government is committed to using the flexibility of the Nitrates Directive to seek European Commission approval for a derogation allowing organic nitrogen limits of up to 250 kg. per hectare, per annum. After the draft action programme is finalised and submitted to the European Commission, a derogation proposal designed to take account of the unique characteristics of Irish agriculture will also be submitted. [I assume these characteristics are the ones I have already outlined]. In the context of finalising the derogation proposal, the objective is to achieve approval for appropriate derogation arrangements in a manner that underpins the future of our commercial agriculture sector.

The proposed closed periods make no sense, which has been recognised by all sides. The Minister of State at the Department of Agriculture and Food, Deputy Aylward, pointed out that the Department will examine alternative options to the calendar-based approach to slurry storage in the proposed nitrates directive action plan. He went on to say that one has only to look at the weather of the last 12 months to realise that slurry spreading and storage limits based rigidly on calendar months may not be the best policy from an environmental point of view. We could have been spreading slurry very safely at Christmas last year, for example. He expressed concern if bad weather coincided with the end of a banned period.

A common sense approach is required. The Department of the Environment, Heritage and Local Government does not appear to understand the needs of farmers. An unpublished draft action plan for the directive implementation suggested that there would be a ban on spreading slurry on week days and bank holidays, clearly indicating how out of touch is the Department. The Department of Agriculture and Food has a role to play here but, ultimately, the buck stops with the Minister for the Environment, Heritage and Local Government.

I am concerned that the Minister may seek to temporarily pacify people by outlining how he intends to seek derogations. While he sought to create an impression that these will be obtained, the EU Environment Commissioner, speaking in Dublin last month, suggested that this was far

from guaranteed. The only derogation granted by the Commission is in regard to Denmark. It provides a very restrictive derogation for the 170 kg. per hectare organic nitrogen up to 230 kg. It is only available based on an individual farm application and applies to just 5% of the land and 10% of livestock units. There is now concern that the derogation process may be too penal to go through for some farmers. There is also speculation that the Minister may seek to have an implementation date of July 2007. The endless speculation and uncertainty is causing difficulty and I hope the Minister tonight, or Government speakers tomorrow night, will be able to clarify the situation.

We need to see if there is any scientific evidence to back up the Minister's proposals of a 170 kg. limit. He should not hide behind the court ruling. There is something inherently unfair and unjust if the ability of farmers to earn a living is restricted by a directive that cannot be scientifically justified, which is the nub of the issue. There is something unfair and unjust about a society which places an unfair burden on farmers with a directive for which there is no scientific evidence. This is not the only country which has a difficulty with the directive. It can be changed if the political will exists. If the Minister or any other speaker can demonstrate to Fine Gael that in order to protect and improve the quality of our water we must have a level of 170 kg., then so be it, but I do not believe they can.

We need to go back to the drawing board with this directive. Our water quality has improved dramatically since the directive was agreed in 1991. Let someone show me how, by adhering to a 170 kg. limit, we can improve our water quality. No one in the country will suffer more than the agricultural community from poor water quality. It has voluntarily invested €1.5 billion in it over the past 14 or 15 years and the investment continues. I recognise the role the Government is playing by providing money under the national development plan to assist in storage facilities. However, we must not place another burden on farmers. Where is the great catch cry, "freedom to farm", which was sold to everyone in recent years? While we got rid of red tape, we now talk about having to comply with every other directive. It goes without saying that we all want to protect water quality but how will it be damaged by having a level higher than 170 kg.?

Mr. Crawford: I welcome the opportunity to speak on this very serious issue. My colleague, Deputy Timmins, outlined many of the technical issues in the proposal. I do not entirely blame the Minister because the man who should be sitting beside him is the Minister for Agriculture and Food, Deputy Walsh. He is in charge of agriculture and he should have led the way to ensure this issue was dealt with in a proper and structured manner, and not under pressure from the court.

[Mr. Crawford.]

This directive was agreed in 1991. There was some progress on it during the short time the former Minister, Ivan Yates, was in office. As nothing has happened since, our backs are now against the wall. Earlier today, someone telephoned me from Cork to explain how serious the situation is there. If the Minister's proposal is accepted it will mean a lower stocking rate, lower output and the demise of commercial farming as we know it.

In areas along the Border, in Donegal, Leitrim, Cavan and Monaghan, where people have suffered 30 years of troubles, they are now being asked to provide 24 weeks storage accommodation. There is a parish called Killanny, half of which is in County Louth and half is in County Monaghan. How can one explain a proposal whereby a farmer in one half of the parish must provide 16 weeks storage while a farmer in the other half of the parish must provide 24 weeks storage? Is there any scientific basis for such a proposal? Is it common sense to have a directive that is so arbitrary it will ensure living on one side of the river is very different from living on the other side?

What will the directive mean across the Border? Will farmers across the Border have to meet the same criteria as people in Cavan, Monaghan, Donegal and Leitrim? I suggest not. We stood idly by over a number of years and allowed the poultry industry to explode in Northern Ireland. They did not have to have planning permission or meet any regulations, yet people in County Monaghan could not get planning permission for one new poultry house, even though it was the home of the poultry industry in Ireland. Will people involved in the poultry, pig and mushroom industry in Cavan and Monaghan in particular have to deal with the grassland issue? In recent years people have been able to dispose of that product in other counties such as Louth, Meath and Northern Ireland, which will no longer be possible.

No plan has been put in place in this regard. The Minister, Deputy Walsh, and the Department of the Environment, Heritage and Local Government let this proposal go down to the wire, and we are now told that if we do not implement the proposals the directive payments from Brussels will be withheld. There were many opportunities to get a better deal but nothing was done. We are now being told we can get a derogation. However, if it is similar to what the Danes got, it will not be much use. A dairy farmer with 40 cows will either have to lease extra land or cut down on his stock. Any expert will confirm that a dairy farmer can no longer make a living from 40 cows, not to mind if the number is reduced. Most will confirm that the farmer needs to have 80 cows or more. If a farmer and son is involved in the farm, the number would have to be more than 100.

Will the Minister sit there and allow the demise of commercial farming as we know it? That is what is happening. I have some experience of dealing with farmers' problems and I have a dairy farm. I know what it costs to provide the necessary storage capacity for the slurry. Most interesting, however, is the concept that we should spread the slurry according to the calendar. Look at what happened in the past two years. The year before last we cut the first cut of silage on 15 June. Some cut it right up into July. That did not happen in Cork except, perhaps, in west Cork. The weather conditions were not suitable. However, October and November of last year were extremely suitable for spreading slurry and the reaction of the grass was magnificent. Anybody could see it. If we implement this regulation, that will be illegal. The regulation forces the spreading of slurry into a short period of the year. If the grass has grown too quickly or the weather conditions do not permit it, what will we do? Will we have to provide slurry accommodation for 28 to 30 weeks?

I ask the Minister to apply a degree of common sense to this issue. We need to ensure that commercial agriculture as we know it remains one of the mainstays of this economy. How many agricultural colleges have been closed by now? Five have been closed in my area, possibly more. That does not say much for the encouragement of young farmers.

The Minister for the Environment, Heritage and Local Government and the Minister for Agriculture and Food, Deputy Walsh, will go down in history as the Ministers who ended commercial farming in this country if they allow this directive to be implemented as it stands. I urge the Minister to take seriously the request of farm organisations that he study the facts before him. I could spend the day discussing them. If he allows this proposal to be finalised in Brussels, commercial farming is doomed.

Mr. Stanton: This directive is a negative milestone in the history of agriculture in Ireland. If it is implemented as planned, many farmers will not be able to survive. I appeal to the Minister and his colleagues to look at it again. It is an extremely serious matter.

It is not just Opposition Members who oppose this. Dairygold is currently the country's largest farmer owned milk processor. It processes over 200 million gallons of milk or 20% of the country's milk pool. Recently, Mr. Henchy, the chief executive of Dairygold, said that farming at present is under a great deal of pressure. As Deputy Crawford mentioned, many young people might decide not to enter farming as a result. Mr. Henchy pointed out that successful expansion at farm level can only be achieved if farmers are allowed to utilise fully the potential of their holdings in a manner that is environmentally correct. He said that the nitrates directive limit of 170 kg per hectare will prevent the development of this form of responsible, intensive dairy farming. He

went on to say that the stocking rates imposed by the proposed nitrates directive will force most Dairygold suppliers to cut stocking rates by between 15% and 20%, with a consequent increase in milk production costs and a cap on future expansion potential. He believes this will be disastrous for the future of dairying in the region.

The directive ignores the fact that nitrate levels have been improving in recent years and will continue to do so. A scientific assessment of soil and weather as opposed to arbitrary calendar dates should be the guide for suitable spreading conditions. This reminds me of something that is said to have occurred in the Soviet Union. It appears that at one stage its centrally controlled economy sent out directives which stated that the wheat should be set today and should also be harvested today. This directive smacks of something similar. It ignores local conditions. It ignores the fact that the south of Ireland, where I live, has a different climate, different types of rainfall and different weather patterns from those in other parts of Ireland and other parts of Europe. It has been argued that in parts of west Cork the grass never stops growing.

This directive will also attempt to put in place expensive infrastructure. That will be another burden on farmers and I am not sure that the Ministers have taken account of this. It will also undermine the competitiveness of the agriculture industry. Many thousands of people depend on agri-industry for their livelihoods. Agriculture is still one of the biggest industries, if not the biggest, in Ireland. This directive has the potential to undermine and destroy the industry.

The Minister promised to cut down on the amount of paperwork and record keeping in the industry. This directive will have the opposite effect. Farmers will be obliged to maintain all kinds of extra records and that will also increase costs. The Minister should bear that in mind. Furthermore, the Department of Agriculture and Food should be the competent authority. I urge the Minister to examine this and find out if it would be possible. Qualified farmers should be able to fill out their nutrient management plans. They are capable of doing it so why should they have to pay other people to do it?

Other issues have been brought to my attention. A claim has been made by the deputy president of the IFA that Teagasc has been silenced. I have been told that this has been done under the Official Secrets Act. I do not know if this is true but the Minister should confirm or deny it and state whether Teagasc can comment scientifically on this directive. There is also the issue of the presence of clover in grassland. Are we not eligible for a derogation because of that? Has that been taken into account?

This directive will have a negative impact in the Minister's constituency. I am told that Carbury Milk Products, for example, recently signed an agreement to spread sludge on 17,000 acres. If

this directive is implemented, the consequences for that factory will be enormous. It will not be able to do the work because farmers will have to withdraw the land. Scientific evidence shows that the 170 kg. limit is too low. It is possible to safely raise the limit much higher. I have seen the scientific evidence but I do not know if the Minister has taken the trouble to look at it.

Mr. Cullen: I agree with the Deputy.

Mr. Stanton: Why can it not be changed?

Mr. Cullen: That is why we are applying for 250 kg in the derogation.

Mr. Stanton: Yes, but what does that mean in practice? What will it mean to farmers when it is implemented? Will it mean more paperwork and more expense for farmers? Will it be workable? We need to do more. The Minister must go back to the drawing board where this directive is concerned.

Northern Ireland was far faster off the mark.

As Deputy Crawford said, they have achieved something that has not been achieved here. We would like to know why.

The code of good farming practice was put into effect in 1996 with a view to putting in place an acceptable implementation plan for the nitrates directive. The Minister, Deputy Walsh, has stood idly by since, when he should have been working on this. He allowed the implementation date for the directive to drag on.

Mr. Neville: I commend Deputy Timmins on the introduction of this important motion. We are discussing a serious problem which affects the future of Irish farming. The Government's draft action plan for the nitrates directive produces measures that are unnecessary, unworkable and unaffordable for Irish farmers. A legally enforceable standard organic nitrogen limit of 170 kg per hectare translates to at least 1.25 hectares per cow. It has been accepted since I was young and at home on the farm that a viable farming unit was one cow per acre. These provisions mean that an 80-acre farmer will have 50 cows and its followers. This level of production is not economically viable.

The minimum storage requirements of 16 weeks in the south and east, 20 weeks in the midlands and west and 24 weeks in the far north-west cannot be funded by farm incomes which have declined over recent decades. Farmers will not be in a position to meet these requirements. The investment involved will make farming not viable for many farmers and force them out of the industry. There are severe restrictions on animal manure application on grasslands for three and a half months in winter without reference to the good-quality water that currently exists or to weather or ground conditions. The Government's proposals will severely undermine commercial farming in Ireland. Production on many farms

[Mr. Neville.]

will be reduced to a level which is not viable and additional costs, independently estimated to be more than €1 billion per annum, will be imposed on farmers.

The EU directive is concerned with preventing and reducing pollution by controlling nitrates in agriculture. However, concerns which emerged in the late 1980s and 1990s about the health effects of nitrates in drinking water are being reconsidered. Furthermore, studies by the EPA show that groundwater quality in Ireland is very high and has improved over the past decade. Ireland's water quality compares favourably with that in other member states.

Ireland is not alone among its EU counterparts in encountering difficulties in implementing this directive. The European Commission is in dispute with 13 member states about the directive. I ask the Minister to review the implementation of the directive. The Commission must allow Ireland to adopt an action programme which allows standard organic nitrogen limits of up to 250 kg per hectare without unnecessary costly regulations. Water quality in Ireland is improving and the farming community is committed to perfecting the quality and cleanliness of water across the country. Farmers are guardians of the countryside and its heritage and have long recognised the importance of protecting their natural environment in its own right and as a vital resource for agriculture and the food industry.

Successive reforms of the common agricultural policy have favoured extensive production with lower stocking densities, resulting in a reduction of fertiliser and feed input. Approximately 38,500 farmers, or half of all farmers in the community, are participating in the rural environmental scheme, which requires participants to enter into contractual programmes with the Government and the EU to meet high environmental and heritage protection standards. Since 1994, intensive agricultural enterprises in Ireland have been subject to integrated control licensing, meeting standards on a par with the highest environmental standards of the industry in Europe. All these environmental protection measures have been undertaken at a significant cost to individual farmers. Gross investment in farm buildings in the last decade amounted to more than €2 billion. Environmental protection to improve manure storage and handling facilities feature heavily in our farm building expenditure.

The proposed measures are unnecessary in the context of the overall excellent and improving quality of Irish water. Changes that have occurred and are forecast to take place in livestock numbers and levels of fertiliser use, the likely effects of CAP reform phase 3, the introduction of the single farm payment and the significant participation by farmers in the REP scheme ensure that there will be an improvement and renders the proposals as outlined by the Minister totally unnecessary.

Mr. P. Breen: I commend Deputy Timmins for introducing this timely motion. The directive, as other speakers have said, was introduced by the European Union in 1991. Most other European countries have implemented it. Unfortunately, however, Ireland has not done so and has been forced by the European Commission to implement the directive. It is sad for Irish agriculture, given the fact that we have held the EU Presidency for the past six months, that very little has been done in this area and that the Minister, Deputy Walsh, has not obtained concessions from the EU to protect the livelihood of many farmers.

As Deputies Stanton, Timmins and Crawford said in their contributions, commercial farming is at stake. Very few young people now see a future in farming. The directive is the responsibility of the Department of the Environment, Heritage and Local Government. I know submissions have already been made, but the Minister, Deputy Cullen, and the Minister for Agriculture and Food, Deputy Walsh, must, at this late hour, work to obtain special concessions for Irish agriculture in this area.

I represent County Clare, which is in the west of Ireland, and I represented west Clare as a county councillor for five years. West Clare has many small farms. Large farmers will not be seriously affected by this directive but the small farmer with 50 acres and 40 or 50 cows will be affected. Dairy farmers will be particularly badly affected. The directive will impose considerable costs on many young dairy farmers. In a place such as west Clare, where there is bad land and good land, many farmers planted forests in the bad land and maximised the use of the good land, with one cow per acre or more. Dairying was often the only viable income in such areas.

Deputy Neville gave the example of a farmer with 50 acres and 40 cows. Under the new directive he will have to reduce his stocking density by ten units or acquire 12 additional acres. I do not know how many farmers could afford to do that. Very few in west Clare could. Then there is the matter of storage facilities. In County Clare, the storage requirement is 20 weeks. Most young Irish farmers are well educated and they use good farming practice. Much farming is dictated by the weather. If we have good weather that is fine but if we do not, particularly if August is bad, people cannot spread slurry because the land is poor and tractors get stuck and do terrible damage to the land. Most farmers agree that there are certain times of the year in which they cannot spread slurry. They will go along with that. However, good farming practice and common sense are all that is needed. I hope the Minister will take note of this because it is an important point.

According to Teagasc, if this directive is implemented farm incomes will be reduced by up to 20%. How many young farmers will stay on the land if this directive is brought in? Farming is expensive enough and there is little profit to be made. People live from year to year. There is so

much form-filling to do and there will be even more when the directive is implemented. I hope in light of the submissions being made by the various farming bodies and others, the Minister will consider this issue with a common-sense attitude. It is a matter of good farming practice. Our farming community is well educated. I was secretary of a group water scheme for 800 houses for ten years before entering politics. The water quality was good. The recent EPA announcement indicated that water quality is good all over the country.

A special case needs to be made for Ireland. Farming in Ireland is totally different. It is not as intensive as it is in other European countries. I hope the Minister and the Minister for Agriculture and Food will make a special case for Ireland as we approach the end of the EU Presidency.

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I move amendment No. 1:

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

- endorses the Government’s policy of securing the optimal and least cost arrangements for compliance with the nitrates directive, thus protecting the interests both of the Government and of those Irish farmers whose activities would be affected;
- notes the range of measures which have been taken by the Government to address the costs at farm level which arise from the directive;
- recognises the extensive consultations with farming interests which have taken place, and will continue, in relation to the implementation of the national nitrates action programme;
- notes the connection between the early finalisation of Ireland’s nitrates management regime and the application, for the benefit of Irish farmers, of the new EU agricultural support arrangements; and
- supports the Government’s proposal to use the flexibility in the Directive to secure European Commission approval for limits of up to 250 kg/hectare per annum, on the basis agreed with the Farming Pillar under Sustaining Progress.”

I thank Deputy Timmins for tabling this motion because I am pleased to have the opportunity to discuss this very important issue in the House. While I might disagree with the motion, I thank the Members opposite for their calm and reasoned contributions this evening. On many of the issues, there are no major differences between the Government and Fine Gael. I will outline where

we stand on the issue and where we are going with it.

The Government’s position on the implementation of the nitrates directive is based on the agreement reached with the farm organisations last year in the Sustaining Progress negotiations. The directive is about protecting our water quality from pollution, and this is an environmental objective of the greatest importance. Everybody in the House agrees on that. However, we must achieve this objective in an optimal and efficient way, and avoid imposing unnecessary burdens, costs or restrictions on any sector, including agriculture. I subscribe to that view.

Most of the public debate on the matter in recent months has focused on the limits on the amount of organic nitrogen which can be spread on land. There is a requirement in the directive that each member state must set a general limit not exceeding 170 kg per hectare. However, the directive also allows member states to set higher limits where it can be shown that this will not result in water pollution. The Government’s objective is exactly the same as that of the farm organisations — it believes the climate and soil conditions on most Irish grassland will justify limits of up to 250 kg per hectare. That is the view of most people who spoke here this evening. I confirm again that I subscribe to that view.

Recent judgments of the European Court of Justice have made it clear that a member state cannot simply set the higher limit of its own accord — it must present the detailed scientific evidence to the European Commission and must secure the approval of the Commission for what is proposed. In that I have no choice. The court has removed several ambiguities which previously existed regarding the interpretation of the directive. We now know it is simply not permissible for a member state, acting at its own discretion, to set a general limit above 170 kg; the only way in which a higher limit can be applied is with the approval of the Commission.

It has been represented that there is a difference between the Government and the farming organisations regarding the appropriate limit for Ireland, but that is not the case. The issue is about how we secure the appropriate limit, and the reality of European law is that there is only one way we can do this — by securing the Commission’s agreement to a derogation. This is exactly what we agreed with the farm organisations in Sustaining Progress and it is what we are now doing.

A first draft of the action programme was issued for public consultation last December, and the comments received have been taken into account in refining the programme. I now propose to issue the revised version before the end of June, so that stake holders have a further opportunity to comment before it is finalised for submission to the European Commission. I intend to meet the farming organisations again shortly in association with my colleague, the

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Minister for Agriculture and Food, Deputy Walsh.

I also propose to appoint an independent adviser to review the comments which will be received and to make recommendations on how these can best be taken into account. I intend that this will be a person with the standing and credibility to command the trust and respect of all stake holders. I also intend that this adviser will have a continuing role in the consultation process on the detailed implementation of the action programme.

I completely reject the claim in the Fine Gael motion that the Government has mismanaged its handling of the nitrates directive, or that it has failed to take any action on its implementation since 1997. The Government has at all times acted in a balanced and responsible manner regarding the implementation of the nitrates directive and will continue to do so.

The directive was adopted in 1991 and was implemented at an early date in terms of the monitoring of waters and the promotion of good agricultural practice. An extensive range of measures was put in place to promote and support good agricultural practice. All Irish Governments from 1991, including a Fine Gael led coalition, took the view that these measures met the requirements of the directive, given our generally good level of water quality.

In 1996 the Code of Good Agricultural Practice to Protect Waters from Pollution by Nitrates was jointly developed by the then Departments of the Environment and Agriculture in consultation with the farm organisations. In 1998, however, water quality monitoring results indicated that certain groundwater might be affected by pollution by nitrates. Further investigations were carried out in 1999 and an expert panel recommended in May 2000 that vulnerable zones be designated under the nitrates directive in relation to the affected groundwater in five counties. This gave rise to a need to develop action programmes which would apply to the designated zones.

In March 2001, an EPA assessment of water quality in 47 estuaries indicated that 17 of these estuaries were eutrophic or potentially eutrophic. This assessment, commissioned by my Department, gave rise to a need to review strategies to deal with water pollution from agriculture and from urban waste water treatment plants.

In June 2001 regulations were made to designate an additional 30 water bodies as "sensitive areas" under the Urban Waste Water Treatment Directive. The regulations require that discharges into these waters from large sewage treatment plants must be subjected to a higher level of treatment involving nutrient removal.

Having regard to all available data on water quality in rivers, lakes and groundwater, my predecessor as Minister for the Environment and Local Government indicated his view in January 2002 that good agricultural practice needed to be

strengthened in all areas and his preference for a "whole territory" approach to implementation of the nitrates directive. I subscribe to the "whole territory" approach.

Following discussions and consultations with interested parties, the Government decided in January 2003 that an action programme under the nitrates directive should be applied on a "whole territory" basis. It was in that context that the commitment in Sustaining Progress was agreed. A draft of an action programme was issued for public consultation in December 2003. Following the consultation process, a revised draft is currently being finalised. I emphasise that no draft has been issued by me. No divisions have been issued around the country. There is no suggestion of closed periods, and no nonsense about not allowing spreading on weekends. None of this has been stated by me and no such report emanated from me. I make that clear.

Mr. Timmins: It was in an unpublished draft.

Mr. Cullen: It did not come from me.

Mr. Timmins: I appreciate that. It was in an unpublished draft.

Mr. Cullen: Neither do I subscribe to much of what was purported to be in it. I have also made that clear to the farming organisations. I have indicated to the farming organisations that I will discuss these matters with them. These are the people who are most directly affected. I am not living in an ivory tower seeking to undermine and destroy agriculture. Nothing could be further from the truth. They are the facts as I see them.

We will shortly produce a draft programme and I will discuss it in some detail before it is formally submitted to the European Commission. In parallel with this process, the scientific case for a derogation on the land-spreading limit is being prepared and will also go to the European Commission, as I have told the farming organisations and those involved in the debate in the House tonight. This sequence of decisions and actions clearly demonstrates an active, considered, consultative and balanced approach by the Government in addressing water quality problems.

We have responded in the appropriate way to emerging evidence on specific water quality problems and to the firming up of the interpretation of the directive itself on foot of European Court of Justice judgments. The entire issue must be handled carefully, given the importance to Ireland both of our excellent water quality and our modern agriculture industry. I am working closely with my colleague, the Minister for Agriculture and Food, as indeed are our two Departments, to ensure we get the best possible outcome.

There is now a widespread appreciation of the need to strengthen the application of good agricultural practice in order to protect the enviro-

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onment, especially water quality. All farming organisations have stated this publicly. Agriculture is a major economic activity in Ireland with a very substantial impact on the environment. It is estimated that agriculture generates 56 million tonnes of managed waste per annum and accounts for about three quarters of all waste generated in Ireland. The vast bulk of this waste is in the form of animal manure, slurry, silage effluent and soiled water, all of which have a high polluting potential. An additional 55 million tonnes of organic material is deposited directly on land by grazing animals. Livestock numbers are, in terms of pollution potential, equivalent to a human population of some 68 million persons.

Agriculture also applied some 44,000 tonnes of chemical phosphorus and 388,000 tonnes of chemical nitrogen fertilisers to land in the most recent fertiliser year. Clearly there is a need to ensure that the use of these substances is properly managed. In that context, it is important that I should acknowledge and commend the responsible approach to the environment adopted by the vast majority of farmers. Tangible evidence is provided by the high level of investment by farmers in waste storage facilities and other infrastructure for pollution prevention. We simply would not have the high level of water quality we now enjoy if farmers generally were acting irresponsibly, which they are not.

To put the level of investment in context, grant aid paid by the Department of Agriculture and Food from 1995 to date under the farm waste management scheme and its predecessors amounted to some €320 million, a not inconsiderable amount of money and equivalent to about €1 billion worth of investment overall. However, we still have challenges to address in combating water pollution. Successive reports by the Environmental Protection Agency illustrate these challenges.

The most recent data indicate that 15% of lakes are unsatisfactory in terms of water quality; 23% of groundwater samples had nitrates levels in excess of the guideline values; 25% of groundwater samples showed faecal contamination; 30% of river channel is eutrophic; and 36% of estuaries are classified as eutrophic or potentially eutrophic. When the EPA report comes out to inform us that 94% of public water in this country is in excellent quality, I spend the next three or four weeks dealing with colleagues in other parties who cause a row about 6% of the water quality. There are issues but we cannot have it every way. A Deputy spoke earlier about group water schemes and in fairness to people involved in those, we are making great progress. It is a planned and measured approach.

Agriculture is implicated by the EPA as a significant source, if not the dominant source, of pollution in all these waters. Eutrophication is caused mainly by the overenrichment of waters by excessive amounts of phosphorus and nitrogen. This leads to an imbalance in plant growth

and a depletion of dissolved oxygen levels in water, which in turn impairs its capacity to sustain flora and fauna. Agriculture is the source of some 70% of phosphorus and 80% of nitrogen entering the relevant waters. Water needs to be protected against pollution emanating from all sources. Measures taken in any one sector cannot be effective on their own. Most sectors are now covered. We have a high level of protection in place regarding discharges from industry which are subject to licensing by the EPA and local authorities. Waste management activities are subject to a strict licensing regime under the Waste Management Acts. The water services investment programme is about to reach a point in 2005 when we will have met and surpassed all the requirements of the urban waste water treatment directive. We have virtually eliminated the marketing of phosphate-based laundry detergents by virtue of a voluntary agreement with the detergents industry in 1999.

Agriculture is the last major sector remaining largely unregulated in terms of environmental protection. We need to ensure that farming is carried on in a manner that maintains this protection. This objective is fully supported by the farm organisations which have made clear their own commitment, particularly in their support for the code of good agricultural practice to protect waters from pollution by nitrates. This code, of course, is voluntary. By definition, it is not possible to enforce compliance with a voluntary code of practice. In completing the implementation of the nitrates directive, we need to give a statutory basis to the already well established standards of good practice so as to give a higher level of protection to the environment.

I will now look in some detail at what will be covered in the nitrates action programme. Last December, a draft programme was issued jointly for public consultation by my Department and the Department of Agriculture and Food. It set out a range of proposed measures to strengthen the application of good agricultural practice in all areas. These measures relate to matters such as the timing and procedures for the land application of fertilisers, which was raised tonight. There has to be flexibility on this. I have spoken to members of the farming community on the weather conditions in this country as late as November last year. There has to be a capacity within Irish agriculture to respond to these conditions. We have to work with the farming organisations so that we can do this. I accept that agriculture in this country is a grass-based industry and is very different to many European countries. That is why the derogations and flexibility mechanisms in the directive were made available when this was first agreed.

We need a focused approach from everyone, irrespective of political affiliations, as well as the farming bodies to be absolutely certain that what we are submitting stands up scientifically. Many Members have questioned the issues that have

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been raised tonight. I want to see the facts as much as anyone else. We must have the capacity to protect and to ensure that Irish agriculture can continue to grow and remain a significant economic force in this country.

Other measures include limits on the land application of fertilisers, livestock manure storage requirements and the monitoring of the effectiveness of such measures. Following the consultation process, both Departments have been refining the proposals, taking account of the comments received and also drawing on the technical and scientific advice of Teagasc. I have to get scientific advice from some credible organisation. At least the accusation cannot be made against me that this is being done by scientific experts solely from my Department. If that was the case it might be open to some bias. We need to examine this carefully and see what is being put forward. It has also been necessary to take account of some implications of recent European Court of Justice judgments in various cases taken against member states by the European Commission on the implementation of the directive, particularly the case against Ireland in which the judgment was given on 11 March last.

The regulations which will be proposed under the action programme will establish certain basic requirements and principles which will apply nationwide. However, they will allow for flexibility where this is appropriate to reflect local or regional variations regarding factors such as soil conditions or climate. For example, it is likely that different waste storage requirements will apply in different areas. The basic principles underlying the directive are that organic fertiliser should be used in a manner which relates to the nutrient needs of the crop and the need to avoid water pollution, with which I do not believe anybody disagrees, and that the slurry storage capacity on a farm should cover at least the full period during which land-spreading is not appropriate. I take it there will be serious cost implications in terms of the methodologies used to achieve that. I and my colleague, the Minister for Agriculture and Food, Deputy Walsh, want to work with farming bodies to ensure we achieve it.

In keeping with the principle that the amount of slurry applied to land should not exceed the nutrient requirements of the crop, the regulations need to specify a limit on the amount of organic nitrogen which may be spread. There has been some misrepresentation of the terms of the nitrates directive and it has been suggested that we have discretion as to whether we adopt a general limit of 170 kg per hectare. That is a matter with which I wish to deal.

The Fine Gael motion calls for a general limit of 210 kg, with derogations up to 250 kg, and some farm organisations have called for a general limit of 250 kg without a requirement for a derogation. Let me take this opportunity to remove any possible doubt. Annex III of the directive

specifies a general limit of 170 kg. It goes on to make two important qualifications. First, member states may, in their first four-year action programme, allow a general limit of 210 kg. However, the European Court has ruled that this qualification is no longer applicable. It was intended to apply in the period immediately after the adoption of the directive in 1991. Member states were supposed to draw up their first action programmes by 1995 and would therefore have had the option of this 210 kg limit until 1999. Ireland did not do that so the matter is irrelevant. No other country has such a limit because we are now in post-1999 phase.

The court has ruled that a member state cannot now, by virtue of not having had an action programme in the prescribed period, seek to avail of the higher general limit at this stage. That ruling applies to all countries, there is no exception. The second qualification, however, is of continuing relevance and provides the basis on which we will seek the derogation to apply 250 kg. Member states may fix higher limits on an ongoing basis provided that the amounts do not prejudice the directive's overall objective, to reduce water pollution caused or induced by nitrates from agricultural sources and to prevent further such pollution. The higher limits must be justified on the basis of objective criteria, many of which were referred to tonight: long growing seasons, crops with high nitrogen uptake, high net precipitation and soils with exceptionally high denitrification capacity.

There is not the slightest doubt that Ireland's climate and soil conditions satisfy the conditions for a higher limit in areas where it is necessary. The majority of Irish farmers operate within the lower limit. I appreciate that those who are operating at a higher level are among our most modern and progressive farmers and we need to ensure that unnecessary restrictions are not placed in their way. However, the process that must be followed is clearly defined. There had been some ambiguity about how this aspect of the directive was to be interpreted, particularly as regards whether the Commission's approval was required. Some countries applied a general 250 kg limit without a derogation having been received from the Commission. This ambiguity has now been removed by the European Court of Justice.

In a case against the Netherlands last October, it ruled that the directive must be interpreted as requiring higher limits to have the approval of the Commission. In other words, a derogation must be sought based on the appropriate scientific evidence. It is not open to us to do it ourselves. It has always been our position that a limit of up to 250 kg is warranted and must be secured. We have accepted, however, that it would have to be achieved on the basis of a derogation. This was made clear to everyone in the text of Sustaining Progress, which was agreed by the farming organisations. The following is the exact wording of the

relevant paragraph: "In the context of the regime soon to be adopted to transpose the provisions of the Nitrates Directive, the Government will also use the flexibility in the Directive to seek to secure European Commission approval for limits of up to 250 kg per hectare per annum to be allowable in appropriate circumstances."

I will not demur one iota from what was agreed with the farming bodies. The only thing that has changed since that commitment was given is that the non-availability of the 210 kg general limit has been clarified. We had intended to avail of it and it was included in our first draft of the action programme. We have no choice but to apply a general limit of 170 kg but the needs of the farmers affected will be met by obtaining the derogation. The commitment made in Sustaining Progress is being honoured in full and the application for a derogation will be pursued in parallel with the submission of the action programme. The scientific case for the derogation will be based on the unique characteristics of Irish agriculture. It is being drawn up with the assistance of Teagasc and I have no doubt that it will fully justify the higher limit that we require.

Another implication is that many farmers may be affected by the requirement to provide a certain minimum storage capacity for animal manure. There is known to be a significant deficit of waste storage capacity on Irish farms despite significant investment of recent years. The provision of adequate storage capacity is an essential feature of sustainable farm management and good farming practice. It is essential for a farmer to have adequate storage to ensure that slurry does not need to be spread at inappropriate times.

Significant undertakings were made in Sustaining Progress to help farmers address these storage issues. The changes in the farm waste management scheme introduced this year ensures that the vast majority of Irish farmers will now be able to avail of grant aid to undertake the necessary improvements in manure storage facilities. Provision has been made for €30 million in the 2004 Estimates, an increase of almost 60% on the 2003 allocation. It is important to mention that an improved rural environment protection scheme, REPS 3, is now in place. It is anticipated that participation in the scheme will increase from the current level of 38,500 farmers to 59,000 farmers at the end of 2006. The provision for REPS in the 2004 Estimate is €260 million, an increase of more than 40%, a 28% increase in average payments to participants.

I should spell out for the House the implications for Ireland, and Irish agriculture in particular, of our failure to respond adequately to the European Court of Justice judgment against us. While some of the counts on which we were ruled against have been addressed, and were addressed before the judgment was handed down, the key ruling in the present context is that we had not established action programmes which

met the directive's requirements. Ireland had argued that the wide range of measures we had taken to improve water quality, particularly as regards good farming practice, could be taken as constituting an action programme. That was our position. The court rejected this and said that to comply with the directive an action programme must include the mandatory measures referred to, including the limitation on the amount of organic fertiliser that can be applied. This judgment against us, with the clarifications of the directive which have emerged from other European Court of Justice rulings, has put the European Commission in a very strong position to ensure that we comply in full with its requirements.

The Commission could, in the first instance, return to the court to seek daily fines against Ireland if our response to the judgment is not satisfactory. Of even greater significance, however, is the implications for Ireland and Irish farmers under the new EU single payments system for agricultural supports. Under the single payments scheme, which will apply to virtually all farmers from next January, compliance with the nitrates directive will be one of the conditions of what is called cross-compliance. There will be a range of legislation with which farmers must comply as a condition of receiving the single payment. Apart from the possible impact for the individual farmer, if Ireland is found not to have made adequate arrangements to comply with the directive, the Commission has the power to impose a disallowance of funding under the single payment scheme while also threatening support for the CAP rural development plan measures. Given that expenditure of €1.7 billion is involved annually, the House will appreciate the potential severe cost to Ireland and Irish agriculture if we do not implement the directive satisfactorily.

Compliance with the nitrates directive is not optional. However, the Government believes we can ensure compliance in a way which meets both important objectives, to protect water quality while also protecting the interests of Irish agriculture. I urge the farm organisations to work constructively, as they have done, with my Department, the Department of Agriculture and Food and Teagasc to ensure that our action programme and application for a derogation are successful to that end. I have had numerous meetings with farming organisations on this important and complex topic. I believe that all parties understand the issues involved. I am resolved to continue to work towards achieving an accommodation which will meet the concerns of all interested parties, in particular farmers.

Dr. Upton: I wish to share time with Deputy Gilmore.

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

Dr. Upton: The most important aspect of the nitrates directive is its original purpose, namely,

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to ensure the quality of our water supply. The failure to implement the directive since 1999 is now, at the 11th hour, presenting something of a crisis situation. Surely that is not the way to do business. It is certainly not the way to inspire confidence in the decision-making capacity of this Government. The Minister has set out very clearly — and I tend to agree with him — that at this stage there is no option regarding the implementation of the directive as set out by the European Union. In March 2004, the European Court of Justice, as the Minister said, decided that Ireland was non-compliant.

The consequences of that non-compliance are quite serious for this country. The tab for the daily fines arising will be very severe financially. The problem is that there is an additional threat that agricultural funding will be affected, something the Minister also pointed out. That is a totally unacceptable state of affairs for those people who are not responsible for polluting our water supply; nor is it fair to farmers who are endeavouring to put best agricultural practice in place and remain compliant. The failure to take the necessary action before now is coming home to roost, with hardship for people who have no responsibility for that state of affairs.

The comment that has been made more than any other this evening relates to the scientific evaluation of the nitrates directive. I confess that I am totally confused in that regard. There is nothing short of total confusion, as far as I am concerned, regarding the evidence and counter-evidence that is being produced, seemingly in support of whatever point of view is being aired at any given time. I would like to know why the Minister for Agriculture and Food and the Minister for the Environment, Heritage and Local Government have not been able to produce in a clear and unequivocal way the scientific reports of the State agency charged with the responsibility of advising on the use of organic nitrogen on the land, stocking levels and farm management. Is it the case that the experiment must be repeated until the correct result is arrived at? I simply do not understand the delay in the production of the scientific results that show the precise impact of the proposed regulations and limits.

Just last week the chairman of Teagasc was reported as saying it was at an advanced stage in summarising its research results on key aspects of nutrient use and management, such as stocking rates, manure storage, handling and land application. It surprises me that there is a need to summarise the research results at this late stage in the game. I would have thought that they would be in place and available and that we would not be looking at a summary but rather that we would have the complete scientific facts in front of us.

The Government makes no reference in its amendment to the scientific evaluation of the impact of the nitrates directive, although it has

been referred to at length here. Surely such assessments have been made since 1997. The Ministers must have access to that information. Why is there such confusion and contradiction in the reporting? Why do we still await, at least according to the *Irish Farmers' Journal* report, the summary of the Teagasc findings? The imposition of the new limits will affect about 5% of farmers quite significantly. Surely the Ministers have a responsibility to ensure that the appropriate derogation be put in place.

It is true that derogations have been applied in the case of Denmark. I understood from Commissioner Fischler that such a derogation could not be ruled out for Ireland. Equally, there is no guarantee that it will be allowed. It is important to note that the draft action document will use the flexibility of the directive to secure approval for limits of up to 250 kg. per hectare in appropriate circumstances — that is the important part of that sentence. It is also true that, when such derogations are sought, and if they are accessed, the bureaucracy and red tape that have been thrust on the farming community up to now should at least be minimised. I hope that such derogations will not be a recipe for further red tape, should they be made available.

The adoption of the whole territory report for the application of the directive as recommended is appropriate. Six other member states have also adopted that approach. It seems the only appropriate course to take based on the need to enforce, as the Minister has stated, several other realistic European directives which are also relevant. Something mentioned by almost everyone who spoke is the need to ensure that storage facilities and capacity, and quality of the storage conditions, are adequate. That will undoubtedly impose additional financial burdens on farmers to meet the specific requirements. While there are various financial supports in place, in meeting the requirements many farmers will undoubtedly suffer significant financial burdens on account of the capital cost that they will have to meet.

The outcome of all the noise concerning the nitrates directive is that farmers and farming organisations have been misled. The Government has failed to come clean with them regarding what is called “the near final revised action plan”. Furthermore, there is total confusion surrounding the role of Teagasc in its preparation. Some Teagasc researchers state that they were involved in drafting the plan, while others state that the revised plan is not a Teagasc document. We need clarity on that and on the negotiations between the stakeholders, namely, the farmers, the scientific advisers and the Minister. From my reading of it and the reports, particularly in such newspapers as the *Irish Farmers' Journal*, I am totally confused about Teagasc's role, the information that has been provided, whether we have total or summary information, and who has a role.

Mr. Cullen: For the Deputy's information, Teagasc has now accepted an invitation to appear

before the Joint Committee on the Environment and Local Government to discuss the nitrates directive.

Dr. Upton: That is entirely appropriate. However, the Minister must agree with me about those reports. One half of Teagasc is saying that it had nothing to do with it while the other is saying that it had a role in preparing the action plan. It is crucial that we know the exact situation. I welcome the decision to invite Teagasc before the committee.

Mr. Cullen: Teagasc has accepted the invitation.

Dr. Upton: I welcome that.

Farmers had an expectation arising from discussions held with the various Ministers. Their understandable concerns relate mainly to output costs and future income. However, water quality is the basis of the directive and it is the responsibility of this Government to ensure farmers are not undermined in their efforts to ensure their livelihoods. It is a parallel responsibility to guarantee a safe water supply.

Mr. Gilmore: There are several aspects of the Fine Gael motion with which the Labour Party can agree, particularly the condemnation of the Government's incompetence and mismanagement of the nitrates directive, and its denunciation of the Government for its failure to take any action to implement the directive from 1997 to date and failing to build on the code of agricultural practice to protect water from nitrates pollution introduced by the rainbow Government in 1996.

It is quite remarkable that it is 13 years since the nitrates directive was introduced in 1991. Given the European Court of Justice's decision in March this year, we are more at the 13th hour than at the 11th, with the nitrates directive not implemented and very serious implications arising from its implementation being presented to Irish agriculture and the section of farming most directly affected by it. We have the case of the European Court of Justice in March 2004 which could result in this country facing massive fines and farmers suffering financial loss if support payments are tied to the implementation of the directive.

There is no doubt that the Government has mismanaged and mishandled the directive's implementation. It did so because up to now, with the decision of the European Court of Justice, it simply refused to bring the bad news to those most affected by it. Worse than that, it has seriously misled farmers. The Minister has effectively acknowledged that the delay in implementing the directive has now directly resulted in a situation where the 2010 regime can no longer apply since we are too late and it is

no longer an option. It has not been an option since 1999.

Mr. Cullen: That is irrelevant. It finished everywhere in 1999.

Mr. Gilmore: Clearly, Irish farmers were misled in the Sustaining Progress agreement. The Minister read out the text of the agreement. That text is capable of being interpreted in a number of ways. It is clear that the farm organisations interpret it as meaning that the Government would seek a general derogation of up to 2050 and that it was possible to achieve that derogation. I do not believe that experienced negotiators from the farm organisations sat at the Sustaining Progress talks and emerged without being clear in their minds as to what the text meant in practice. If they have concluded that the text meant that the maximum derogation was going to be sought and was achievable, it is because they were led to believe that during the discussions.

It is therefore understandable that there is considerable anger among Irish farmers, or at least among the section that is likely to be directly affected by the directive. It has to be acknowledged that not all farmers will be affected by it. The anger is understandable given the implications for stocking levels, income, buildings and so on. However, it is important we do not lose sight of what the nitrates directive is about. It is about protecting the quality of our water.

We have a serious problem in this country and there is no point in anybody trying to pretend that we do not. One of the fastest selling products in this country, including rural Ireland, is bottled water. The reason bottled water is selling so fast in rural Ireland is that increasing numbers of householders no longer trust the water supply delivered to their homes, whether through group water schemes or the public water supply.

Mr. Cullen: There is no evidence to suggest that.

Mr. Gilmore: There is little comfort to be found in some of the material circulated in connection with the implementation of the nitrates directive, for example, the discussion document on the nitrates amendment circulated by the Minister's Department and the Department of Agriculture and Food. The Environment Protection Agency report, *Water Quality in Ireland: 1998-2000*, states that 30% of the river channel length in this country is affected by pollution to some extent — 17% slight, 12% moderate and 1% serious pollution. It states that elevated nitrate levels are recorded in approximately 20% of well sampling stations and high ammonia values were found in ground water across eight counties. The most recent EPA report on the quality of drinking water in Ireland, for 2001,

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indicates that breaches of the prescribed standard for nitrates in drinking water supplies, public and private, were recorded in 15 counties through Ireland — Carlow, Cavan, Cork, Galway, Kerry, Kildare, Kilkenny, Laois, Louth, Meath, Offaly, Tipperary, Waterford, Wexford and Wicklow.

Two issues arise. There is the concern and anger felt among the section of Irish agriculture which is now expected in the 13th hour to implement the measures necessary to give effect to the nitrates directive. The blame rests with the Government for that because of its delay. There is also the concern throughout the country among people about the quality of the water. Life depends on good quality water. In this country, unfortunately, we have——

Mr. Cullen: The Deputy wants it both ways.

Mr. Gilmore: No, I do not want it both ways. I will be clear, whoever drafted the text of Sustaining Progress in the “Bertie language” in which it was written, wanted it both ways. He or she wanted on the one hand to talk about the implementation of the nitrates directive while on the other to give a misleading, as it has turned out, signal to the farm organisations that a derogation would be sought in appropriate circumstances. The term “appropriate circumstances” has many meanings. It is confirmed by the fact that the farm organisations are so firm in their view that they were given an agreement on something which has not turned out to be what they understood to be the case, and that they were misled. The most recent data from the Environment Protection Agency indicates that 15% of the lakes in this country are unsatisfactory in terms of water quality, 23% of ground water samples had nitrate levels in excess of the guideline values, 25% of ground water samples showed faecal contamination, 30% of river channels are eutrophic and 36% of estuaries are classified as eutrophic or potentially eutrophic.

Apart from the issue of the consumption of water by the citizen, consideration must be given to the business associated with inland fisheries. This is seriously affected by the diminution in standards and the poor water quality. Anglers and angling organisations will tell us that the fish are not in the rivers or lakes anymore, that they have been polluted out of these waters. The recreational value of angling is diminishing, with the tourism-linked income that sustains local economies in many parts of the country.

There are a number of issues to be considered. There is the mismanagement of the implementation of the directive by the Government, leading to a point where the farm organisations, in the 13th hour, were misled in the Sustaining Progress agreement and where the European Court of Justice has found against Ireland, with the country

facing fines and financial loss as a result. There is the corresponding difficulty that we continue along these lines. There is no point in the Minister or anyone else trying to pretend that we do not have a problem with our water quality. Not much can be built on clutching at the last EPA report which showed some marginal improvement in surface water.

Mr. Cullen: I did not do that, I never mentioned it.

Mr. Gilmore: I am not surprised the Minister did not mention that. As we all know, that turn may not be sustained. It will be interesting to see what the next report shows in terms of the quality of our water.

Debate adjourned.

National Monuments (Amendment) Bill 2004: Second Stage (Resumed).

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

Mr. P. Breen: Many Deputies spoke earlier in the debate about the definition of a national monument. I appreciate that the Minister has said he intends to define “national monument”, but the matter is not clearly dealt with in this Bill. It is important that such a definition be included in the Bill.

Interpretation is a real problem in planning because different people have different views. One person might interpret something differently to another. Fine Gael sees a real problem in implementing the Bill because the definition of a national monument is not sufficiently clear. One of the issues at Carrickmines related to whether what was discovered constituted a national monument. That the debate was allowed to drag on shows that we face a mess in respect of road projects and national monuments.

Fine Gael has a clear approach to the Bill and this general subject. It does not believe the creation of a proper road network and the preservation of our national heritage are mutually exclusive.

Mr. Cullen: I agree.

Mr. P. Breen: In a country like Ireland, there is every chance that a road project will unearth something of importance. I referred earlier to the discoveries at Waterford. Historical monuments are discovered in most road projects throughout the country. Should projects be delayed? Should monuments and artefacts be taken away to be put on display elsewhere? The Romans did not come as far as Ireland in their day, but Roman ruins are preserved in other parts of Europe, particularly city centres.

Mr. Cullen: In fairness to this country, it has 120,000 heritage sites.

Mr. P. Breen: I know. Part of the old town is on display in the centre of Brussels. I appreciate what the Minister is saying. A strong argument has been made that the Carrickmines site would not have been found — it would have remained undiscovered for many years — if it had not been for the M50 motorway project. No requests were made for the preservation of the site at the beginning of the M50 works. We did not realise the importance of the site until the artefacts were discovered and their importance ascertained.

Fine Gael believes it is important to preserve our past. Ireland would be a much poorer place without such preservation. The option is not to bulldoze and destroy, but preserve and remove, while allowing daily life to continue as it must. I referred to the national development plan when I spoke earlier about the roads projects that have to come on stream. We have a different style of life now. We have to decide whether to take artefacts away or to leave them on site.

Mr. Cuffe: The Bill represents a dark day for archaeology as it will allow the Minister for the Environment, Heritage and Local Government to disfigure, deface, injure and interfere with national monuments. It will allow the Minister, Deputy Cullen, to sell or export our built heritage.

Mr. Cullen: That has been the case since the 1930 Act was enacted. It is not new.

Mr. Cuffe: With all due respect, I hoped to finish my opening sentences before being interrupted.

Mr. Cullen: The Deputy should not say that it is new. It has been the case since 1930.

An Leas-Cheann Comhairle: The Minister's remarks should be reserved for Committee Stage, when they will be more appropriate.

Mr. Cuffe: The Bill represents a consolidation of power within the Minister's fiefdom.

Mr. Cullen: It is not my fiefdom.

Mr. Cuffe: It will lead to a very dangerous concentration of power. Its contents mirror the type of thinking in the dark recesses of the Minister's mind. I will trace the Government's attitude to archaeology. The Minister abolished Dúchas. He transferred its functions from the then Department of Arts, Heritage, Gaeltacht and the Islands to the current Department of the Environment, Heritage and Local Government.

Mr. Cullen: I did not do that. I do not have that kind of power.

Mr. Cuffe: He proposes to stifle the powers of the national museum.

Mr. Cullen: I have given it powers that it did not have before. I gave it new powers.

Mr. Cuffe: The museum has withstood colonisation, emigration and poverty during its 100 years of history——

Mr. Cullen: It had no power, but I gave it new powers.

Mr. Cuffe: ——but the Minister now has the audacity to consolidate its powers within his fiefdom. If the Minister takes all these powers under his remit, I will be deeply and gravely concerned for the future of archaeology.

Mr. Cullen: All of the powers exist. I am not taking any new powers.

Mr. Cuffe: It is a dangerous consolidation of power.

Mr. Cullen: They are existing powers.

Mr. Cuffe: The Minister said on "Prime Time" last Thursday that there will have to be an agreement between the various bodies. He is not allowing such agreement to be reached, however, because the national museum will have no power of veto.

Mr. Cullen: It had no role.

Mr. Cuffe: He will have the right to over-rule any of its views.

Mr. Cullen: I have given them a role.

Mr. Cuffe: If that is not audacity, I do not know what is.

Mr. Cullen: The Deputy should read the legislation. I have given them a new role.

Mr. Cuffe: The Minister has not done so.

Mr. Cullen: They had no role under section 14, but I have now given them a role.

Mr. Cuffe: The Minister is engaging in a type of semantic argument that I would describe, if I could use such a phrase within the confines of the House, as a bare-faced untruth.

Mr. Cullen: It is not — it is a fact.

Mr. Cuffe: The Minister will have the right, if he consults the national museum, to ride rough-

[Mr. Cuffe.]
 shod over anything it says. That is written into the Act. I ask the Minister to read the Act — I am sure he is familiar with it. The Minister is introducing this Bill under the pretext of addressing the problems with the M50 at Carrickmines. The legislation, which is being rushed through in less than two weeks, will allow him to deal with any archaeological site, anywhere in the country. To say, ostensibly, that the Bill addresses a problem that arose at Carrickmines in south Dublin is a dangerous way to introduce legislation. The Bill will allow the Minister to intervene anywhere in the State, which is a dangerous precedent. The Minister could have examined other options if he had followed the advice about Carrickmines that I gave him in writing two years ago. I said back then, essentially, that the road can move but the castle cannot.

Mr. Cullen: There is no castle.

Mr. Cuffe: Today, the Minister is justifying legislation that allows him to run dump-trucks over 800 years of built heritage. It is an insult to archaeology and all those connected with it.

Mr. Cullen: That is absolute rubbish, as usual. The Deputy is spouting nonsense.

Mr. Cuffe: The Minister knows a great deal about rubbish.

Mr. Cullen: I do.

Mr. Cuffe: We all know where he would put it — into a large incinerator.

Mr. Cullen: I am trying to deal with it, despite of the best efforts of the so-called Green Party, which is trying to undermine me. Every time I try to do something positive in respect of waste management in this country, the Green Party Members are the first to try to undermine me.

Mr. Cuffe: It is unusual to be heckled by a Minister.

An Leas-Cheann Comhairle: It is disorderly.

Mr. Cullen: I am not heckling the Deputy.

Mr. Cuffe: I hope such unbecoming behaviour, which is not entirely inconsistent with the Minister's character, will not be allowed within the House.

I wish to discuss some of the detail of the Bill. There is a real concern about the process by which the views of the director of the national museum are sought. The director is not given discretion in allowing the works to proceed, however, because the Minister can over-rule him or her. I do not believe that is the right way of

doing things. I am concerned by the time limits in the Bill. Decisions have to be made within 14 days, which is far too short a time frame to deal with issues relating to our heritage.

Mr. Cullen: How long would the Deputy suggest?

Mr. Cuffe: I suggest not less than five weeks and not more than eight weeks. It would be better than two years, which is how long we have been waiting in respect of Carrickmines. I also draw attention to the requirement to notify the Minister of discoveries. I suggest that, first, notification of discoveries should be made in writing because there is no reference in the Bill to notification being given in writing and, second, that notification be given to the director of the National Museum as opposed to the Minister.

This legislation gives extraordinary power to the Minister for the Environment, Heritage and Local Government, Deputy Cullen.

Mr. Cullen: I think it is minimalist.

Mr. Cuffe: The Minister would think that, and that is what worries me about him.

Mr. Cullen: Does the Deputy have sleepless nights worrying about it?

Mr. Cuffe: No, I have other things to have sleepless nights about, but the legislation causes me concern. I sometimes discuss it——

Mr. Cullen: I find it extraordinary and bizarre that when I bring in legislation to give a new power to the National Museum that did not exist previously, I am criticised for it.

Mr. Cuffe: What I find bizarre is the Minister's statement on "Prime Time" last Thursday night.

Mr. Cullen: What was wrong with that? It was a positive statement.

Mr. Cuffe: He stated: "We will have to have agreement between the various bodies before works can proceed", yet within the body of the legislation the Minister does not allow for that agreement. He is only consulting. He does not give the power of agreement or veto to the director of the National Museum.

Mr. Cullen: The Deputy said a moment ago that actions speak louder than words. If that were the case I would not bother about Waterford. I would just go ahead and consult——

An Leas-Cheann Comhairle: Order, please. This type of interruption is unprecedented.

Mr. Cuffe: If actions speak louder than words, why does the Minister not take action within the terms of the legislation?

Mr. Cullen: I am waiting for the museum to tell me what it wants to do, and the Deputy does not want me to do that. I cannot win in this.

Mr. Cuffe: I would like the Minister to engage in strong consultation before he begins——

Mr. Cullen: That is what I am doing.

An Leas-Cheann Comhairle: The Minister is being totally disorderly.

Mr. Cuffe: I believe, and I see it in the words of counsel's opinion, that this is an act of vandalism. It will remove safeguards that have been in place for over 100 years.

Mr. Cullen: That is exactly what has been in place.

Mr. Cuffe: The Minister should at least include in the legislation the terms of section 15 of the 1994 Act, in which the Minister requires the consent to be put before the Houses of the Oireachtas for several sitting days. I do not see any sign of that on my preliminary reading of the Bill. I am concerned that this Bill, while being justified as an attempt to deal with the impasse at Carrickmines, will allow a Minister to do what he or she wants to disfigure, deface, injure or interfere with a national monument in a way that is unprecedented.

Mr. Cullen: Does the Deputy seriously believe I will start disfiguring monuments? That is ridiculous.

Mr. Cuffe: That has been in the legislation but not within the remit of the Minister or the director of the National Museum. This is a dangerous Bill and I intend to table many amendments to it on Committee Stage.

Mr. Cullen: It is only repeating what is contained in all the Acts. The Deputy should not pretend there is something new in it.

Mr. Cuffe: I wish to record that the IT systems in the House were down until approximately noon today, which allowed no e-mails to come to my Leinster House office since last Friday. That seriously interfered with my ability to take advice on the legislation.

Mr. Cullen: The Deputy can hardly suggest I had anything to do with that. I am being blamed for everything at the moment.

Mr. Ring: I wish to share my time with Deputy Connolly.

An Leas-Cheann Comhairle: That is agreed.

Mr. Ring: I do not intend to make a major contribution. I hate to see emergency legislation being rushed through the Dáil. The Minister recently visited my town of Westport, and we were glad to see him there.

Mr. Cullen: It is a lovely place. I enjoyed my time there.

Mr. Ring: It is a lovely town. The Minister was in the town to open a sewerage scheme and I was glad he was able to enjoy the beauty of the town and the location.

Mr. Cullen: They did a super job with that scheme.

Mr. Ring: They did, but the Minister must remember that if Mayo County Council had got away with what it proposed at the time, it would not have gone ahead. The Minister was in Westport House, one of the few remaining country homes that has not been bought by the private sector or destroyed and built on by developers, as happened in Castlebar in respect of a listed building — there was a mix-up over documentation and a listed building was knocked down. My political office is in a listed building. It can restrict one in certain ways but there is nothing wrong with that because it ensures that I or any other person who buys such a property is obliged to ensure that whatever we do within the planning process is done within the law, and agencies have to be in place to deal with that.

I did not come in here to talk about Westport House but I am reminded of something. The Minister was not the Minister for the Environment at the time I refer to, it was Deputy Howlin. I complimented the then Minister, Deputy Howlin, at the time because Mayo County Council wanted to bring that further into the estate but, to be fair to the then Department of the Environment, officials went down to the area with the then Minister's programme manager and worked out an agreement.

I was in favour of the Westport sewerage scheme when we were in government from 1995 to 1997 — it was in the programme for Government. I cannot remember the title but we put it in the plan for 1996 to 1999 and for the first time it got moving. To be fair, the current Minister and previous Governments played their part in terms of that scheme. However, major problems arose with the management and the owner, Jeremy Browne, or Lord Altamont as he is known, who has done more for Westport over the years than Bord Fáilte, Ireland West Tourism or any of the

[Mr. Ring.]

tourist agencies. He promoted and restored Westport House with very little grant aid from the State at a time when it was difficult to get funding. He experienced major difficulty because of the way the property was tied up and a Bill went through the Seanad and the Dáil to deal with that serious legal issue — the property had to be passed on to his first son but he had only daughters. The Minister will recall that Bill going through the Dáil.

Mr. Cullen: I think I brought it through the Houses.

Mr. Ring: That issue was dealt with. It is wonderful that Westport House is still there and thousands of people every year have the pleasure of visiting what is probably one of our most historical buildings. It is regrettable that many of the artefacts were removed from the house and sold abroad. At the time I put pressure on the State to buy them. It bought some of them in past years, and I am delighted about that. The house is now in State ownership.

I have pushed for the State to work in partnership with Lord Altamont. There should be a partnership in that regard. There should not be conflict. There has been conflict over many years between members of Mayo County Council and Lord Altamont regarding the estate, instead of trying to talk to him and assist him.

It is important to keep that estate up and running. The Minister visited a site in the area on a beautiful day. He travelled down the road and turned into the right. Lord Altamont applied to Mayo County Council for planning permission on two or three occasions but because he opposed the location of a treatment plant in the middle of his land right behind his house, he found it difficult to get planning permission. That is wrong. The council should be working with him rather than against him.

This legislation is not all good, but it is not all bad. What happened in regard to Carrickmines was something that could not continue. Somebody had to step in. The courts made a decision and that is the reason we are dealing with this legislation. There was also a case in another part of the country where the protection of a particular snail held up progress on the completion of a road. We cannot allow such delays. We need development, but a proper balance must be struck. A proper balance needs to be introduced to this legislation. There are dedicated, environmentally aware people who want to ensure that whatever heritage can be preserved is preserved, but there is also an element of people who want to object and hold up the construction of roads for the sake of doing so.

We need infrastructural development but if there is an archaeological find, there should be

some procedure in place to deal with it quickly. If it can be saved and the State can play its part in doing so, that should be done. The spokespersons from all parties will go through the Bill in detail on Committee Stage and I hope the necessary amendments are made to ensure the State agencies have the necessary powers in this regard.

I am concerned that in the last 20 years, power has been taken from the Dáil and elected representatives and handed over to officials who are not answerable to anyone. One issue that came up on the doorsteps during the recent elections, particularly in rural areas, was that power was being taken from local authorities and given to non-elected officials who are not answerable to this House or to the people.

This Bill gives power to the Minister for the Environment, Heritage and Local Government to override State agencies that have been established to protect our national heritage. I am not one who wishes to see heritage concerns go before people's concerns. However, I have seen the vandalism carried out on many historic estates and buildings. There are examples of builders knocking historic buildings on a Sunday night to make way for further housing developments. These buildings should have been protected by the State agencies. However, when the State does not do its job, there is no other way to deal with such vandalism. The State will always protect itself, particularly in the courts. The more I see of the performances of courts, the more I am convinced they are not working. One wonders sometimes if the judges actually know what is happening. Judges must have experience of the cases they are dealing with, whether they involve heritage and environmental protection or the family courts.

I dislike emergency legislation. I prefer well-thought out legislation that allows the Opposition an opportunity to fully examine it and put down amendments. However, this Bill will remove powers from certain agencies. Deputy Cullen's full ministerial title is Minister for the Environment, Heritage and Local Government. However, it is hard to see how a portfolio containing both heritage and local government responsibilities can work without conflict. Both portfolios should be separated to allow for one Minister responsible for the environment and local government and another for heritage and avoid any conflict between the two. Though I disliked the former ministerial portfolio for Arts, Heritage, Gaeltacht and the Islands, it was a better arrangement than this one.

This Bill gives too much power to the Minister. Over the years, we have seen those in the building industry gain more powers than elected representatives. There would not be half as many tribunals of inquiry if this was not the case. In a few weeks, that power will be seen again at the Galway races. Builders will be running into tents, fat

with all the money bulging out of their pockets, but emerging thin because the money will be put into the bags of others. Their interests are more important than our national heritage. This Bill should not be rushed through the Dáil. Damn all of our national heritage is left because much of it has been demolished when it should have been protected by the State. What little is left must be protected.

Mr. Connolly: The National Monuments (Amendment) Bill was not introduced out of any concern for national monuments or the environment but more out of an indecent haste to speed up and facilitate the completion of the south-east section of the M50 motorway. The M50 motorway, conceived in the 1970s as a circular route around Dublin, was to serve all national primary routes serving the capital city. However, it was recently described as the only motorway in the world with a cul-de-sac in the middle. While practically completed at each end, it has been held up in the middle at Carrickmines due to archaeological considerations in the area of Carrickmines Castle.

Had the motorway proceeded as planned, unwarranted and major vandalism would have been visited on what remains of the castle and its artefacts. The "Carrickminders" have a case and their concern for this part of our heritage has been vindicated in court on several occasions. In the interests of completing the roads network in the area, it is vital to facilitate the completion of this motorway, while preserving the archaeological remains. The delay in progressing this motorway has lasted for more than ten years. What should have been completed ten years ago has now cost an additional €55 million. Croatia, whose application to join the EU was recently granted candidate status, added no less than 88 miles of motorway to its already vast and comprehensive motorway system this year.

As Deputy Gilmore has pointed out, delays concerning alternative routes for the M50 had major implications for Leopardstown Racecourse. The ten-year delay was also caused by the alterations of the previous Dublin County Council plans, involving a somewhat more modest motorway to Sandyford, and a distributor road to the N11 at Leopardstown. A series of environmental impact statements followed on alternate routes, which also went to a plebiscite of residents. Any self-respecting environmental impact statements should have established the difficulties that would subsequently arise concerning the castle and the extensive site surrounding it. How could such a study not take cognisance of such a site that has been compared in its significance to the Wood Quay site that sparked so much domestic and international controversy in the mid-1970s?

This study was followed by a public inquiry in Dún Laoghaire Town Hall which further contrib-

uted to the enormous expense and delay. However, there were no results to show as it turned out to be an exercise in futility. Most observations and suggestions from the public were not taken seriously as mere lay people were not considered to have a constructive idea or contribution to make about the roads system or the local road infrastructure in their area. However, a well-briefed local group, the southern cross motorway study, made a positive and lasting contribution to the motorway debate. The group, comprising local residents including architects, engineers and other professionals, briefed local representatives in the mid-1970s so successfully that the remainder of the then Dublin County Council was convinced to unanimously defeat the council's roads planners' proposal to bisect Marlay Park with a proposed motorway on a unanimous 18-0 vote.

The nightly traffic reports of motorised chaos in the areas of Ballinteer, Dundrum and Sandyford Industrial Estate all emanate from the failure of successive county councils to anticipate upcoming road blocks. The former Dublin County Council and Dún Laoghaire-Rathdown County Council both failed to notice the archaeological significance of Carrickmines Castle when planning the motorway.

However, this Bill is not just concerned with expediting the completion of the M50 motorway and its provisions are considerably more wide-ranging. The Bill allocates or subdivides powers relating to national monuments among the Ministers for the Environment, Heritage and Local Government, Arts, Sport and Tourism, and Finance, and the Office of Public Works. That the Minister for the Environment, Heritage and Local Government will have vested powers to direct that national monuments may be injured or destroyed borders on the sacrilegious. The excuse given for such potential acts of vandalism is the consideration of the wider public interest. How wide is "wide" and who determines the "width" of the public interest?

The Minister may consider archaeological considerations but will not be restricted to this by the Bill. He will be empowered, just like the Dún Laoghaire environmental impact study and public inquiry process, to ignore such archaeological data and concentrate on what he considers the wider public interest requires. This will permit the Minister to issue orders that all items of archaeological interest or significance that may block a particular development be destroyed. These would undoubtedly be items of enormous significance to our heritage. To destroy them at the stroke of a ministerial pen is bordering on the criminal.

It is abundantly clear from this that all archaeological sites, finds or artefacts are to be subjugated to what the Minister would feel is not in accordance with the wider public interest. In

[Mr. Connolly.]

other words, archaeological or historic sites are considered secondary or subordinated to the provision of motorways, for example. School educational tours are organised to heritage sites around the country because educationalists realise the importance of inculcating respect for our heritage among our youth.

Heritage tourism is another aspect that should not be lost sight of. Numerous organised tours from abroad flock to Ireland each year, attracted by the heritage, culture and history of Ireland. This heritage tourism represents a significant contribution to the national income and is widely publicised among the Irish diaspora and other nationalities. Monuments are central to the tourism industry. People are always interested in the history, culture and heritage of the countries they visit, and Ireland is no exception.

Since this Bill is specifically about national monuments and their impact on a particular motorway, it can be taken that it will be used in respect of future motorway projects. One motorway that has aroused a considerable amount of controversy and public feeling is the proposed M3. I understand that the M3 scheme has been agreed and that it is inviolable. It is difficult to fathom how the scheme could be objectively re-evaluated in this situation. Perhaps if a modicum of flexibility and consultation were undertaken in relation to the M3 there might have been a prospect of some agreement being reached about the line of this motorway. There was no evidence of any will to listen to rational suggestions from conservationists to preserve the archaeological sites and treasures that have been discovered there.

The archaeological finds in this area were recently described as among the world's most significant, even more so than Pharaoh's tombs and the Chinese terracotta warriors. If they are treated under the terms of this Bill it is likely that they will be bulldozed indiscriminately at the behest of the Minister because of the "wider" public interest. The line of the motorway appears to be sacrosanct, to the exclusion of all heritage or archaeological items at the Minister's discretion.

Some of our monuments are wide open to being stolen by avaricious individuals and even companies and groups obsessed with transporting Irish artefacts abroad. We have had examples of this in my constituency of north Monaghan where a mass rock on the Bragan mountain was stolen. A penal cross remains on that mountain and it too is vulnerable and unprotected. It is possible that the thieves may return and take the cross too. Many of these items end up in the private residences of individuals and on occasions in corporate offices as a backdrop to their corporate business. It is time we wised up to the illicit trade in items of Irish archaeological and heritage interest that are disappearing and reappearing in

the homes and offices of wealthy individuals abroad. It is somewhat remiss of the Government and typical of the attitude to national monuments inherent in this Bill that little or no effort is made to prevent illicit trade in items of heritage or archaeological interest or significance.

The Bill provides for consultation by the Minister with the director of the National Museum. This would appear to be another cosmetic exercise because it merely allows the director 14 days to reply to the Minister's so-called attempt at consultation. He has to reply in 14 days, having examined, over a period of little more than a week, the implications of a particular archaeological issue that may have taken years to discover. One can understand the need for urgency and haste in such matters, but 14 days is a ridiculously short period of time in which to adequately evaluate the feasibility or otherwise of a particular heritage item. National monuments are a reflection of our past, the glorious and inglorious, the tragic and the triumphant, and it is important that legislation should be in place to protect and preserve them.

Regarding the progressing of motorway projects to enhance the roads infrastructure, I am fully in favour of providing the highest quality of roads. However, when the progress of such a system conflicts with the preservation of heritage sites or national monuments, every effort should be made to reach an accommodation between the two. It is a case of preservation of our heritage balanced against what is regarded as "progress" in the matters of roads. There should be no question of the Minister having power to destroy national monuments if they conflict with what he deems to be the wider public interest. The wider public interest would appear to be the development of motorways as part of an integrated road infrastructure system. There is no doubt however that archaeological excavations should be carried out, and the ultimate care taken to ensure that our archaeological heritage is not undermined.

The Bill's provisions to permit the completion of the M50 are to be welcomed. However, the other wide-ranging powers to be given to the Minister for the Environment, Heritage and Local Government in the area of heritage should be regarded with the utmost caution. I agree with an earlier speaker who stated that emergency legislation does not make for good law.

Caoimhghín Ó Caoláin: I understand that I am sharing time with Deputy Ferris and Deputy Joe Higgins.

I am totally opposed to this cynical legislation. The cynicism of the Government's approach is glaringly exposed in the print on the Bill itself, dated 11 June 2004, the day of the local and European elections. The Government dared not publish this regressive Bill before the elections because it knew it would become a major issue

and that it would receive an even bigger mauling at the hands of the electorate. The Bill was published on polling day. Shame on the Government for forcing through this profound change in our heritage legislation, with a guillotine in the Dáil tonight and a rushed-through Committee Stage tomorrow.

This Bill was hatched in secret. There was no consultation and no opportunity for proper scrutiny in the Oireachtas and there is no time for an informed public debate outside this House. The Government would like to pretend that the Bill is about Carrickmines, and certainly it is, but as other speakers have pointed out, it uses that experience as an opportunity to give sweeping new powers to the Minister. These powers threaten our national monuments and national heritage, and it is of no comfort to us that the Minister proclaims that it will be exercised with care. It puts powers in the hands of this and future Ministers to allow the destruction of national monuments so that roads can be run through them regardless of the loss to our national heritage. This is retrospective approval for the destruction that has already been carried out at Carrickmines and a recipe for the destruction of national monuments in the future.

I will quote a legal opinion on the Bill, which the Minister should note:

It is difficult to believe that a determination to frustrate legal challenge is not one of the reasons for the remarkable restriction on the Minister's consultation with the Director of the National Museum. "The period of consultation shall be not more than 14 days from the day the consultation process was commenced by the Minister, or such other period as may in any particular case be agreed to between the Minister and the Director of the National Museum of Ireland." This is a euphemistic roundabout way of saying that the Minister can refuse to assent to any extension of the period. This is particularly objectionable in the light of the fact that there is no other dedicated consultation process or requirement of public notification or public consultation.

I would like to hear the Minister's response to this.

We must ask what is the driving force behind this Bill. It is certainly not the protection of heritage or the environment, nor is it good planning. The driving force is the powerful development lobby which has ensured that the Government's transport policy is almost totally concentrated on road construction. Vast swathes of the country, including the constituency I represent, are deprived of public transport, without a railway line or an adequate public bus service. We have had to campaign over many years to improve our non-national and national roads. Because they do not serve the prosperous south and east, develop-

ment of our national routes, the N2 and N3, has been subject to continuous delay, not because of the presence of national monuments heretofore — though the issue arises on the N3 — but because of lack of will on the part of the Government and the prioritisation by the NRA of works in the east and south of the island.

We want integrated transport development, including public transport and the development of the N2 and N3. However, we do not want unbridled development at the expense of our heritage and environment. The route of the N3 through an international heritage site at Tara, Ireland's valley of the kings, is not acceptable and should be redrawn. Yet, the Bill provides the Minister with the means to force through such projects.

I note in passing the sharp differences in attitude between Fine Gael and their proposed partners in any future alternative being presented in a general election. As the Labour Party and the Green Party have shown their clear opposition, Fine Gael has taken a strange position on the Bill.

Mr. Allen: Which one is that?

Caoimhghín Ó Caoláin: It is something that cannot go unnoticed and will present its own problems for them on this and many issues in the future.

The Bill should not proceed. There should not be legislation which confers further dictatorial powers of this nature on this or any other Minister or which would directly affect the future preservation of our heritage sites and national monuments. I roundly reject it.

Mr. Ferris: It is undisputed that the Bill has been brought forward as a result of the impasse at Carrickmines. However, it will have consequences for the heritage of the State that go far beyond the situation at Carrickmines. The Minister for the Environment, Heritage and Local Government is exploiting the Carrickmines situation to introduce legislation which will substantially reduce heritage protection. The legislation is being rushed through the Dáil. The Bill is to be guillotined tonight and it is proceeding to Committee Stage in the morning. There was no prior consultation with interested parties despite the fact that this legislation will fundamentally change heritage protection systems in the State. Justifiably, many ask if the National Roads Authority played a role in the drafting of the legislation. The Minister needs to address this suspicion and must explain his failure to hold consultations regarding the legislation.

Resolution of the conflict between those seeking to protect our heritage and those involved in infrastructure construction can only be assured if there is an inclusive process of consultation involving all interested parties. Understanding

[Mr. Ferris.]

the mistakes made in the case of the proposed Carrickmines interchange will provide a far better solution to preventing such situations recurring than the introduction of this legislation, which seeks to scrap heritage protection and give sweeping powers to a Minister who has a close affinity with the National Roads Authority.

The Minister cares little for heritage protection. After all, he abolished Dúchas and under his watch heritage across the State is under threat. From Tara's green valley to Trim Castle to the round tower in Clondalkin, the Minister has propagated an anti-heritage ethos which puts the profit and interests of developers before all else.

The reported inquiry of the European Commission into the south-eastern motorway shed some light on the Carrickmines debacle. It found a number of shortcomings in the environmental impact study, including a defective, non-technical summary, under estimations or omissions regarding the impact of the development, an insufficient historical study and a lack of schematic maps. The report states:

Given that the EIS made it clear that the site might be larger, it failed to give evidence to judge to what extent that might be the case or to explain or quantify the effects or the consequences were it to prove so. Thus, the reader would not have had a clear view of the significance of the effects.

The report goes on to assess the archaeological input into the environmental assessment process and found a number of errors which had serious consequences, including the fact that the site was not afforded a full historical, topographical study which might have suggested serious historical interest and its uncertain extent. It went on to state that the necessary sources for these studies were readily available. The report raises very pertinent questions regarding why the very large roundabout at the Carrickmines interchange became such an unalterable component of the south-eastern motorway development, even when the archaeological consequences became fully apparent. The report also states that, at one point, consideration of risk to Leopardstown racecourse seemed to have been given more prominence in the consultants' report than the risk to the cultural heritage.

The lesson to be learned from Carrickmines and the European Commission report into the early stages of the development is that giving more leeway to the destruction of national monuments will not address any of the failures which brought about the Carrickmines situation. In fact, this legislation will increase the likelihood that developers will be less thorough in carrying out initial investigations into the possible implications for heritage, safe in the knowledge that, should they encounter a national monument, the Mini-

ster has wide ranging powers to consent to the destruction of monuments. Shamefully, provisions in the Bill allow the Minister to grant consent to carry out works to a national monument which may result in the destruction of part or all of the monument after archaeological work has been carried out.

It has been claimed with some merit that the Bill will legalise badly designed roads. It provides no disincentives to unscrupulous developers who wish to push projects through in a way that suits their own desires to make fast profits regardless of whether they cut through heritage sites. They remain safe in the knowledge that they will ultimately be permitted to destroy national monuments. It is important to note that alternatives to both the Carrickmines interchange and the M3 motorway were put forward by conservationists seeking to preserve these sites. The current legislation will result in a situation where developers will have no motivation to compromise. History and heritage obviously have no worth for those committed to unbridled capitalism and the supremacy of the free market. The Bill devalues our national heritage and, consequently, Sinn Féin will oppose it.

Mr. J. Higgins: The Bill raises the ghost of the Fianna Fáil Taca gang of the 1960s. If we remember, this group laid siege to Georgian heritage in Dublin, wanting to replace it with monstrous concrete and glass structures. They enjoyed the political patronage of Fianna Fáil, which they bought with the lucre gained from heritage destroying speculation. They did enormous damage to the heritage of our national capital.

The modern Fianna Fáil-Progressive Democrats Government try to do things with a bit more subtlety. However, at the end of the day, they serve the same masters — the speculators, the big contractors and the big developers, whose main and, in many cases, only aim is the maximisation of profit rather than the well-being of our community and, in this case, our heritage. The Bill is designed to make sure that no repository of our national heritage, even if thousands of years old, will stand in the way of plans to construct anything from roads to hotels or housing estates — whatever might be the particular project of the developers in question.

The Bill gives the Minister draconian powers. Using the excuse of Carrickmines, the Minister brings this Bill forward as a Trojan horse to give him powers to make possible the destruction, at his whim alone, of national monuments which could in many cases be of great antiquity. Section 4, which replaces the equivalent section in the 1930 Act, puts the functions previously vested in the Commissioners of Public Works in the hands of the Minister for the Environment, Heritage and Local Government. There are no safeguards envisaged in sections 4 and 5. It is entirely a

decision for the Minister for the Environment, Heritage and Local Government.

The Bill makes possible the destruction of any location or object of antiquity, should the Minister decide it is in the public interest. It is clear that the term “in the public interest” is intended to mean the interest of development and building infrastructure in a particular location and within a particular timescale. In other words, it is intended to have a very narrow meaning, facilitating developers and those who may be in the business simply for a quick buck, rather than having the meaning of the wider public interest, namely, preserving our historic heritage and architectural sites of great antiquity. The Bill gives to the Minister for the Environment, Heritage and Local Government totalitarian powers to destroy national heritage sites. The pathetic excuse of consultation with the director of the National Museum, in the pathetic timescale allowed, puts no obligation on the Minister to take advice from this or any other source.

The people of Ireland, in wishing to protect their national historical antiquities, can have no confidence whatsoever in the leadership of the present Government. The lead for the heritage destruction powers vested in the Minister for the Environment, Heritage and Local Government in the Bill comes right from the top. It comes from the Taoiseach and the Cabinet committee on infrastructure. In remarks made more than once, the Taoiseach described in the most insulting terms those who value conservation of our natural environment, our ecosystems and our national heritage. The Taoiseach poured scorn on them on many occasions rather than taking seriously how important these considerations are to the heritage of our society and to the future heritage of our people.

In the past two days, the Minister for the Environment, Heritage and Local Government, in interjections made in the course of the debate, indicated his ignorance of ancient heritage and the value of heritage sites. He referred on a number of occasions to going to Carrickmines and being more than surprised not to find a castle-like structure to greet him. If George W. Bush wandered out to Carrickmines, we can imagine him exclaiming, “Gee, where is the castle?”

Mr. Cullen: It was presented as if there was a castle.

Mr. J. Higgins: He would say, “Should some ghosts not be flitting around?”

Mr. Cullen: Some 4 million people in the country cannot find it.

Mr. J. Higgins: He would also say, “Have not all your Irish castles got ghosts?” This is incredible.

Mr. Cullen: It is incredible to many people that there is no castle.

Mr. J. Higgins: It is incredible coming from a Minister for the Environment, Heritage and Local Government who wants to have entrusted in his hands alone the protection of our entire national heritage, as it conflicts, or might conflict, with the thrust of various forces to build whatever project might be at hand. Given a Taoiseach as crass as the Taoiseach we have, which he has clearly shown in his remarks, and a Minister who thinks every ancient site should have a superstructure on top of it——

Mr. Cullen: I never said any such thing.

Mr. J. Higgins: ——is it any wonder we had the travesty this weekend at Dún Mór near Coomeenole in Corca Dhuibhne, where the Minister for the Environment, Heritage and Local Government did not appear to understand that much of our ancient heritage is covered by cumulative layers of vegetation and earth?

Mr. Cullen: I fully appreciate that.

Mr. J. Higgins: The Minister’s remarks about expecting to find a castle in Carrickmines does not lead me to understand that.

Mr. Cullen: I was reflecting the views of people in this country who are shocked that they are being presented with something that is not factually correct. There is an impression in this country that there is a substantial castle at Carrickmines to be demolished.

Mr. J. Higgins: The Minister is taking the people for right amadáns.

Mr. Cullen: I am not.

Mr. J. Higgins: This has been in the public arena for years, including on radio and in the newspapers, and the issues are well known.

Acting Chairman (Mr. Costello): The Deputy must address his remarks through the Chair.

Mr. J. Higgins: The Minister believes there should be a castle.

Mr. Cullen: I do not. However, €7 million of taxpayers’ money is being spent on the site.

Acting Chairman: The Minister will have an opportunity to reply in a few minutes.

Mr. J. Higgins: The magnificent Céide Fields in Mayo were unveiled from metres of peat and stand as a magnificent achievement for archaeology enshrining a crucial part of our heritage

[Mr. J. Higgins.]

which is thousands of years old. However, when we find these attitudes starting at the very top, at prime ministerial level, it is no wonder we have an individual bringing his bulldozer onto a site at Dún Mór near Coomeenole in Corca Dhuibhne to destroy Bronze Age ramparts dating back to approximately 1000 BC. The Minister might ask, "What Bronze Age site? I only flattened a few earth ditches."

The Minister is determined that any road the National Roads Authority wishes to drive through our national heritage will go through. The ancient history of Tara Na Rí is an inconvenience to the road builders, therefore, there is a threat to dozens of crucial national heritage sites in the Tara area. We are expected to put our entire trust in the Minister to stand between the destruction of these sites and the developers.

Mr. Cullen: I will not allow it to happen.

Mr. J. Higgins: If the Minister is serious, he will institutionalise in legislation proposals and possibilities for dialogue with the archaeological community who are intimately involved in the protection of our national heritage, and put in place mechanisms by which these heritage sites will be protected and around which road routes and developments will be built. However, other considerations often intrude. Why was a roundabout sited at the location of the ancient Carrickmines Castle? It was done to facilitate the future development of lands which were corruptly rezoned. Similarly, there are other interests, above all the maximisation of profit by private individuals, driving the agenda.

I was struck by the short-sightedness of some people, such as one of the Fine Gael speakers, who believe that this legislation will resolve the traffic jams in the vicinity of Carrickmines. I live beside the M50 motorway and for hours every morning, evening and weekends, it is a solid traffic jam. There is plenty of road but nowhere to go. That is due to the dependency on roads as opposed to providing for public transport and for rail transport. The controversy that has developed about the Tara area is ironic given that there is an unused rail line which could extend from Blanchardstown into County Meath.

This is a sinister Bill and it will be a bad day's work if it is passed by the House. The Bill calculatedly cuts out the archaeological community and other genuinely interested parties from effective decision-making in the protection of our national heritage. That is extremely serious.

Tubaiste mhillteanach dár n-oidhreacht náisiúnta a bheidh ann má ligtear don Bhille seo dul tríd an Dáil anocht. Ní Bille na séadchomharthaí atá i gceist ach milleadh na séadchomharthaí mar tugann an Bille cumhacht thar chuimse don Aire Comhshaol, Oidhreacht and Gnóthaí Áitiúil

scrios a dhéanamh ar láithreacha oidhreacht náisiúnta más rud é go seasann siad idir lucht tógála agus forbartha agus a gcuid tograí. Tógann an Bille seo sinn sa Stáit seo siar go dtí laethanta na heagraíochta Taca sna seascadaí nuair a bhí na buic móra lucht tacaíochta Fhianna Fáil agus na buic móra tógála san tionscail tógála a scrios ár n-oidhreacht náisiúnta arís is arís eile. I mBaile Átha Cliath sna seascadaí scriosadar oidhreacht náisiúnta ré Sheoirseach, mar shampla, chun bloccanna móra oifigí a chur ina áit agus, ar ndóigh, proiféad mór a dhéanamh. Cad a rinne Fianna Fáil ag an bpointe úd? Thug an páirtí isteach an Bille chun Iontráil agus Áitiú le Forneart a Thoirmeasc 1970, a dhéanadh Acht dó i 1971, chun an lámh láidir a chur ar na daoine le radharc agus le fíis a bhí ag iarraidh ár n-oidhreacht poiblí a chaomhnú. Tá an rud céanna ar siúl againn anseo anocht arís. Tá an Bille atá á phlé ag iarraidh scrios a dhéanamh ar iarrachtaí na ndaoine úd i láthair na huaire go dteastaíonn uathu ár n-oidhreacht a chaomhnú.

It is an incredible parallel that we have this National Monuments Bill 2004 with, in a grotesque way, the Prohibition of Forcible Entry and Occupation Act 1971, which was introduced by a Fianna Fáil Government to repress those far-seeing and visionary people who understood in the late 1960s the importance of preserving our national heritage in the case of Georgian Dublin. The mohaired men and Fianna Fáil supporters in the Taca and related organisations wanted to lay waste to Georgian Dublin and replace it with piles of concrete and glass to bolster their profits. The response of the then Fianna Fáil Government was to introduce repressive legislation to stop the citizens who were protecting our national heritage. We owe those people a huge debt of gratitude that they stood up and fought because, despite losing some important heritage, they made our society aware of the need to protect a great deal more.

This Minister is dictated to by a Taoiseach who speaks scornfully about people who wish to protect various ecosystems and various forms of life——

Mr. Cullen: He does not.

Mr. J. Higgins: He does. The Minister should read his remarks——

Mr. Cullen: They are taken out of context.

Mr. J. Higgins: ——instead of following an approach in which the national interest is in the protection of our heritage while allowing the development of infrastructure and other projects alongside it.

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Ireland has a

rich heritage which is certain to be affected by the unprecedented development activity that is taking place at present. We cannot always avoid such impacts so we must devise policies and strategies to deal with this issue. Mechanisms are in place to achieve these aims, including an administrative and professional structure.

Development and conservation can happily co-exist as long as there is a common understanding of basic guiding principles. Early planning is an essential element in striking the right balance and this Bill is consistent with such principles. In issuing the consent in 2003, which was subsequently found to be invalid, a clear signal was given at that stage that the Government wants the M50 completed as soon as possible. There are significant public interest factors relating to safety and the economy that influenced that decision as well as the fact that extensive archaeological work has already taken place in Carrickmines. Just under €7 million is being spent in Carrickmines and more than 130 archaeologists are employed there.

The Bill addresses the technical glitch identified by the High Court that prevented the M50 from being completed. In addition, the legislation must provide a proper framework for balancing heritage protection with development of other projects. The Bill restates many of the consent provisions of the 1930 Act. It provides a clear, single-tier consent process which overcomes existing arrangements that were described by the Chief Justice in the Supreme Court hearing as "torturous". The Bill also provides clear criteria to be considered in assessing an application for consent consistent with best regulatory practice. It simplifies the approvals process by removing the need for separate excavation and other licences where a consent is granted and allows for newly discovered national monuments not anticipated at EIS stage to be dealt with. Others who do not support the Bill do not want a process in place to deal with them. Importantly, Carrickmines and other affected national monuments on the SEM will be specifically exempted from the need for consent.

I thank the Deputies who contributed to the debate. While there are many issues which divide us, potential consensus emerged. There was general agreement that the M50 must be completed without further delay. We are also united in our belief that heritage is fundamentally important even if there are disagreements on how its protection should be enshrined in law. I reassure those Deputies who have fears about this legislation. Deputy Morgan considered the Bill anti-heritage, but the opposite is the case. It does not permit damage to archaeology, even after the necessary approvals have been received in the planning process, without ministerial approval. The penalties for damaging a national monument have been dramatically increased. Deputies Cowley and Gilmore believe the Bill gives me an unfettered

power and Deputy Haughey sought assurance that I am not taking extra powers under the Bill. The existing legislation already provides for these powers. It was found to be inoperable because of a consent and a technical glitch.

The Bill changes the *status quo* through its introduction under section 14 of the requirement for consultation with the director of the National Museum. This requirement did not exist before. Although I am introducing a consent process, I am being accused of doing the opposite. I can clearly show that these powers did not exist in the Acts at all.

Mr. J. Higgins: The Minister can tell the director to go and whistle if he wants to.

Mr. Cullen: Contributions from Deputies Durkan, Sargent and Morgan mentioned the need for better analysis in identifying monuments in advance to avoid problems in the future. I agree, but I must emphasise that Ireland is to the fore in Europe in site identification. The Archaeological Survey of Ireland has received tremendous praise abroad. The results of surveys have caused 120,000 sites to be given statutory protection. There is no other country in Europe that approaches our level of heritage protection.

The code of practice with the NRA has set up much improved advance systems and testing of routes for archaeology purposes. The fact remains, however, that we are undertaking the biggest investment in infrastructure in the history of the State and new sites are bound to be discovered, given that much material of archaeological interest is underground and unknown.

I have great sympathy with the concerns of Deputy Olivia Mitchell as raised in her thoughtful contribution and appreciate her recognition that a single-section Bill dealing with Carrickmines alone would not be sufficient to deal with future cases.

Mr. Gilmore: That is the whole point.

Mr. Cullen: I appreciate her suggestion that the process of consent should have a time limit but I must balance that with the need to give sufficient time for complex cases which affect what is a non-renewable heritage resource. I agree with the Deputy that there is a need to put in place a mechanism to define national monuments. There is a need to update and consolidate all the National Monuments Acts by creating one new Act. There will be further opportunities to consider the whole code at that stage, including a scheme for designating monuments of national importance. These are complex issues and for these reasons it would not have been possible to address them comprehensively in the context of this current Bill. In the meantime, the Department will continue to play its pivotal role in the

[Mr. Cullen.]

protection of archaeological heritage through the many functions it performs and the various initiatives with which it is involved.

Deputy Allen was the first to raise the issue of the promontory fort in north County Kerry.

Mr. J. Higgins: It is in west Kerry — Corca Dhuibhne.

Mr. Morgan: The Minister does not mind about a few miles either way when it is a national monument.

Mr. Cullen: My notes say it is in north County Kerry. I may be wrong. If it is in west Kerry, that is fine.

Mr. Gilmore: There is a big difference.

Mr. Morgan: It is only a national monument.

Mr. Cullen: The fort is of national significance and is one of 120,000 sites in the Record of Monuments and Places. The Department has been in discussion with the land owner since August 2002, when other disturbances to the site were brought to our attention. The extent and significance of this site were explained in detail to him during a visit to the site in 2003 and in various correspondence. Attempts were being made to agree a plan with him to ensure he would be able to farm his land in a manner consistent with the protection of the monument. He appeared to be willing to co-operate in operating a plan which would protect the monument. In these circumstances, a preservation order was not put on the site.

In light of the recent reports of damage, an official inspection of the fort was carried out on 21 June. It has been confirmed that a section of double-earth bank with intervening ditch measuring approximately 82 m. in length has been levelled in the recent past. This double entrenchment formed part of the eastern boundary of the promontory fort which ran north-south on the landward side of the headland. These earthworks may belong to the later prehistoric period or, at the very latest, to the early mediaeval period, between the sixth and eleventh centuries, when many of the promontory forts in the country were in use. In addition, damage to other sections of the earthworks had been caused and a number of later field boundaries were also removed. The old stone, contrary to media reports, has not been disturbed.

The Department has asked the Garda to investigate the matter and pursue a prosecution under the National Monuments Acts. The only breach would be for lack of notification of works affecting the monument. Although the owner might claim that his discussions with the Department

represent a form of notification, this would not apply to all the activity on the site. There are no penalties in the present Act for damage caused to a recorded monument. The consolidated legislation will address this. In addition, a submission has been made to have a preservation order placed on the remaining monument.

Mr. Allen: When will we see that legislation?

Mr. Cullen: If I receive it tomorrow I will sign it tomorrow.

Mr. J. Higgins: Is the Minister referring only to that particular site?

Mr. Cullen: I am responding specifically to the points made about this issue by Deputy Allen and Deputy Higgins himself.

Mr. J. Higgins: What is to stop anyone else from moving in and damaging a monument in a similar fashion before the new legislation is brought in if there are no penalties?

Mr. Cullen: Under this Bill I have raised penalties substantially, from €50,000 to €10 million. The present legislation is weak — I accept that. That is why we are trying to resolve this issue by bringing in a fully consolidated Bill. I agree with many Members about the need for a system to define national monuments, although it will be difficult. We will have to make a serious attempt at this but it is not always possible to define things satisfactorily even with the best available technology. That is what this extra legislation seeks to do. During the building of the N25 in Waterford I saw the technology that was used to try to establish what was there. It was not until the archaeologists went on site and began to dig that they could achieve this. The more they got into the site, the more they found.

I will not allow to stand on the record of the House some notion that I am a vandal. It was ironic that Deputy Higgins referred to the Céide Fields. I had direct responsibility in that project and accepted the medals and honours on behalf of the OPW when it was completed. The projects in which I have been involved are worthwhile and I am glad to hear Deputy Higgins pronounce upon that tonight. My track record over the five years before I was given my current appointment stands up to scrutiny by anyone.

Mr. Allen: The Minister is a mighty man.

Mr. Cullen: Senior counsel opinion on various aspects of the debate was read into the record. This was not a specific legal opinion but rhetoric. I deal with the office of the Attorney General on behalf of the Government. The office has studied this legislation in great detail. In fact, it was extra-

ordinarily complex legislation and that it why it took some time to come to the House.

Mr. Gilmore: Is that why the Minister did not tell the other Departments about it?

Mr. Cullen: Deputy Gilmore mentioned the publication of the Bill. I have no doubt that if I had published it two days before the local elections I would have been accused of something else.

Mr. Gilmore: The Minister did not tell his sister Departments about it.

Mr. Cullen: We must bring some balance and fairness to the process.

Deputy Burton accepts the need for the Bill to deal with the situation in Carrickmines but is deeply worried about wider powers resulting from the Bill. There are no wider powers. I am at pains to explain this to the House.

One aspect of the existing legislation with which I have difficulty is the archaic language used. The 1930 Act contains the words “to demolish or remove wholly or in part or to disfigure, deface, alter, or in any manner injure or interfere with any such national monument”. This is what is already in our Acts; it is not something I have brought in.

One of the reasons we need to redefine and consolidate the Acts is that archaeology, in terms of the existing Acts, was defined as a find occurring in certain circumstances. However, archaeology in this country is now development-led and we need a statutory framework to deal with that. We need to introduce consultative processes. Some of the comments made during this debate have been grossly unfair to all the archaeologists involved with the Department of the Environment and other Departments.

Mr. Gilmore: Nobody said anything about them. I have the height of respect for them.

Mr. Cullen: The Deputy represented this as an act of vandalism the other day. This is in the existing Acts. I have not added anything new to this Bill.

Mr. Gormley: What about the Minister’s track record?

Mr. Cullen: The new role I have created in this Bill was to include the National Museum when there was no obligation to discuss this with the National Museum.

Mr. J. Higgins: The Minister has given himself the exclusive right to destroy.

Acting Chairman: Let the Minister speak without interruption.

Mr. Gormley: When is the Minister going to fix Leinster Lawn?

Mr. Cullen: Leinster House 2000 was a very difficult project to put in place in one of the most historic precincts in the country. I put enormous effort into that. I have not heard anybody describing it as an act of vandalism.

Mr. Gormley: The Minister told us he would reinstate the lawn and the car park is still there.

Mr. Cullen: It is there while the other project is on the blocks. I am no longer responsible. The Minister of State who is sitting beside me has that responsibility at the moment.

Mr. Gormley: There are two Ministers. They should fix it now.

Mr. J. Higgins: He will have a multi-storey car park on it.

Mr. Cullen: The Deputies opposite are not interested in heritage, archaeology or anything else. They are clearly interested in playing a game, in looking in 40 different directions at the same time, and do not want to get involved in the substance of these discussions which are clearly about protecting archaeology. Apart from Carrickmines there are major projects under way where there is no mechanism, because of the Supreme Court and High Court rulings, for anybody to step in to shout “Stop” and protect the archaeology.

Mr. Morgan: The Minister will not anyway.

Mr. Cullen: This Bill seeks to do that. I am glad it is being done. I am glad of the wide consultation I have had in putting this together. I am equally glad to be funding and seeking the advice of the Heritage Council, a serious body which is directly involved in archaeology. I am also pleased to be the first Minister responsible for heritage to strengthen the role of the director of the National Museum who had no role under existing legislation. It will be a valuable contribution to the process that the Minister will, for the first time, have an obligation to consult the director of the National Museum. That is what is new in the legislation, not what has been represented by other Members around the House.

Mr. Gormley: What if he does not agree with the Minister?

Mr. Cullen: An Bord Pleanála is independent in its functions. That has been questioned by everybody in the House tonight. It uses its own expertise and has independent advice.

Mr. Gormley: We saw what happened in Ringaskiddy. Government policy dictates.

Mr. Cullen: It does not. If the Deputy travelled around the country he would not hear that view expressed. This is a rapidly developing economy.

I doubt if any of us could walk out of Leinster House to any part of this country and not to set foot on some area that is archaeologically important. I want to protect that and to find a way of dealing with it. I want to give it a legal basis and to find methodologies of mitigating the impact on the archaeology. That is what we are engaged in.

Aengus Ó Snodaigh: The Minister will destroy it.

Mr. Cullen: The Deputy is the real expert on destroying things in this country, not me.

Aengus Ó Snodaigh: I thought the Minister would have learned from the hammering I gave him earlier.

Mr. Cullen: We will not go there. We went there earlier.

Mr. Morgan: The Minister will not even allow the director of the National Museum adequate time.

Mr. Cullen: Deputy Morgan probably would not know where the National Museum is.

(Interruptions).

Mr. Cullen: I am glad we have exposed many in the House as not having any particular interest in archaeology. I am proud to be part of a Government and particularly part of a party, Fianna Fáil, that has a tremendous track record in protecting and putting archaeology to the fore.

Aengus Ó Snodaigh: The Minister is destroying our heritage.

Mr. Cullen: As long as this Government remains in power it will continue to ensure to the best of its ability on behalf of the people that the country's archaeology and heritage are protected.

Question put.

The Dáil divided: Tá, 56; Níl, 40.

Tá

Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Brady, Johnny.
Brady, Martin.
Brennan, Seamus.
Browne, John.
Callanan, Joe.
Carey, Pat.
Carty, John.
Cassidy, Donie.
Coughlan, Mary.
Cregan, John.
Cullen, Martin.
Curran, John.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Fleming, Seán.
Glennon, Jim.
Grealish, Noel.
Hanafin, Mary.
Haughey, Seán.
Hoctor, Máire.
Jacob, Joe.
Keaveney, Cecilia.
Kelleher, Billy.

Kelly, Peter.
Killeen, Tony.
Lenihan, Brian.
McEllistrim, Thomas.
Martin, Micheál.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M. J.
Ó Cuív, Éamon.
Ó Fearghaíl, Seán.
O'Connor, Charlie.
O'Dea, Willie.
O'Donnell, Liz.
O'Donovan, Denis.
O'Keeffe, Batt.
O'Malley, Fiona.
O'Malley, Tim.
Parlon, Tom.
Power, Peter.
Power, Seán.
Roche, Dick.
Smith, Brendan.
Smith, Michael.
Treacy, Noel.
Wallace, Dan.
Wilkinson, Ollie.

Níl

Allen, Bernard.
Breen, Pat.
Broughan, Thomas P.
Bruton, Richard.
Connaughton, Paul.
Connolly, Paudge.
Costello, Joe.

Cowley, Jerry.
Crawford, Seymour.
Cuffe, Ciarán.
Enright, Olwyn.
Ferris, Martin.
Gilmore, Eamon.
Gormley, John.

Níl—*continued*

Higgins, Joe.
Kehoe, Paul.
Kenny, Enda.
Lynch, Kathleen.
McGinley, Dinny.
McHugh, Paddy.
McManus, Liz.
Morgan, Arthur.
Moynihan-Cronin, Breeda.
Murphy, Gerard.
Naughten, Denis.
Neville, Dan.
Ó Caoláin, Caoimhghín.

Ó Snodaigh, Aengus.
O'Keeffe, Jim.
O'Shea, Brian.
O'Sullivan, Jan.
Pattison, Seamus.
Ring, Michael.
Ryan, Eamon.
Ryan, Seán.
Sargent, Trevor.
Stagg, Emmet.
Stanton, David.
Upton, Mary.
Wall, Jack.

Tellers: Tá, Deputies Hanafin and Kelleher; Níl, Deputies Kehoe and Stagg

Question declared carried.

Message from Select Committee.

An Ceann Comhairle: The Select Committee on Justice, Equality, Defence and Women's Rights has completed its consideration of the Equality Bill 2004 and has made amendments thereto.

Adjournment Debate.

School Staffing.

Mr. Connolly: I thank the House for the opportunity to raise on the Adjournment the necessity for temporary teacher cover in instances where brief drops in pupil enrolment adversely affect educational standards.

I recently received representations regarding a two-teacher school at Knocknagrave, Tydavnet, County Monaghan. A school inspection to determine the number of pupils enrolled at the school was carried out on 30 September 2003. The number of pupils enrolled on that date determined the number of teachers allocated to the school the following September. However, the number of pupils enrolled at Knocknagrave national school at that time dropped below the two-teacher requirement for a period of eight school days. In mid-October 2003, 13 pupils were enrolled at the school, well in excess of that required for the allocation of two teachers the following September. The school principal has indicated that the number of pupils who attending the school in September 2004 would be 18, an indication of the growing number of pupils enrolling at the school.

A number of houses have recently been built in the area and planning permission is currently being sought for five more houses, an indication of a healthy future for that rural community. The board of management appealed the decision to remove one of its two teachers next September

and had great faith in the process because they felt they had a good case. However, they were bitterly disappointed to discover the appeals board was sticking rigidly to the number of pupils enrolled on the particular day in 2003 when the number dipped below that required.

Many letters ensued between the Minister, the Department of Education and Science appeals board and the Taoiseach, all of whom stonewalled the school's case. I am requesting that temporary cover be provided in cases such as that which arose at this school. The system should not be so rigid as to reject such appeals. The Department should consider that an additional 18 pupils are now enrolled at the school, bringing the number to that required for a second teacher. If a second permanent teacher cannot be allocated to the school the Department should provide a temporary or substitute teacher for the 12 months involved. Such a post could also provide a student studying for a higher diploma in education with necessary teaching experience. The teaching methods of such teachers are inspected three times a year. That would be a way of dealing with this issue. Removal of a teacher from the school will have devastating consequences.

On top of having to teach eight classes, the principal of the school is required to prepare children for first communion, confirmation and entrance examinations to secondary schools. She has to take care of sick children and may have to take injured children to hospital. She also has to do administrative work, meet parents, organise school trips, encourage sport and attend to the remedial needs of students in the school. It is impossible to expect any teacher to perform all these tasks. The Department of Education and Science is in such cases paying principals to be glorified babysitters, and that is not acceptable. I am sure I have outlined only some of the principal's functions.

Some €175,000 was recently spent on Knocknagrave national school. Other national schools complain that there are too many children in their classrooms and that they have to teach in portak-

[Mr. Connolly.]

abins. Knocknagrave has a lot going for it. There will not be a single national school between Tyn-davnet and Clogher, an area of 14 miles, if the current trend continues. I strongly urge the Minister to take on board my suggestion.

Minister for Social and Family Affairs (Mary Coughlan): Ba mhaith liom mo leithscéal pearsanta a ghabháil don Teachta nach bhfuil an t-Aire féin anseo. Ba mhaith liom mo bhuíochas a ghabháil don Teachta as ucht an ócáid a thabhairt dom cur in iúl don Teach mar gheall ar chúrsaí ins an Roinn. Rith sé liom nuair a bhí mé ag éisteacht leis an Teachtago bhfuil a fhios agam faoin scoil a raibh sé ag caint faoi dtaobh de. Bhí mé féin ag caint leis an phríomh oide agus chuir sé in iúl dom na deacrachtaí, pearsanta agus eile, atá aige.

I am aware of the school to which the Deputy refers. I have had occasion to speak with the príomhoide of the school who drew this matter to my attention and, I am sure, to the attention of all elected representatives in the constituency of Cavan-Monaghan.

The mainstream staffing of a primary school is determined by reference to the enrolment of the school on 30 September of the previous year. The number of mainstream posts is determined by reference to a staffing schedule which is finalised for a particular school year following discussions with the education partners. The staffing schedule is set out in a circular which issues from the Department of Education and Science to all primary school boards of management. Accordingly, all boards are aware of the staffing position for their school in any school year.

The staffing schedule for the coming school year, 2004-05, is outlined in the Department's circular 03/04, which issued to all primary schools in April 2004 and is also available on the Department's website. The allocation of additional teaching posts in recent years for children with special needs and improvements in the staffing schedule together with a decline in enrolments has helped to ensure that the overall pupil-teacher ratio in primary schools has improved substantially.

An independent appeals board on mainstream staffing allocations was established in August 2002 and commenced operation at the beginning of the 2002-03 school year. The purpose of the board is to allow for the independent consideration of appeals under certain criteria against the mainstream staffing schedule as issued to schools. The appeals board allows for equitable and transparent treatment of all primary schools and its decision is final. It is not open to the Minister for Education and Science or his Department to interfere in this process. Details of the criteria and application date for appeal were issued to all schools.

The staffing schedule is designed to cater for increases and decreases in enrolment. There is no provision for temporary teachers to be allocated in instances where brief drops in pupil enrolment occur. On the basis of the question asked, the reply does not refer to the school mentioned by the Deputy. I appreciate that additional children attended the school after 30 September, but unfortunately the permeation would not be such that it would be part of the emergency schedule. I have listened to what the Deputy had to say and will inform my colleague, the Minister for Education and Science, of the difficulties being experienced by the two-teacher school in north Monaghan. Perhaps this matter can be pressed further outside the realms of the floor of the House.

Schools Building Projects.

Mr. Naughten: I thank the House for the opportunity to raise this matter on the Adjournment this evening. Cornafulla national school currently has 261 pupils and by September 2005 will cater for more than 300 pupils. The school was built in 1983 as a five teacher school. The existing structure can cater for approximately 150 children.

In September 2004, the school will have to cater for 270 pupils and 14 teachers. It is the fastest growing school in County Roscommon, if not the fastest growing school in the west. Currently, 103 junior pupils, baby and senior infants, are being catered for in the old school constructed in 1843 and renovated in 2001. The building is serviced by two toilets which cater for the needs of these 103 pupils. The situation is totally unsuitable. The school is Dickensian and brings a new meaning to the book *Hard Times*.

I ask the Minister to address immediately a situation where 103 pupils are provided with two toilets in a totally unsuitable school built in 1843. The old school has a stairway which is completely inadequate compared with today's standards. Not only is the 161 year old school building inadequate to meet today's standards, there is also severe overcrowding in the building constructed in 1983. At present, that building accommodates 158 children which is in excess of its construction specification. The building also accommodates two resource teachers, a learning support teacher and a secretary. The general purpose room has been divided into three and converted into an area for the resource teachers, a classroom and a staff room. It is expected that the numbers attending the school will continue to increase given the huge building developments in the local area.

Having seen the facilities and the overcrowding in the school first hand, I believe that the school urgently needs departmental approval for the construction of five additional classrooms, a gen-

eral purpose room, a staff room and an administration block. As the Minister can see from the list, there is significant under-resourcing of accommodation in the building at present and an urgent need for further resources to be put in place. Unless the funding from the Department is forthcoming, the school will have to turn away pupils. In light of the fact that this year's enrolment is almost exclusively comprised of pupils with older siblings in the school, the Department's inaction could see families being split up owing to the lack of adequate accommodation. The situation is urgent. The school roll has dramatically increased over the last few years. The facilities are inadequate to meet current numbers which will increase over the coming years.

I plead with the Minister, because of his own connections with south Roscommon and the strong loyalty of the Cornafulla area to his late father, to take a personal interest in the issue and ensure that the resources are put in place and sanction is provided by the Department of Education and Science to ensure that the construction goes ahead. It is not good enough that 103 junior pupils should be provided with two toilets in a school built 161 years ago. Surely no one thinks that is an acceptable situation and that pupils should be left like that in this day and age. I ask the Minister to ensure that sanction is provided by the Department and that the construction takes place.

Minister of State at the Department of Education and Science (Mr. B. Lenihan): I am replying on behalf of the Minister for Education and Science, Deputy Noel Dempsey, and will draw the matter to the Minister's attention. I thank the Deputy for giving me the opportunity to outline to the House the Department of Education and Science's proposals for the proposed refurbishment and extension project at Cornafulla national school, County Roscommon.

The Department received an application from the board of management of the school in May 2000 requesting the provision of additional accommodation. The Cornafulla national school building project is listed in section 8 of the 2004 school building programme which is published on the Department's website. A full design team has been appointed and architectural design of the project is progressing. The project is currently at stages 1, 2 and 3, detailed plans and costs, and has been assigned a band 2 rating by the Department of Education and Science in accordance with the published criteria for prioritising large-scale projects. I am pleased to inform the Deputy that it is planned to progress the project to advanced architectural planning during this year.

Indicative timescales have been included for large-scale projects proceeding to tender in 2004. The budget announcement regarding multi-

annual capital envelopes will enable me to adopt a multi-annual framework for the school building programme, which in turn will give greater clarity regarding projects that are not progressing to tender in this year's programme, including Cornafulla national school. The Department will make a further announcement in that regard during the year.

I thank the Deputy once again for raising the matter in the House.

University Entry Criteria.

Ms F. O'Malley: I too am grateful to the Ceann Comhairle for allowing me to raise this issue on the Adjournment. I was prompted to seek a debate largely because I was not satisfied by the response that I had received to a question that I had tabled on the issue. I was contacted by more than one constituent who is or has a child currently studying for the leaving certificate and is keen to study medicine. The Department of Education and Science has said that this may be the last year that someone can gain direct access to study medicine. I understand from the response that the Minister is to receive and decide on the recommendations of the working group on undergraduate medical education and training later in the year.

The dilemma in which I find myself is that if someone who is currently sitting the leaving certificate fails to gain enough points to study medicine, the question arises which subject he or she should study to facilitate entry to study medicine in three years. In responding to my question, the Minister stated that the report had recommended that students should undertake an undergraduate programme of their choice in any area before taking a decision to enter medicine or one of the other health sciences. That leaves it wide open and the effect will be that, in three years, when graduates from any field will be seeking entry to medical training, there will be an even greater bottleneck than is currently the case. I understand that the rationale behind the introduction of the graduate level is to ease the current pressure on the points system. However, this will have a completely contrary, or at least prolonging, effect.

The first requirement that will present itself when the Minister is dealing with the CAO is addressing the potentially significant number of graduates who may seek entry to study medicine at graduate level. The primary degree will be in health sciences. Some kind of flushing out will have to occur which is in direct conflict with the information the Minister has provided in response to my question. That is the difficulty that my constituents and I have. The Minister must make a firm decision on this before 1 July so that students can make decisions on their CAO form, since that is the date by which final "change of mind" slips must be submitted.

[Ms F. O'Malley.]

That was the issue that prompted my investigation into the matter. However, on looking into it, I discovered that there are a few other reasons to be somewhat concerned. Moving the entry level to graduates simply moves the pressure from second level to third level. The real answer to easing the points pressure is to provide more places for medical training. To that end, the Oireachtas Joint Committee on Health and Children, of which I am a member, is currently conducting research and the report is imminent.

Under the new changes proposed, and given that so many people may present themselves at graduate level, a method of filtering or selecting entrants will have to be devised. How will that selection be conducted and will it be fair? Are we sure it will be an improvement on the current CAO system? The proposal would also extend the length of time to qualify for medicine from the current six years to a primary degree of three years followed by a five-year degree. That would obviously increase costs. Students would not qualify for free education for the second degree and it would take many more years of study, meaning that the costs would rise to the disadvantage of people from poorer backgrounds who might be precluded from studying medicine. That is currently the case on cost grounds alone.

Furthermore, if these proposals are to be adopted, will the health service be starved of medical graduates as the system establishes itself? The health services can ill-afford such a blip. It is significant that the deans of the five medical schools have said that they are opposed to exclusively graduate-based entry. I am sure that the Minister will take cognisance of that. However, before changing the entry system, we must be sure of what the benefits are and I am not at all convinced that the case for change has been made.

Mr. B. Lenihan: I thank the Deputy for raising this matter as it provides the Minister for Education and Science with an opportunity to outline the position to the House.

In September 2003, the Minister for Education and Science, Deputy Dempsey, together with his colleague, the Minister for Health and Children, Deputy Martin, announced details of the membership and terms of reference for a working group on undergraduate medical education and training which has been jointly established to make recommendations on the organisation and delivery of high quality training for doctors in Ireland. The working group was asked to look at the recommendations of a report prepared by the Higher Education Authority, which was commissioned on foot of a commitment in An Agreed Programme for Government, to address the issue of the distorting impact of these high points courses on the points system.

The report recommended a move away from undergraduate entry to medicine and the other health science disciplines including physiotherapy, occupational therapy, speech and language therapy, dentistry, veterinary medicine, pharmacy and radiography to a system of broad based graduate entry. This is preferred to the introduction of a common sciences programme, which would simply become the new high points course.

Such an approach would yield a number of benefits including the elimination of the high points associated with the existing entry to these programmes. It would enable second level students to select undergraduate courses in line with their preferences and aptitudes, enhancing their educational experience at both senior cycle and undergraduate levels. It would also ensure that individuals' decisions to enter these professions are made at a more mature age and for the "right" reasons — not simply because they are high points achievers — thus improving attrition rates in the professions and encouraging more "rounded" entrants with broader skilled backgrounds. However, it is clear that such a change will have an impact, which is the reason the Minister for Education and Science has sought the advice of experts in this area.

The terms of reference for the working group include an examination on the organisation and delivery of undergraduate medical education and training in Ireland, with particular reference to the course curriculum and syllabus; teaching methods and delivery mechanisms; making undergraduate medical teaching professional; the scope for the promotion of greater interdisciplinary working between professionals through the development of joint programmes at the initial stages of undergraduate training — signalled in the health strategy, under action 104; and such other issues relating to the organisation and delivery of undergraduate medical education and training as the working group considers relevant. These other issues would include any resource implications, in so far as they arise.

The working group's recommendations, in so far as is possible, will be framed within the context of existing resources. Where this is not feasible, the various means other than Exchequer provision by which the resource implications might be funded shall be identified. The Minister for Education and Science expects to receive the recommendations of the working group later this year.

He is particularly conscious of the uncertainty for students referred to by the Deputy, in moving the Adjournment this evening, and is anxious that this be resolved as quickly as possible. It is not anticipated that students considering the CAO "Change of Mind" choices before the first day of July will be excluded from future potential entry to medicine on the basis of their choice at this time.

I thank the Deputy for raising the matter in this House.

Decentralisation Programme.

Mr. Costello: Last December the Minister for Finance announced his decision to move 200 staff to Mitchelstown from the head office of Bus Éireann. That announcement shows the nonsense of the decentralisation process. There are not 200 staff in the head office in Dublin. There are 80.

Some 85% of Bus Éireann staff are already relocated outside Dublin. What a nonsensical proposal as regards decentralisation this is since the Government does not seem to know how many staff are working in head office. It had almost three times the number actually there and given that 85% of the staff were already located outside Dublin, there was surely no need for further decentralisation.

I see from a newspaper article dated the end of May that the decentralisation group is continuing on the same basis, as though the 200 staff were in Dublin. The phantom staff will be decentralised down the country somewhere. The 80 staff working in Broadstone did a survey on decentralisation. It showed that 96% of them did not want to move to Mitchelstown, which is the proposed location, and 92% did not want to move anywhere, but wanted to stay in Dublin. Furthermore, 85% described the move as a "political stunt". I must say "Amen" to that.

I have received a number of letters from constituents on this matter, all of whom are totally opposed to the proposal to move. I will just quote one or two of the good points that have been made:

One is that Bus Éireann is "totally unique" in the decentralisation process: "We are a commercial company and our staff are not civil servants." This is an interesting aspect, as the Minister of Finance spoke purely of civil servants in his budget speech. Another says: "No commercial or business case has been made for the relocation of our head office. We were told that this process was voluntary, yet, as we have not been told what our options are if we decide not to relocate, we feel like there is no choice". Finally, Bus Éireann's own implementation plan says: "The most serious risk created by decentralising the head office of Bus Éireann from Dublin to Mitchelstown is the continuity of the business. This risk would be very low if the majority of management and staff volunteered to transfer, but the opposite will be the case." So decentralisation is a threat to the future of the company.

These remarks were made by one member who certainly is disgruntled with the proposal. The head office is based in my constituency, so I am well aware of that disgruntlement being multiplied hundreds of times. There is a strong human element to all of this. Families have to be

uprooted. In the modern Ireland both spouses are generally working and it is extremely difficult for the other spouse who is not moving to Mitchelstown to uproot from his or her job and not suffer the loss of serious income. There is the search for another job to be considered, promotional prospects, career options etc. As regards other family members, children have to be uprooted and must relocate to other schools where there may or may not be sufficient place in the immediate facility. These are matters of considerable concern, especially in an area where already there has been massive staff decentralisation and where the number employed in head office is low — 80 members. I am asking the Minister of State if the decision might be reviewed in the light of what I have said, with a view to allowing the staff to remain in Dublin and retain that core head office element that is necessary to ensure the continuation of a successful venture.

Mr. B. Lenihan: I am replying on behalf of the Minister for Transport, Deputy Brennan. He wants to make the point that the decision to include the decentralisation of Bus Éireann staff is consistent with the overall approach to decentralisation both in this programme and in previous initiatives. The company has prepared an initial implementation plan as regards the headquarters staff and will be developing this as further information becomes available.

The proposal has to be seen in the context of the wider plan to decentralise more than 10,000 civil and public service jobs to locations outside of Dublin. As his colleague the Minister for Finance announced in the budget speech in December last, the decision to undertake this initiative was taken for a variety of reasons, including the Government's desire to spread the fruits of growth on a regionally progressive basis.

The transport sector is contributing to this initiative and in total about 460 posts will be moved from Dublin to a number of locations including Loughrea, Shannon and Ballinasloe in addition to Mitchelstown. By their nature many of the transport operations involved extend across the country. Bus Éireann is not an exception in this regard. In the case of the Department of Transport there are already 60 staff based in Ballina, with a further 65 driver testers and supervisors who operate from more than 50 locations throughout the country. The Irish Aviation Authority and the National Roads Authority have a significant presence outside of Dublin and both of these bodies are due to have their headquarters relocated.

When the process of decentralisation commenced almost 20 years ago it was to a large extent sections of parts of Departments or agencies that were moved to locations away from Dublin. This most recent decision is to proceed with a new and more radical programme of

[Mr. B. Lenihan.]

decentralisation not only in scale but in that both the operational side of Departments and agencies and the decision-making function will also be relocated. To that end, a number of Departments and agencies are being decentralised in their entirety. A small amount of office accommodation and a small secretariat will be retained in Dublin for Ministers. When the programme has been completed, eight Departments and the Office of Public Works will be based outside Dublin. Just seven Departments will have their headquarters in Dublin.

As is the case in respect of the transport sector, significant portions of the many Departments and agencies that are due to relocate are decentralised outside Dublin. During the first decentralisation programme 20 years ago, for example, a large portion of the then Department of Agriculture was relocated to Castlebar. A total of 655 jobs in the Department of Agriculture and Food and a number of its agencies will be relocated under the current decentralisation programme to five locations outside Dublin. Some 400 jobs at the departmental headquarters will go to Portlaoise.

The Minister believes that the principle of relocating jobs from organisations that have already

been decentralised to a significant degree is well established. He does not see any compelling reasons the headquarters of Bus Éireann's operations should not move to Mitchelstown. Such a move would be consistent with the current and past decentralisation programmes. If most of an organisation's operations are outside Dublin, one could ask why its headquarters needs to be in that city.

The full details of the process for the transport sector are being developed. That this creates challenges and opportunities for the organisations involved is understandable, given the extent of the initiative. In the case of Bus Éireann, for example, work is continuing on identifying the posts that will be transferred. Over 80 posts have been included on the central applications facility to date. The Minister has asked the chairman of the company to examine how the overall target of 200 can be met. The Minister for Transport is confident that the transport sector, including Bus Éireann, can make a positive contribution to the decentralisation programme which will benefit the country.

The Dáil adjourned at 10.40 p.m. until 10.30 a.m. on Wednesday, 23 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.

Tribunals of Inquiry.

12. **Ms Burton** asked the Minister for Health and Children the progress made in finalising the terms of reference of the inquiry, to be chaired by Judge Maureen Harding Clark, into the activities of a person (details supplied); when the inquiry will begin; the form it will take; and the steps being taken to address the serious concerns about the adequacy of the proposed inquiry expressed by Patient First and others. [18364/04]

Minister for Health and Children (Mr. Martin): The Medical Council investigated the conduct of Dr. Michael Neary and found him guilty of professional misconduct in the case of ten patients. The Government then decided to establish a non-statutory inquiry chaired by Judge Maureen Harding-Clark.

A formal announcement of the terms of reference will be made shortly. In broad terms, it will examine the rate of peripartum hysterectomy at Our Lady of Lourdes Hospital, Drogheda. Particular reference will be made to the period covered in the report of the fitness to practise committee of the Medical Council about Dr. Michael Neary and the period since the publication of its report. It will determine how this rate compared with the rate in other maternity units of similar status. It will also inquire into whether Dr. Neary's practice was commented or acted upon by others at the hospital. It will examine whether internal or external reviews were conducted. It will also inquire into the measures put in place to prevent a repeat of those events at the hospital and offer advice on any additional systems that should be put in place.

A number of meetings were held with Patient Focus, the patient support group, and the most recent occurred on 20 May. As part of the process the group was briefed by counsel to the inquiry on how it proposes to conduct its investigations. It was assured that any woman who wishes to give evidence will be facilitated. I am aware that the group has some concerns about the scope of the report to be furnished by the inquiry and on the compellability of witnesses. My Department has raised its concerns with the inquiry and I will revert to the group in due course.

If the inquiry finds itself unable to fully discharge its remit due to non-co-operation by relevant persons or bodies then the judge will report it to me. I will then ask the Government to consider what further action may be necessary. It may include recourse to an investigation under the Commissions of Investigation Bill 2003 when enacted.

The inquiry team has already examined a substantial amount of documents and records. It was asked to report within nine months.

National Drugs Strategy.

13. **Mr. Boyle** asked the Minister for Health and Children the effect that the closure of the Bradan day programme, Navan, will have on the national drugs strategy. [16832/04]

Minister for Health and Children (Mr. Martin): The provision of drug treatment services is the statutory responsibility of the health boards. I am informed by the North Eastern Health Board that the day programme is not closing.

The overall objective of the Government's strategy on drug misuse is to significantly reduce the harm caused to individuals and society through a concerted focus on supply reduction, prevention, treatment and research. It wants to provide a range of options to encourage and enable drug misusers to avail of treatment with the aim of reducing dependency and improving overall health and social well-being. This is being achieved by addiction treatment service providers, statutory and non-statutory, working together in partnership.

Recently I approved national lottery funding of €50,000 for the Bradan day programme. The NEHB has advised me that it provided funding to Bradan House. The health board gave the day programme €27,000 in 2002 and €35,000 in 2003.

Since the middle of last year negotiations took place between the board and the Bradan day programme about developing a service level agreement for referral of drug free clients from the board's addiction service to the day and aftercare programmes. An agreement was reached. As soon as it is signed by Bradan, the health board will fund clients referred by it on a per client basis. This is based on the premise that the services offered by the programme will enhance those of the board's and not replicate what was already being provided. These new arrangements are likely to result in a greater number of clients being referred to the Bradan day programme.

Departmental Funding.

14. **Ms O. Mitchell** asked the Minister for Health and Children the amount of funding provided annually to the primary care strategy for each of the years 2001 to 2004, inclusive [18399/04]

Minister for Health and Children (Mr. Martin): In 2002 development funding of €5 million was provided to support the implementation of the strategy. An additional €2 million was allocated in 2003 and brought the ongoing additional development funding to €7 per annum. In 2002 €2 million in capital funding and a further €1 million in respect of information and communications technology supports was also provided.

Since the strategy was published I have also provided significant further support for the development of general practice out-of-hours co-operatives. Additional funding of €17.3 million was provided in 2002 and a further €4.14 million

[Mr. Martin.] in 2003. Therefore, an additional €21.44 million is now included in the base funding. It is in addition to the substantial funding already in the system for the delivery of a wide range of primary and community care services. The strategy identified that a significant component of the development of primary care teams, in the short to medium term, would involve the reorientation of existing staff and resources.

Vaccination Programmes.

15. **Ms O'Sullivan** asked the Minister for Health and Children the uptake level of the MMR vaccine in each health board area for the latest period for which figures are available; and the steps being taken to promote greater uptake, especially in view of reports of a significant increase in the number of cases of measles in some areas. [18376/04]

Minister for Health and Children (Mr. Martin):

The MMR vaccine protects against measles, mumps and rubella. In accordance with the recommendations of the immunisation advisory committee of the Royal College of Physicians of Ireland it can be administered to children between 12 and 15 months of age. A vaccine uptake rate of 95% is required to protect children from the diseases and to stop them spreading in the community. Measles is a highly infectious and serious disease and approximately one in 15 children that contract measles suffer serious complications.

I am concerned about the MMR immunisation rates because of the risk of children contracting potentially serious diseases. The outbreak of measles in 2000 resulted in approximately 2,000 cases and three deaths. It is evidence of the consequences of insufficient immunisation uptake.

Data provided by the National Disease Surveillance Centre indicates that MMR uptake rates for children of 24 months of age per health board region for the fourth quarter of 2003 are as follows:

Quarter 4, 2003*

| | % |
|---------|----|
| ERHA | 77 |
| MHB | 89 |
| MWHB | 82 |
| NEHB | 83 |
| NWHB | 86 |
| SEHB | 84 |
| SHB | 80 |
| WHB | 76 |
| Ireland | 80 |

*The most recent period for which uptake figures are available from the NDSC.

Based on information available from the NDSC, there was a significant increase in 2003 in the number of reported measles cases. In 2002 as many as 243 cases of measles were reported but provisional returns for 2003 indicate that there

were 576 measles cases during that year. It underlines the importance of raising the immunisation uptake level to the optimal level of 95% against measles and the other potentially serious infectious diseases. I am encouraged by the most recent statistics from the NDSC that show that MMR uptake for children up to 24 months of age was 80% for the fourth quart of 2003, an increase on 75% in the comparative quarter in 2002. Data provided by the NDSC indicate that from week one to week 23, inclusive, of 2004, or up to 12 June, as many as 92 cases of measles were notified compared with 460 cases notified for the comparative period in 2003. There appears to be a significant reduction in the number of cases reported so far this year. However, we cannot afford to become complacent particularly as the number of notified cases of rubella has risen from 28 in the period from week one to week 23, inclusive, of 2004 compared with 26 cases notified in the comparative period last year.

In 2003 the chief executive officers in all health boards and the ERHA were asked to ensure that specific immunisation measures were prioritised in all regions to prevent a serious measles outbreak. A national immunisation steering committee was established to address a wide range of issues related to childhood and other immunisation programmes, including the identification of issues that are hampering the achievement of uptake targets. In April 2002 I launched its report. A national implementation group was established to draw up a phased plan based on the report's recommendations.

Following consideration of proposals for childhood immunisation that were submitted by the implementation group through the Health Boards Executive, on behalf of the health boards, a sum of €2.116 million was allocated by my Department in 2003 to fund initiatives to improve childhood immunisation uptake. A further €2.778 million was allocated for that purpose this year. At present funding in the region of €800,000 is being allocated to health boards via HeBE specifically for regional and localised projects that will focus on measures to improve immunisation uptake.

Some parents are concerned about the MMR vaccine. Negative coverage has added to their confusion about whether to vaccinate their children. In April 2002 I launched the MMR vaccine discussion pack. It is an information guide for health professionals and parents. It was produced by the NDSC and the Department of public health and the Southern Health Board. It was published by HeBE on behalf of the health boards. The pack sets out the most common concerns about MMR in a way that will help health professionals and parents to explore them together, review the evidence and provide a basis for making an informed decision. The information will allow a full discussion between health professionals and parents on each issue. The pack also contains an information leaflet for parents. The pack is set out in a question and answer for-

mat. It addresses such issues as the alleged link between MMR, autism and Crohn's disease, its safety and side effects, the purpose of a second dose of vaccine, combined vaccine versus single doses and contraindications to it. The pack will enable health professionals to respond to the real concerns of parents.

Some health boards have undertaken measures in their regions to improve vaccine uptake. These include the following: information sessions for professionals such as doctors and nurses in the area; information sessions for parents; distribution of information to the public such as providing leaflets on MMR available in public areas; advertisements taken out in local newspapers; advertisements on local radio stations; advice on immunisation, including MMR, forms part of every public health nurse consultation with parents; information leaflets displayed prominently in all health centres; information given to schools regarding the booster MMR; follow-up of parents by letter and telephone where children have not been vaccinated; a follow-up with general practitioners and nurses about children in their area who have not been vaccinated; and information sessions for staff.

I urge all parents to immunise their children against the diseases covered by the childhood immunisation programme. I want to them to ensure that their children and the population have the maximum protection against such diseases. This is important in light of the increase in reported measles cases during 2003.

Cancer Screening Programme.

16. **Mr. English** asked the Minister for Health and Children when BreastCheck will take place in the remaining areas set to receive the service. [18444/04]

Minister for Health and Children (Mr. Martin): The national breast screening programme commenced in March 2000. Phase one covered the Eastern Regional Health Authority, Midland Health Board and the North Eastern Health Board regions. Last year I announced the extension of the BreastCheck programme to counties Carlow, Kilkenny and Wexford and the national roll-out to the southern and western counties. Last March screening commenced in Wexford.

The BreastCheck clinical unit in the western area will be at the University College Hospital, Galway, with two associated mobile units. The area of coverage is counties Galway, Sligo, Roscommon, Donegal, Mayo, Leitrim, Clare and Tipperary North Riding. The clinical unit in the southern area will be located at the South Infirmary-Victoria Hospital with three associated mobile units. Counties covered include Cork, Kerry, Limerick, Waterford and Tipperary South Riding.

The national rollout of BreastCheck requires detailed planning to include essential infrastructure. Two project teams, one in each region, were established to develop briefs for the capital infra-

structure needed for the static units in the south and west. The South Infirmary, that deals with the southern region, considered it necessary to commission a site strategy study to ensure the integration of the breast screening service into its present and future development. My Department provided a capital grant of €230,000 for the study to be undertaken by professional architectural, engineering and quantity surveying experts. The study was submitted to my Department at the end of March and a detailed brief is being prepared by BreastCheck and the hospital. As regards the west, BreastCheck submitted a number of options for the construction of a static unit on the grounds of University College Hospital, Galway. My Department is considering both projects in the context of the framework for capital investment 2004-2008 that is being discussed with the Department of Finance.

An essential element of the rollout of the programme is investment in education and training of radiographers. BreastCheck employs qualified and experienced radiographers who have specialised postgraduate training and qualifications related to mammography. BreastCheck and the symptomatic breast cancer services combined have a significant ongoing recruitment and training requirement in this area. Last year I announced the development of a training centre for radiographers and mammography at Eccles Street that will become the national training centre in breast imaging. Resources are being made available to BreastCheck to support the initiative that will cost in excess of €750,000. Design specification work was undertaken, the core elements of the training programme are being addressed and the recruitment process for a course leader has been initiated.

HIV Infection.

17. **Mr. Eamon Ryan** asked the Minister for Health and Children the number of heterosexual males and females who are HIV positive here; and the steps being taken to ensure HIV-AIDS does not increase. [18480/04]

Minister for Health and Children (Mr. Martin): Recently the national disease surveillance centre published overall HIV figures for 2003. There were 399 newly diagnosed cases in 2003 which represents a 10% increase on 2002. The total number of cases of HIV infection diagnosed to the end of 2003 is 3,408.

In the first six months of 2003 there were 207 newly diagnosed cases of HIV infection. Of the 147 newly diagnosed cases where exposure category is known, there were 87 heterosexuals — 23 of which were male, 64 were female. In relation to other exposure categories, there were 35 men who have sex with men, 14 injecting drug users and seven cases of mother to child transmission. Of the 207 cases diagnosed in the first six months of 2003 as many as 106 or 51.2% were female and 100 or 48.3% were male. The gender in one case was unknown.

[Mr. Martin.]

The report of the national AIDS strategy committee was published in 2000. It made recommendations to deal with HIV-AIDS and other sexual transmitted infections. At present my Department, through the strategy committee and its sub-committees on education and prevention, surveillance and care and management is working to implement these recommendations.

The care and management sub-committee of NASC visited hospitals and health boards involved in the provision of services to people with HIV-AIDS and STIs. The purpose of these visits was to identify gaps and make recommendations for the future direction of treatment services. The report of the sub-committee is being finalised.

Education is an important aspect in raising awareness of the dangers in risky sexual behaviour that could result in the transmission of HIV and other STIs. Health boards undertake information and awareness activities at regional level and amongst the issues addressed is the prevention of STIs, including HIV. Where appropriate the health boards work in conjunction with and fund voluntary organisations who work with people living with HIV.

My Department's health promotion unit is also involved in and support a range of initiatives aimed at preventing and raising awareness of HIV-AIDS and other STIs. These include a national public awareness advertising campaign to promote sexual health that is aimed at men and women in the 18 to 35 age group. The campaign was run for several years in third level colleges, bars, clubs and youth clubs. Recently it was revised by the health promotion unit and now it targets an increased number of venues. In addition, the unit produces a range of awareness raising leaflets on HIV, other STIs and safe sex practices. They are available through the health promotion departments in each health board area. This year a national survey of sexual knowledge, attitudes and behaviours in Ireland will be funded by my Department and the Crisis Pregnancy Agency.

Since 1997 almost €5.5 million additional funding was provided to health boards to address the problems of HIV-AIDS and other STIs. It resulted in a substantial increase in facilities. At present there are seven consultants specialising in the treatment of HIV-AIDS and STIs. There are five consultants based in Dublin, one deals with children and another is based in Cork. Recently the Western Health Board appointed a new infectious disease consultant. My Department will continue to monitor the position of HIV-Aids and other STIs.

Health Action Plan.

18. **Mr. G. Mitchell** asked the Minister for Health and Children if his attention was drawn to a threatened Europe-wide flu-pandemic; and the state of readiness here. [18404/04]

Minister for Health and Children (Mr. Martin):

On 12 February I held an informal dinner for EU health ministers to discuss the matter of avian influenza and mutual co-operation in Europe to combat it. At the meeting the ministers agreed to keep each other informed in advance of taking any further control measures. They also agreed to endeavour to co-ordinate measures to protect public health to the greatest extent possible across the EU. Member states and the Commission agreed to engage with the pharmaceutical industry to consider the preparation of protocols for the manufacture, availability and distribution of vaccines and antivirals as part of pandemic planning preparedness.

Each state undertook to review their national pandemic preparedness plans. Health ministers also asked the Commission to bring forward its EU pandemic preparedness plan, as a matter of urgency.

On 12 May the matter was discussed at a meeting of EU health ministers. There was consensus on the need for member states and the European Commission to work together for early agreement on the adoption of a co-ordinated approach to the purchase of antivirals and vaccines.

On 2 June the health council agreed to extend the health security committee's mandate to cover the area of Community influenza pandemic preparedness and response planning for a temporary transitional period to the end of May 2005. A key task of the health security committee will be to assess the desirability or otherwise of any future collective negotiation process with the pharmaceutical industry for the development and purchase of vaccines and antivirals. Account shall be taken of the cost, storage, logistical and legal aspects of the area while respecting the competence of member states. A report on the issue is scheduled for consideration by the HSC in September.

Medical experts consider that it is almost inevitable that another influenza pandemic will occur but it is impossible to predict when. The outbreak of avian influenza in Asia earlier this year highlighted the need for vigilance and preparedness in this regard. Mortality during a pandemic is usually very high and may not be confined to the usual risk groups. An influenza pandemic would have serious effects in terms of mortality and morbidity. Services such as acute hospitals and general practice would experience greatly increased workloads, well in excess of those seen during more regular outbreaks of influenza.

I established a committee under the chairmanship of Professor William Hall, director of the National Virus Reference Laboratory. In September 2002 it presented an outline plan for influenza pandemic preparedness, entitled A Model Plan for Influenza Pandemic Preparedness, to my Department. A copy of it was forwarded to each health board and authority chief executive officer for circulation to all relevant personnel. In

addition, each CEO was requested to establish a regional committee to develop a regional influenza pandemic plan that should include all key stakeholders. These plans will form part of the emergency plan for each region.

At present the model plan is being revised by an expert group that I established in late 2003 in light of the recent SARS experience. The outline plan sets out various recommendations and options. Following their detailed consideration the expert group will make specific recommendations on the implementation of various aspects of the plan. It will also give guidance, if required, to the health boards and regional committees to assist in the development of their regional plans. The group is comprised of medical experts as well as representatives of relevant organisations, including the Irish College of General Practitioners, Irish Medicines Board, NVRL, the National Disease Surveillance Centre and health board nominees. Its work was delayed by the ongoing non-participation of consultants in departmental committee meetings.

In addition, my Department established a contingency planning steering group last January. It will oversee the development of a generic public health contingency plan for the health system that would be activated in the event of a large-scale emergency resulting from an infectious diseases outbreak or incident such as SARS or an influenza pandemic to mitigate the impact of such an emergency. The plan will facilitate effective responses to international outbreaks and incidents. Work on the plan is progressing well as well as disease-specific operational plans for SARS and an influenza pandemic. I anticipate that the plan will be circulated to health boards shortly. It will enable health boards to develop, update and test their public health emergency plans.

The Health Act 1947 and the Infectious Diseases Regulations 1981 provide the legislative basis for the control of infectious diseases, including influenza, in Ireland. The national disease surveillance centre plays a key role in the prevention and management of infectious diseases here.

The Irish approach to an outbreak of an infectious disease is based on sound internationally accepted principles such as preventative measures, early identification of cases, effective clinical care including good hospital infection control, appropriate surveillance and contact tracing and management of contacts. The procedures for dealing with infectious diseases are based on these principles.

Many infectious diseases can be prevented by vaccine use. Immunisation against infectious disease has probably saved more lives than any other public health intervention, apart from the provision of clean water. Improvements in living standards have reduced the mortality from infectious diseases, but immunisation has also played a large role in the reduction of disease incidence. It would not have been possible to eradicate

smallpox without vaccine. The eradication of polio in the European region is also largely due to immunisation. In recent years improved economic and social conditions, together with public health action, have virtually eliminated the pandemics of communicable diseases.

In the past I have, and will continue to do so, established expert committees or groups to advise on the most appropriate action given the particular circumstances of the outbreak concerned. Guidelines and protocols on the management of many different types of outbreaks have been developed based on the principles referred to above. They take into account guidance published by the World Health Organisation, the centres for disease control and prevention in the USA and a number of other reputable international public health bodies. Most outbreaks begin with the establishment of an outbreak control team that manages it and sets up the necessary control measures.

Vaccination is the principal measure for preventing influenza and reducing the impact of epidemics. The WHO recommends vaccination for elderly persons and persons of any age who are considered at high risk for influenza-related complications due to underlying health conditions. Vaccination will be the primary public health intervention in the event of an influenza pandemic. Until a specific vaccine against the prevalent strain of the influenza virus is developed, or has a chance to become effective in individuals, it will be necessary to use antiviral medicines to treat individuals who are ill, particularly those who may be more vulnerable to the virus. Essential workers and vulnerable groups must also be protected by such medicines. My Department secured a quantity of antivirals. Discussions are ongoing at national and EU level about the need to stockpile further supplies.

Health Service Reform.

19. **Mr. McGinley** asked the Minister for Health and Children about the representation of members of the medical profession in the new health structures. [18454/04]

Minister for Health and Children (Mr. Martin):

The health service reform programme is based on the Government's decision of June 2003. It was based on the Prospectus audit of structures and functions in the health system and the report of the commission on financial management and controls in the health service. Both reports identified organisational improvements needed to strengthen the capacity of the health system to meet the challenges of implementing the programme of development and reform set out in the health strategy document, *Quality and Fairness: A Health System for You*.

Their implementation is under way and will result in a health services executive, a single unitary national structure for health service planning and delivery. The Government intends to assign the functions of health boards and authority to

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the Health Service Executive with effect from next January. Formal assignation of these functions will require new legislation that is being prepared. The emphasis is being placed on ensuring that there is adequate governance of the new structures in a radically restructured health system. I am developing more detailed proposals on the arrangements for consultation at regional level.

The Government also accepted that there is a need to strengthen existing arrangements for consumer panels and regional co-ordinating or advisory committees in representing the voice of service users. These structures incorporate patients, clients and other users or their advocates. They will work to provide a bottom-up approach to understanding the needs of service users at a regional planning level. Existing models are at different stages of development and will continue to be enhanced. Their mechanisms will serve to bring the views of patients and clients to bear in the decision-making process.

I expect to see meaningful input in decision-making from medical and other professionals at all levels in the new structures. This will arise particularly in the areas of service planning, education and training and some aspects of the organisation and design of services. The new structures will be based on a competency rather than a representational model.

I am satisfied that the new arrangements, combined with the introduction of system-wide best practice governance and accountability systems, will ensure a stronger, more effective health system and an improved health service for patients and clients.

20. **Ms B. Moynihan-Cronin** asked the Minister for Health and Children the details of the programme of work undertaken to date by the national steering committee to oversee the different strands of the health reform programme; and when the composite plan used by the interim HSE will be made available to members of the Oireachtas Joint Oireachtas. [18373/04]

Minister for Health and Children (Mr. Martin):

The NSC was established to oversee, monitor and steer the health reform programme. It is chaired by Mr. Kevin Kelly, the executive chairman of the interim health service executive. The committee is composed of key stakeholders from various strands of the reform programme.

The four inter-related strands of activity under way are the change management programme being led by the interim HSE that is planning for its move to a unitary system from 2005; the elements of the reform programme under the remit of my Department that includes, *inter alia*, its restructuring and the establishment of HIQA; the work of the acute hospital review group chaired by David Hanly; and the ongoing management of the health service and preparations by the health board CEOs for the change to a

unitary system. The national steering committee met twice to review progress made under the four inter-related streams.

The initial phase of the implementation of the reform programme involved a widespread communications and consultation process. It also involved the establishment of 13 action projects to flesh out specific aspects. The action projects concluded, as planned, at the end of December and a composite document outlining the main findings was prepared. I intend to publish it shortly.

Health Board Services.

21. **Mr. Deenihan** asked the Minister for Health and Children if his attention was to the unacceptable waiting period for orthodontic treatment in County Kerry that is now the longest in the country; and the action he will take to solve the problem. [18491/04]

Minister for Health and Children (Mr. Martin):

The provision of orthodontic services in the Southern Health Board is the responsibility of its CEO in the first instance. I have taken a number of measures to improve orthodontic services in the area and on a national basis.

The grade of specialist in orthodontics was created in the health board orthodontic service. In 2003 my Department and the health boards funded 13 dentists from various health boards for the qualification at training programmes in Ireland and at three separate universities in the United Kingdom. The trainees for the public orthodontic service are additional to the six dentists who commenced their training in 2001. 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.

My Department's commitment to training development is manifested in the funding provided to the training of specialist clinical staff and the recruitment of a professor in orthodontics for the Cork Dental School. The appointment will facilitate the development of an approved training programme leading to a specialist qualification in orthodontics. The health board's CEO reported that a professor commenced duty on 1 December 2003. In recognition of the importance of the post my Department approved, in principle, a proposal by the school to further improve its training facilities for orthodontics. The project should see the construction of a large orthodontic unit and support facilities. It will ultimately support an enhanced teaching and treatment service for the wider region under the leadership of the professor of orthodontics.

In June 2002 my Department provided an additional €5 million from the treatment purchase fund to the health boards and authority to purchase orthodontic treatment. It has enabled the boards to provide additional sessions for

existing staff and purchase treatment from private specialist orthodontic practitioners. The SHB was allocated an additional €720,000 from the fund for the treatment of cases in this way.

The board's CEO has informed my Department that 30 to 36 months is the average waiting time for orthodontic treatment in County Kerry. It is less than the average waiting time for orthodontic treatment in the entire board reported by him at the end of March. The CEOs of the health boards and authority informed my Department that at the end of the March quarter 2004 as many as 21,033 children had received orthodontic treatment. As many as 3,400 children receiving treatment from the SHB. In other words, almost one out of every six children being treated by the public orthodontic service is from the SHB area.

There are nearly twice as many children receiving orthodontic treatment as there are children waiting to be treated. Almost 4,000 extra children have received treatment from the health boards and authority since the end of 2001.

Hospital Accommodation.

22. **Mr. Costello** asked the Minister for Health and Children the number of new hospital beds that were provided to date in 2004 and the projected number that will be provided before the end of the year. [18367/04]

Minister for Health and Children (Mr. Martin): I provided additional annual revenue funding of €93 million and €25 million of capital funding to health boards and the Eastern Regional Health Authority. They were asked to commission 709 extra beds in the acute hospital sector as part of the Government's commitment under the health strategy to provide an additional 3,000 acute hospital beds over the period to 2011. As many as 589 of these beds have been commissioned to date. Funding was also made available to the health boards and authority to commission the balance of the 709 beds.

In 2004 I provided a total of €12.6 million to the ERHA and the Southern Health Board to facilitate the discharge of patients from acute hospitals to more appropriate settings, thereby freeing up acute hospital beds. The funding provides for the subvention of additional beds in the private nursing home sector and the provision of ongoing support in the community.

The Government is committed over the lifetime of the health strategy to providing additional beds in public acute hospitals. Its objective is to improve access for public patients to hospital services and reduce waiting times for treatment.

Nursing Home Subventions.

23. **Mr. J. O'Keeffe** asked the Minister for Health and Children the reason adequate funding was not made available to the Southern Health Board to properly consider, without undue delay, applications for enhanced nursing home subvention from deserving applicants. [18396/04]

Minister of State at the Department of Health and Children (Mr. Callely): Decisions on the amount of nursing home subvention to be paid in individual cases are a matter for each health board in the light of its financial resources and consistent within the provisions of the Health (Amendment) (No. 2) Act 1996.

Over recent years my Department provided the board with significant additional expenditure for the subvention scheme. The level of expenditure was increased from €2.5 million in 1996 to €17.3 million in 2003 and represents an increase of nearly €15 million or over 68%. The numbers in receipt of subvention have increased from 461 in 1996 to nearly 1,000 in 2003 and represents an increase of 539 or 117%. Similarly the numbers in receipt of enhanced subvention have increased from 29 in 1996 to over 530 in 2003. In 2004 a further €556,000 was made available to the board for the scheme and the total overall budget rose to €17.959 million.

The expenditure has enabled the board to pay average subventions in excess of the maximum amounts laid down in the nursing home subvention regulations 1993. For example, in 2003 the average subvention paid by the board was €297 per week. In addition approximately 58% of those in receipt of subvention in the Southern Health Board area were paid an amount which, when combined with the non-contributory old age pension rate, amounted to practically the full nursing home charge.

My Department provided €1.8 million in 2003 and €3.8 million in 2004 for the purchase of 112 beds in private nursing homes as part of a delayed discharges initiative aimed at relieving acute bed pressures in Cork city. As many as 270 patients were discharged from acute hospitals to more appropriate accommodation. In 2004 my Department also provided the board with an additional €125,000 to commence the introduction of a new scheme of personal care packages in line with pilot schemes that have operated in a number of health board areas. The funding is being targeted at maintaining older people in their own homes who would otherwise require residential care.

The SHB and I shall continue to monitor the situation to ensure that any difficulties encountered by patients in meeting the costs of nursing home accommodation are minimised.

Hospital Staff.

24. **Mr. Howlin** asked the Minister for Health and Children the steps being taken to deal with the shortage of nurses after a recent HSEA survey found that nearly 700 nursing jobs remain unfilled around the country. [18371/04]

Minister for Health and Children (Mr. Martin): The Health Service Employers Agency conducts quarterly surveys of nursing vacancies. Its latest survey is for the month ending 31 March. It contains a breakdown by hospital or health board and voluntary agency and I shall forward a copy to the Deputy.

[Mr. Martin.]

All sectors reported that recruitment was well ahead of resignations and retirements. However, employers reported that 705 vacancies existed at 31 March 2004, a decrease from 947 vacancies in March 2003. The combination of utilising agency nurses and overtime adequately compensates for the shortfall.

The number of vacancies as at 31 March 2004 represents a substantial decrease from the end of September 2000 when employers reported 1,388 vacancies. The latest figure represents a reduction of 49%.

The current vacancy rate of 1.76% has been declining steadily in recent years. It could be considered as the normal frictional rate given that there will always be some level of movement due to resignations, retirements and nurses availing of opportunities to change employment and locations.

The Government has been concerned about the recruitment and retention of adequate numbers of nursing staff for some time. A number of substantial measures were introduced in recent years. The number of nursing training places was increased by 70% since 1998 to 1,640 from 2002 onwards. A comprehensive range of financial supports were introduced to support nurses in pursuing part-time degrees and specialist courses, including back to practice courses. Since 1998 nurses have been paid for overtime. Previously they were given time off in lieu. The introduction of payment represents a further significant financial incentive for nurses.

In February 2001 I introduced a scheme of flexible working arrangements for nurses and midwives. Individual nurses and midwives may apply to work between eight and 39 hours per week on a permanent, part-time basis. The figure of 33,765 whole-time equivalent nurses working in the health service translates into 40,119 nurses. Of these 29,629 work full-time and 10,490 job-share or work other atypical patterns. More than one quarter of the nursing workforce avails of family-friendly work patterns.

In 1998 there were 26,612 whole-time equivalent nurses employed in the public health system. By the end of December 2003 it was 33,765, an increase of over 7,150 during the period or 26.8%. It is clear that the recruitment and retention measures I introduced have proved effective.

The promotional structure in nursing, including the introduction of a clinical career pathway, was substantially improved on foot of the recommendations of the commission on nursing and the nurses' pay settlement in 1999. The national council for the professional development of nursing and midwifery was especially active in the area. To date 1,563 clinical nurse specialist and advanced nurse practitioner posts have been created.

Figures from An Bord Altranais for the same period indicate that there is a steady stream of new entrants into the profession. It is over and

above those graduating from the Irish system and further increases the potential recruitment pool. Since 1998 there was a total of 19,945 nurses newly registered by the board of which 13,658 were overseas nurses.

The continuing attractiveness of nursing as a career for school leavers and mature code applicants is evident by the number of course applicants. For example, there are 8,300 applications for 1,640 places in the autumn 2004 intake. It is encouraging given that there is an ever-increasing array of attractive alternatives provided by our third level education system.

In late 2003 my Department approved the roll-out of the health care assistant training programme on a national basis. It fulfils a key recommendation of the nursing commission. The main objective of the programme is to upskill health care assistants so that, working under the supervision of nurses, they are enabled to take on a wider range of duties. They will free up nursing resources and will concentrate on nursing tasks exclusively.

Earlier I referred to the HSEA surveys. They also contain data on agency nurses. The average number of agency nurses used per day in 2001, 2002 and 2003 was 434, 401 and 312, respectively. These figures demonstrate a continuous and substantial downward trend in the use of agency nurses.

An extensive range of measures have been introduced to improve the number of nursing staff, including a substantial increase in training places, the recruitment of overseas nurses, a more effective utilisation of the professional skills of nurses and midwives and the close monitoring and assessment of the situation. I am confident that they continue to prove effective in addressing the nursing workforce needs of the health services.

National Treatment Purchase Fund.

25. **Mr. O'Dowd** asked the Minister for Health and Children the average cost of each surgical procedure carried out under the national treatment purchase fund; the average travel cost for the patient and their companion; and if he will compare it with the cost of similar procedures in public hospitals here. [18418/04]

Minister for Health and Children (Mr. Martin):

The NTPF purchases procedures from private and public hospitals in Ireland. If it is not possible to treat patients within a reasonable period, either in public or private hospitals, arrangements can be made to refer the public patients for treatment abroad. Quality, availability and cost factors are taken into account.

The majority of procedures funded by the NTPF to date were carried out in private hospitals here. It has not released prices paid for individual procedures for reasons of commercial sensitivity. It assured my Department that the prices negotiated compare favourably with the

comparative benchmarks available for the vast majority of procedures.

Cancer Screening Programme.

26. **Mr. Kehoe** asked the Minister for Health and Children if, in view of the fact that the incidence of cervical cancer in Ireland is worsening, the roll-out of the national cervical screening programme will be expedited. [18431/04]

Minister for Health and Children (Mr. Martin): Statistics on the incidence of new cancers cases are collated by the national cancer registry. The most up-to-date data for the number of new cases of invasive cervical cancer are for the years 1994 to 2000, inclusive, are as follows:

| Year | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 |
|------|------|------|------|------|------|------|------|
| | 174 | 155 | 215 | 173 | 188 | 156 | 193 |

The data do not show a significant statistical increase in the number of invasive cervical cancer.

In October 2000 a pilot cervical screening programme commenced in the Mid-Western Health Board region. Screening is offered free of charge to approximately 74,000 women in the 25 to 60 age group at five year intervals.

The Health Board Executive commissioned an examination of the feasibility and implications of a national roll-out of a cervical screening programme. It is a major undertaking with significant logistical and resource implications. The examination includes an evaluation of the pilot programme, policy development and the establishment of national governance arrangements. The evaluation is a key element in informing the development of a high quality cervical screening model for Ireland. HeBE has advised that when the evaluation report is completed it will prepare a draft plan for the national roll out of a programme for consideration by my Department.

The number of smear tests carried out nationally has increased by almost 20% in recent years. To meet the increased demand my Department provided an additional cumulative €11 million since 2002 to enhance the laboratory and colposcopy services. The laboratories employed additional personnel, purchased new equipment and introduced new technology thereby increasing the volume of activity. A number of hospitals have also undertaken initiatives such as give smear test analysis contracts to external laboratories. These initiatives have resulted in a reduction in waiting times. For example, the waiting time for routine results at Cork University Hospital was reduced from 129 days at March 2003 to less than 40 days today.

Medical Investigations.

27. **Mr. S. Ryan** asked the Minister for Health and Children the outcome of his meeting on 27 May with relatives of patients of a doctor now struck off the medical register who engaged in

providing light treatment to seriously ill cancer patients. [18394/04]

Minister for Health and Children (Mr. Martin): On 27 May I met relatives of former patients of the doctor concerned. They outlined their experiences and concerns and sought immediate action to prevent him from providing the treatment. At that stage I undertook to reflect on the matter, to engage in further consultations and to revert to them at a future date. I have since met the Medical Council, the Irish Medicines Board and the Garda Commissioner with a view to exploring any potential sanctions. I intend to meet the relatives shortly to update them on progress made since our initial meeting.

Medical Reports.

28. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children if he received the report, *The Reality of Living with Spinal Cord Injury*, published by Spinal Injuries Ireland; and if he will implement its recommendations. [18488/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I met representatives of the Spinal Injuries Action Association on two occasions and a number of issues were discussed. I also received a copy of the publication referred to and I have asked my officials to consider its contents.

Question No. 29 answered with Question No. 11.

Water Fluoridation.

30. **Mr. Cuffe** asked the Minister for Health and Children when he will implement the recommendations contained in the fluoride forum report. [18477/04]

Minister for Health and Children (Mr. Martin): I established the forum to review the fluoridation of public piped water supplies here. The report's main conclusion is that the fluoridation should continue as a public health measure.

The forum also concluded that water fluoridation has been very effective in improving the oral health of the Irish population, especially of children, but also of adults and the elderly; the best available and most reliable scientific evidence indicates that at the maximum permitted level of fluoride in drinking water at one part per million, human health is not adversely affected; and dental fluorosis, a form of discolouration of the tooth enamel, is a well recognised condition and an indicator of overall fluoride absorption, whether from natural sources, fluoridated water or from the inappropriate use of fluoride toothpaste at a young age. There is evidence that the prevalence of dental fluorosis is increasing in Ireland.

In all the report made 33 recommendations covering a broad range of topics such as research, public awareness, and policy and technical

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aspects of fluoridation. The expert body recommended by the forum has been established. Its chairperson is Dr. Seamus O'Hickey, former chief dental officer with my Department. His mix of scientific knowledge, awareness of fluoridation issues and experience of administrative issues leave him well placed to chair it. The expert body shall be known as the Irish expert body on fluorides and health and it held its inaugural meeting last April.

The terms of reference are to oversee the implementation of the recommendations of the forum on fluoridation; to advise the Minister and evaluate ongoing research, including new emerging issues, on all aspects of fluoride and its delivery methods as an established health technology and as required; and to report to the Minister on matters of concern at his request or on its own initiative.

The expert body has a broad representation, including areas of public health medicine, engineering, management, environmental protection, environmental health, dentistry and health promotion. It will have a strong consumer input in terms of members of the public and representatives of consumer interests, in addition to the necessary scientific, managerial and public health inputs. It will also oversee the implementation of the forum's wide-ranging recommendations and will advise me on all aspects of fluoride in the future.

The secretariat of the body is the Irish Dental Health Foundation. It is an independent charitable trust that has been to the fore in securing co-operation between private and public dentistry and the oral health care industry on joint oral health promotion initiatives. The foundation's stature and expertise place it in an excellent position to support the forum's work in its initial stage. The forum's report envisages that the work of the expert body may be subsumed into the health information quality authority in due course.

Mental Health Services.

31. **Ms Burton** asked the Minister for Health and Children the waiting time for child and adolescent psychiatric services in each health board area in view of the serious deficiencies in same; the financial allocation for 2004 to develop the services; and the progress made in establishing a database. [18360/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): In June 2000 the Minister established a working group on child and adolescent psychiatry. It was tasked with recommending how child and adolescent psychiatric services should be developed in the short, medium and long-term to meet identified needs. Its first report was published in March 2001. It recommended the enhancement and expansion of the overall child and adolescent psychiatric ser-

vice, including the recruitment of additional consultant child and adolescent psychiatrists.

Since 1997 additional funding of almost €19 million was provided to allow for the appointment of additional consultants in child and adolescent psychiatry, for the enhancement of existing consultant led multidisciplinary teams and towards the establishment of further teams. It resulted in a considerable expansion in the number of professionals employed in the mental health sector. For example, since 1997 an extra 19 child and adolescent psychiatrists posts have been funded. There are now 52 child and adolescent psychiatrists in place. These developments have had a positive impact on the waiting times for initial psychiatric assessment.

To date the working group has made recommendations on the organisation of services for the treatment and management of attention deficit hyperactive disorder, the provision of child and adolescent psychiatric inpatient units and the provision of services for 16 to 18 year olds.

My Department does not routinely collect information on the number of children on the waiting list for psychiatric assessment and the waiting times for such assessments. In the course of its work on services for 16 to 18 year olds the working group noted a lack of information on referrals and non-attendees at outpatient clinics. Among its recommendations was the establishment of a database on this area. The recommendation will be considered in the context of the Estimates process for 2005 and subsequent years.

The future direction and delivery of all aspects of our mental health services, including child and adolescent psychiatry, will be considered in the context of the work of the expert group on mental health policy. I expect the group to submit a report in 2005.

Infections Disease Screening Service.

32. **Mr. Naughten** asked the Minister for Health and Children if he is satisfied with the co-ordination of the asylum seekers' health screening programme; his views on whether it is being carried out in an effective manner and patients receive follow-up treatment. [18411/04]

Minister for Health and Children (Mr. Martin): Operational responsibility for health screening for asylum seekers lies with the health boards that have appropriate regional and local management structures to deliver the programme. In 2004 more than €3 million was allocated to health boards to fund the health screening. The funding is provided on an ongoing basis.

Routine infectious diseases services are provided in all health board areas. In addition, an infectious disease screening service is provided for new asylum seekers. Shortly after their arrival a voluntary, confidential and free screening is offered to them. Its purpose is to detect and treat certain infectious diseases. This is done in the interests of the asylum seekers, their families and the community in general.

Usually the initial screening takes place at reception centres in Dublin where asylum seekers may reside for five days or more. It continues when they are relocated to other health board regions. Those who do not receive screening in Dublin are offered the service following relocation to other regions. When asylum seekers are accommodated outside of the Eastern Regional Health Authority area the relevant health board is advised on whether screening took place so that appropriate steps can be to offer the service where necessary.

The approach adopted for communicable disease screening for asylum seekers is reviewed on an ongoing basis by a group representative of the directors of public health and my Department. The current guidelines recommend screening for TB and hepatitis B and, where appropriate, for HIV, polio and varicella zoster or chickenpox. The guidelines do not preclude other investigations deemed necessary on clinical or public health grounds.

Care of Elderly.

33. **Dr. Upton** asked the Minister for Health and Children if his attention was drawn to the recent poll of general practitioners commissioned by the Alzheimer Society of Ireland that shows that nine out of ten doctors believe that the State is failing to deliver proper care for people with the disease; and the steps being taken to ensure that persons with the condition receive adequate care. [18390/04]

Minister for Health and Children (Mr. Martin): My Department's policy on providing adequate services for patients suffering from Alzheimer's disease is as set out in the report, *An Action Plan for Dementia*. It was published by the National Council on Ageing and Older People in 1999. This commitment is endorsed in the 2001 health strategy, *Quality and Fairness: A Health System for You*.

A number of initiatives were taken to improve dementia services. Significant additional funding was made available for the express purpose of providing assistance to carers, including carers of Alzheimer's sufferers. Additional funding was made available to the Alzheimer's Society of Ireland to expand its services, particularly its day care services. A number of new community nursing units of older people had been constructed in recent years. They provide respite and day care for people with dementia. In addition, a number of extended care facilities operated by the health boards have been adapted to provide dedicated units for dementia sufferers as part of their overall accommodation. I will continue to work with health agencies to provide improved facilities for those with dementia.

General Medical Services Scheme.

34. **Mr. Quinn** asked the Minister for Health and Children when he will publish the report

commissioned from a company (details supplied) on the GMS, in view of the fact that it is over a year since a draft was submitted to him; if the report was brought to Government; and if he will implement the report's recommendations. [18382/04]

Minister for Health and Children (Mr. Martin):

As I have stated previously in response to a similar question, my Department received a draft copy of the Deloitte & Touche consultancy review of governance and accountability mechanisms in the GMS schemes in February 2003. While it was being considered by my officials the Mr. Br'nnan's report, Commission on Financial Management and Control Systems in the Health Service, and the Prospectus report, Audit of Structures and Functions in the Health System, were published. Their content and recommendations were relevant to the subject matter of the GMS review. Therefore, my Department requested Deloitte & Touche to update its draft report and have regard to the latest financial data from the general medical services payments board. I still intend to bring the review to Government. Afterwards its publication and implementation will be discussed.

Organ Retention.

35. **Mr. Stagg** asked the Minister for Health and Children the progress made to date by the Dunne inquiry into the retention of organs of deceased children; the date a report will be published; and the steps being taken to address the concerns of the families affected. [18388/04]

200. **Mr. Haughey** asked the Minister for Health and Children the objectives of the Dunne inquiry; its background; and when a report is expected. [18571/04]

Minister for Health and Children (Mr. Martin):

I propose to take Questions Nos. 35 and 200 together.

The inquiry is chaired by Ms Anne Dunne, SC. It was asked to review postmortem policy, practice and procedures in all hospitals in the State since 1970, particularly relating to organ removal, retention and disposal. Following consultations that I had with the chairman in late 2002, it was agreed that the inquiry would give priority to the completion of its work in respect of postmortem issues in paediatric hospitals with a view to furnishing a report by the end of 2003. This would be followed by a second report on postmortem issues in maternity hospitals and a third report on other hospitals.

In recent correspondence the inquiry informed me that it has not proved possible to complete the report on paediatric hospitals within the time-frame as matters have taken longer to conclude than previously anticipated.

The inquiry advised that, with some exceptions, the information gathering on paediatric hospitals is complete. The analysis of information and establishing which matters remain in dispute has

[Mr. Martin.] concluded. The inquiry must deal with the resolution of matters in dispute and the conclusion of its report. This involves communication to participants of matters in dispute; written evidence on matters in dispute; such oral hearings as are necessary on matters in dispute; resolution of such matters; and an opportunity for participants to make submissions where the report proposes to make criticisms.

The inquiry further advised that it has at all times kept in mind the need to proceed with its work on maternity hospitals as soon as the paediatric hospitals report was completed. It continued to work in this regard to ensure that all documentation will be available to the inquiry when required. Preparation for reports on other hospitals continues but its primary concern at present is the completion of the report on paediatric hospitals.

Parents for Justice represents a number of families affected by the retention of organs. Despite the fact that it decided to withdraw from the inquiry process in 2002, my Department continued to assist it in providing support to families. To date €814,011 was granted to PFJ.

Hospital Services.

36. **Mr. Howlin** asked the Minister for Health and Children if his attention was drawn to the claim made by a person (details supplied) that intense pressure on the accident and emergency unit of Beaumont Hospital over the past year has resulted in neurology patients from all over the State finding it increasingly difficult to be admitted to have conditions such as MS and Parkinson's disease investigated; and the steps being taken to deal with the problem and to ensure that all such patients receive prompt examination and treatment. [18370/04]

Minister for Health and Children (Mr. Martin): The Eastern Region Health Authority is charged with responsibility for commissioning health and personal social services on behalf of the population of the region. It also carries out the task on behalf of those outside the region who are referred for specialist treatment. Services at Beaumont Hospital are provided under an arrangement with the authority. My Department has asked the authority's regional chief executive officer to investigate the issue and to reply directly to the Deputy.

Medical Investigations.

37. **Ms B. Moynihan-Cronin** asked the Minister for Health and Children the progress of the inquiry being held into the death of a person (details supplied) in County Cavan; and when he will receive the final report. [18375/04]

Minister for Health and Children (Mr. Martin): Following the tragic death of the child concerned, the North Eastern Health Board established an expert group to undertake an urgent review of all

factors involved. The group completed its review. The board received a detailed and comprehensive report and it is considering the report.

Hospital Services.

38. **Mr. English** asked the Minister for Health and Children his views on research carried out by the ESRI on activity levels in 20 hospitals here between 1998 and 2002, inclusive; and if he will tackle the discrepancies in performance and value for money between some public hospitals. [18453/04]

Minister for Health and Children (Mr. Martin): Case mix is an internationally accepted management system for the monitoring and evaluation of health services. The health strategy states "...the most developed system for assessing comparative efficiency and for creating incentives for good performance is case mix." At present the programme operates in 34 hospitals nationally.

Arising from the national case mix programme my Department reviews performance across the public hospitals generally. It also discusses the results with hospital management to encourage performance and value for money improvements.

Case mix is used as part of the budgetary process to base funding on measured costs and activity rather than on less objective systems of resource allocation and to fund hospitals based on their mix of cases. It is also used in a broad way when considering investment options with the acute hospital sector, bed capacity and the national treatment purchase fund.

Following a recent review of the case mix system, the national programme will be significantly enhanced and expanded. The review will be applied to all acute hospital encounters and all acute and sub-acute hospitals by the end of the decade. It is intended that at least 50% of acute hospital funding will be based on peer group related case mix performance by 2009. This is a major development in the system. It will greatly enhance resource allocation, evaluation of investment and value for money aspects in the health sector.

Organ Transplants.

39. **Mr. Perry** asked the Minister for Health and Children the estimated cost of one heart and lung transplant at the new heart and lung transplant unit at the Mater Hospital. [18424/04]

82. **Mr. Perry** asked the Minister for Health and Children when the first heart and lung transplant will take place at the Mater Hospital, Dublin. [18422/04]

Minister for Health and Children (Mr. Martin): I propose to take Questions Nos. 39 and 82 together.

Services at the hospital are provided under an arrangement with the ERHA. My Department is advised that it proposes to carry out three lung transplants this year. It hopes to increase the level

of activity to at least 15 transplants per annum as the programme develops. In addition, an agreement is in place with the Freeman Hospital, Newcastle, that provides for a minimum of 15 lung transplants to be performed on Irish patients in the 12 month period to 31 March 2005, subject to the availability of suitable organs. The position can be further reviewed in the event of additional donor organs being available.

Once the programme is established the marginal cost per transplant patient, assuming fixed payroll costs, will be €115,000. The estimated cost includes the cost of the extensive assessment programme and post-operative treatment for patients who receive a transplant. It is anticipated that more than eight to ten additional heart transplants will result from the expanded organ donor pool.

Water Fluoridation.

40. **Mr. Gogarty** asked the Minister for Health and Children the reason no comprehensive health tests were carried out on fluoride levels in Irish persons. [18478/04]

Minister for Health and Children (Mr. Martin): The general health status of people participating in the 1990 adult dental health survey of Ireland was assessed. General health was measured using the criteria developed by the American Society of Anaesthesiologists.

The fluoridation forum reported that the results of this part of the survey showed that there was no difference in the general health status of persons residing in fluoridated and non-fluoridated communities. A similar examination of general health status was undertaken as part of the current national oral health survey.

I established the forum to review the fluoridation of public piped water supplies in Ireland. Its report was launched on 10 September 2002. Its main conclusion was that the fluoridation of public piped water supplies should continue as a public health measure.

The use of fluoride technology is known to manifest a positive oral health outcome; local and national surveys and studies conducted since the introduction of fluoridation in this country attest to the reduced dental decay levels of children and teenagers in fluoridated areas compared to those residing in non-fluoridated areas. The safety and effectiveness of water fluoridation was endorsed by a number of international and reputable bodies such as the World Health Organisation, the Centre for Disease Control and Prevention, the United States Public Health Service and the United States Surgeon General.

Cancer Treatment Services.

41. **Mr. M. Higgins** asked the Minister for Health and Children when he expects that the national cancer strategy will be published; and if he will make a statement on the matter. [18368/04]

Minister for Health and Children (Mr. Martin):

As I have previously advised the House, the national cancer forum is developing a new national cancer strategy which is expected to be completed later this year. This strategy will build on the progress that has been made during the implementation of the 1996 national cancer strategy and set out the key priority areas to be targeted for the development of cancer services over the coming years. It will have regard to developments and best practice in other jurisdictions and will make recommendations in relation to the organisation and structure of cancer services nationally.

A significant body of work has been undertaken in the development of the strategy to date. Representatives of the national cancer forum have met with representatives of the ERHA and all health boards. The forum wrote to more than 90 professional bodies, voluntary bodies, and other stakeholders in order to obtain their views on cancer treatment services. Members of the public have been consulted through advertisements placed in the media.

As part of the preparation of the new strategy, an evaluation of the extent to which the objectives of the 1996 strategy have been met was carried out by Deloitte & Touche consultants and published last December. The key goal of the 1996 national cancer strategy was to achieve a 15% decrease in mortality from cancer in the under 65 year age group in the ten-year period from 1994. The Deloitte & Touche evaluation demonstrated that this reduction was achieved in 2001, which was three years ahead of target.

Sub-groups of the national cancer forum were established on generic screening, organisation of cancer services, evaluation and outcomes, evidence based medicine, genetics, nursing and patient Issues. The work of these subgroups is informing the development of the new strategy.

In relation to the implementation of the 1996 national cancer strategy, since 1997, there has been a cumulative additional investment of approximately €550 million in the development of cancer services. This includes an additional sum of €15 million which was allocated in 2004 for cancer services. This substantial investment has enabled the funding of 92 additional consultant posts in key areas such as medical oncology, radiology, palliative care, histopathology, haematology and radiation oncology. An additional 245 clinical nurse specialists have also been appointed in the cancer services area.

Pharmacy Regulations.

42. **Mr. O'Shea** asked the Minister for Health and Children the position regarding his consideration of the report of the pharmacy review group; and if he will make a statement on the matter. [18377/04]

Minister for Health and Children (Mr. Martin):

I established the pharmacy review group in November 2001 to examine the pharmacy issues

[Mr. Martin.] raised in the OECD report on regulatory reform in Ireland. I am continuing to examine the complex legal and public health issues in the group's recommendations. The report is available on my Department's website, www.doh.ie, along with reports prepared for the group by Indecon International economic consultants.

Cancer Treatment Services.

43. **Mr. O'Dowd** asked the Minister for Health and Children the actions he has taken following the publication of *Patterns of Care and Survival from Cancer in Ireland 1994-1998* by the national cancer registry 2004 which provided strong evidence that cancer treatment and survival can depend on where the person lives; and if he will make a statement on the matter. [18416/04]

84. **Mr. M. Higgins** asked the Minister for Health and Children if his attention has been drawn to the recent report from the national cancer registry which shows that cancer treatment and survival rates depend on the region a person lives in; the steps he is taking to ensure that there is a consistent level of treatment all over the country; and if he will make a statement on the matter. [18369/04]

Minister for Health and Children (Mr. Martin): I propose to take Questions Nos. 43 and 84 together.

The national cancer registry report, *Patterns of Care and Survival from Cancer in Ireland 1994-1998* was researched and published at the request of the national cancer forum as part of the development of the new national cancer strategy. The report examined four cancers, breast, colorectal, lung and prostate in respect of patients diagnosed between 1994 and 1998. For two of the four cancers, breast and colorectal, there were significant differentials between the Eastern Regional Health Authority and other areas of the country in cancer survival. The outcome for lung and prostate cancer did not vary significantly.

At my request, the chief medical officer of my Department has referred the report to the chief executive officers and directors of public health in each health board-ERHA area to assess the findings contained in the report and the implications for the delivery of current services. I have also asked the national cancer forum, to assess the implications of the study and advise on its findings in the context of the new cancer strategy being developed. The findings contained in the report will provide an essential baseline for further research which is to be conducted by the national cancer registry.

The true measure of success of a targeted strategy such as the cancer strategy is a reduction in mortality. The key goal of the 1996 national cancer strategy was to achieve a 15% decrease in mortality in cancer in the under-65 age group in the ten-year period from 1994. An independent evaluation of the 1996 strategy carried out by

Deloitte & Touche management consultants and published late last year shows that this objective was achieved in 2001, three years ahead of target.

The report covers the period 1994 to 1998 and since then significant developments in cancer services have taken place. The overall additional cumulative funding in cancer services in this country since 1997 is in excess of €550 million, including an additional €15 million revenue which I allocated this year. An additional 92 consultant posts in key areas of cancer treatment and 245 clinical nurse specialists across all health board areas have been funded. There has also been approximately €95 million in capital funding allocated specifically for the development of cancer related initiatives. These include an investment of €60 million in radiation oncology, and €11.9 million in BreastCheck.

The investment and appointments in cancer services have resulted in substantial increases in activity levels across the three modalities of care of radiation oncology, medical oncology and surgical oncology. For example, since 1996 the annual number of discharges of patients receiving chemotherapy has more than doubled, from 22,000 in 1996 to more than 50,000 in 2002. Similarly, for radiotherapy the increase in discharges reported at Cork University Hospital increased from fewer than 7,000 cases in 1996 to nearly 15,000 in 2002. There has been a 36% increase nationally in surgical procedures for breast cancer, with an additional 500 procedures performed in 2002 compared to 1997.

Last year I announced the extension of the BreastCheck programme to counties Carlow, Kilkenny and Wexford and also the national roll-out to the southern and western counties. Screening commenced in Wexford in March of this year.

The report, *The Development of Radiation Oncology Services in Ireland*, provides the basis of Government policy in relation to the development and organisation of radiation oncology services. This report, which was developed by an expert working group under the chairmanship of Professor Donal Hollywood, has received considerable international endorsement. The first phase of this programme will be the development of a network of large clinical centres in Dublin Cork and Galway which will permit a rapid increase in patient access and also form a backbone for future service expansion. Already, substantial progress is being made in implementing the report's recommendations. In 2004, an additional €3.5 million is being used to develop the services at the supra regional centres at University College Hospital Galway and Cork University Hospital. 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. I have provided for the appointment of an additional five consultant radiation oncologists. Recruitment for these posts is under way. We have ten consultant radiation

oncologists nationally. This will result in a significant increase in the numbers of patients receiving radiation oncology in the short term.

In relation to other areas of cancer services, significant work is also being undertaken. Under the Ireland-Northern Ireland-NCI Cancer Consortium, awards to the value of €3.5 million are enabling Irish hospitals develop their infrastructure to enable them to carry out high quality clinical trials. Irish hospitals will be able to participate in world-class clinical trials involving the latest advances, helping to ensure that these new and effective treatments are available more readily to patients as a result of this funding.

The new national cancer strategy will target investment for cancer services over the next number of years and will make recommendations in relation to the development and organisation of services nationally. The strategy will also provide a mechanism for the development, implementation, monitoring and updating of clinical guidelines for the treatment of cancer.

Hospital Waiting Lists.

44. **Ms O. Mitchell** asked the Minister for Health and Children the efforts made by his Department to establish the extent of the public waiting list of each consultant; if it is his intention to make such information available to patients and referring general practitioners; and if he will make a statement on the matter. [18398/04]

Minister for Health and Children (Mr. Martin): Responsibility for the collection and collation of data on waiting lists and waiting times now rests with the national treatment purchase fund, NTPF. The NTPF is working closely with health boards and individual hospitals to obtain information on patients and the specific surgical procedure required in each case. The information collected by the NTPF is collected by hospital and specialty rather than by individual consultant.

As the NTPF evolves into its new role of collecting and reporting data on waiting lists and waiting times, I anticipate that in the future the fund will have available to it information on the waiting lists of individual consultants. In that event, I expect that this information would be available to general practitioners to aid their decision in referring patients to consultants. The sharing of waiting list data with GPs is in keeping with the commitment given in the health strategy to make such information available.

Foster Care.

45. **Mr. Crowe** asked the Minister for Health and Children if he will extend fostering allowances to give greater support to extended families, particularly to grandparents, who are looking after grandchildren in the absence of parents; and if he will make a statement on the matter. [17543/04]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): The foster care

allowance can only be paid in respect of children who are taken into the care of the health board and placed in foster care or relative care in accordance with the Child Care Regulations 1995.

In 1998 the then Minister of State in the Department of Health set up a working group on foster care. The task of the working group was to make recommendations on all aspects of foster care. The issue of relative care was dealt with in detail in the 2001 report of the working group, entitled *Foster Care — A Child Centred Partnership*. The report sets out a number of basic principles that should guide placements with relatives. These are that the best interests of the child are paramount; that the child should be placed only in an appropriate, safe, healthy and stable environment; that the standard of care must be equivalent to that provided in a traditional foster care arrangement; that relative placements should only be made where a secure attachment exists or has the potential to develop between the child and the relative concerned; that a partnership approach should be used in developing skills and supports for relatives providing foster care; and that placements should not be made as a means to provide income support.

The working group considered the possibility that some children are placed in the care of the health boards in order to provide income support for the family in relation to the child. The group was strongly of the view that such a practice would be highly inappropriate. Income support is a matter for the Department of Social and Family Affairs and those in need of such support should contact that Department. The working group stated that children should only be brought into the care of the health boards if they meet the criteria regarding the need for care and protection set out in the Child Care Act. In addition, the choice of placement of any child in the care system should be based on the particular child's individual best interests.

Under the current legislation, a health board must assess the needs of a child placed in care and the suitability of the prospective foster or relative carers, and draw up a child care plan. The implementation of the child care plan places significant responsibilities and duties on foster carers, whether relatives or non-relatives. The foster care allowance is paid in recognition of these additional responsibilities and the additional costs of looking after foster children.

In view of the consideration given by the working group on foster care to the issue of relative care, my Department has no current plans to review the Child Care Act 1991 or the Child Care Regulations 1995 in this regard.

Mental Health Services.

46. **Mr. Gormley** asked the Minister for Health and Children the number of anti-depressants prescribed each year here, in particular the number of anti-depressants prescribed under the medical card; if he intends to introduce measures to

[Mr. Gormley.]

decrease the number of anti-depressants given out to persons; and if he will make a statement on the matter. [18485/04]

57. **Mr. P. Breen** asked the Minister for Health and Children his views on a recent television programme (details supplied) regarding the number of persons taking anti-depressants here; and if he will make a statement on the matter. [18437/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I propose to take Questions Nos. 46 and 57 together.

Prescriptions are issued by health professionals based on the symptoms of the presenting patient at the time of consultation. The level of medication prescribed, therefore, is a matter of clinical decision for the particular doctor involved.

Prescriptions for anti-depressants may be issued by either general practitioners or consultants in a variety of locations, including general practice, community psychiatric facilities or private or public psychiatric hospitals. Figures provided by the General Medical Services (Payments) Board for the year ending 31 December 2003 show that 205,764 medical cardholders were prescribed anti-depressants at a cost of €34,404,555. A total of 1,178 people were prescribed anti-depressants under the long-term illness scheme at a cost of €203,761 while statistics for the drugs payment scheme, DPS, indicate that 92,022 people were prescribed anti-depressants at a cost of €16,197,705. With regard to the drugs payment scheme, my Department does not have access to information where monthly expenditure by an individual in a community pharmacy is less than the monthly DPS threshold of €78. The above figures do not include certain categories of patients resident in the Eastern Regional Health Authority Area for whom separate arrangements are in place. I have asked the Eastern Regional Health Authority to forward the additional information directly to the Deputy as a matter of urgency.

An expert group on mental health policy was established in August 2003 to prepare a new national policy framework for the mental health services, updating the 1984 policy document, Planning for the Future. The group consists of 18 widely experienced people who are serving in their personal capacity. The membership encompasses a wide range of knowledge and a balance of views on many issues affecting the performance and delivery of care in our mental health services. All areas of mental health policy and service provision will be examined in the course of the group's work.

Medical Indemnity.

47. **Mr. S. Ryan** asked the Minister for Health and Children the progress made by the working group on the development of a no-fault compensation system for birth-damaged children; when he expects the group to report; if he will seek to

expedite the introduction of proposals in this area, having regard to the recent awards in the High Court and the increasing difficulties facing practitioners, especially obstetricians, in finding insurance cover; and if he will make a statement on the matter. [18385/04]

Minister for Health and Children (Mr. Martin):

The advisory group examining the feasibility of introducing a no-fault compensation scheme for brain-damaged infants has met regularly since its establishment in July 2001. The group has conducted an extensive investigation of the clinical and legal issues involved in the handling of those cases. It has also examined existing levels of service provision for those affected by cerebral damage. The group has had a presentation made to it by parents of children affected by cerebral damage on the day-to-day implications of providing care for them at home. It has also examined prevention strategies and the effects of reforms introduced in the United Kingdom on the handling of claims for compensation for injuries resulting from the provision of clinical care. As the group has already indicated its intention of completing its work by the end of this year, I feel that it would not be appropriate to ask it to expedite the process.

The Government has already taken measures to ensure that professional indemnity cover for all consultants in the private sector remains affordable. The cover which consultants, with the exception of obstetricians, need to purchase is capped at €1 million in respect of each and every claim against them. In the case of obstetricians the cover which they need to purchase is capped at €500,000 in each and every case with the further protection of an annual and aggregate cap for each doctor of €1.5 million. As a result of these measures Irish consultant obstetricians in private practice pay €100,000 per annum for their cover rather than the true economic rate of €350,000

Medical Investigations.

48. **Mr. Quinn** asked the Minister for Health and Children when he expects to receive the report of the independent review into the circumstances of the death of a person (details supplied); the reason for the long delay in finalising this report; and if he will make a statement on the matter. [18381/04]

Minister for Health and Children (Mr. Martin):

On 23 July last, I announced that I had convened a review panel to conduct an independent review of the events surrounding the tragic death of the person concerned. The members of the panel are Mr David Hanly, management consultant; Ms Kay O'Sullivan director of nursing at Cork University Hospital; and Dr Shakeel A. Qureshi, paediatric cardiologist at Guy's and Thomas's Hospital, London.

The terms of reference of the panel are to consider the report of the ERHA in relation to the

events of 30 June 2003 at Our Lady's Hospital for Sick Children, Dublin and to make such further enquiries and conduct such interviews as the panel considers necessary; to address the questions raised by the family; to examine protocols and procedures relevant to this incident having regard to prevailing standards of best practice, and to examine their application in this case; and to report to the Minister and to make such recommendations as it sees fit. Following the review, both reports will be made available.

The work of the review panel is ongoing and I am not in a position at this stage to comment on its work or to say when the report will become available.

Infectious Disease Screening Service.

49. **Mr. Coveney** asked the Minister for Health and Children the health measures or plans he has introduced or intends to introduce, in view of the release of statistics from the National Disease Surveillance Centre that STI's, particularly hepatitis B, increased significantly in 2002 when compared with 2001; and if he will make a statement on the matter. [18413/04]

Minister for Health and Children (Mr. Martin): Recent statistics published by the National Disease Surveillance Centre, NDSC, show that, in 2002, 10,471 cases of sexually transmitted infections were notified to the NDSC. This compares with 9,703 cases notified in 2001 and represents an increase of 7.9%. Statistics in relation to hepatitis B infection show that 57 cases were notified to the NDSC in 2002, compared with 39 notified cases in 2001. Clearly these increases are a cause for concern.

Much of the increase in STIs during 2002 is likely to be associated with an increase in unsafe sexual behaviour. However, the NDSC reports anecdotal evidence that improved acceptability of STI clinic services, greater public and professional awareness of STIs and improvements in diagnostic tests have also contributed to the increases in identification and reporting of STIs. The NDSC also report that the increase in infectious hepatitis B notification since 1999 may reflect the introduction of screening programmes. Asylum seekers currently undergo health screening, including testing for hepatitis B infection. The high proportion of female cases notified may also be a result of antenatal screening of pregnant women in maternity hospitals.

The report of the national AIDS strategy committee, NASC, which was published in 2000, makes a range of recommendations for dealing with HIV-AIDS and other sexual transmitted infections. My Department through the national AIDS strategy committee and its sub-committees on education and prevention, surveillance and care and management is currently working to implement these recommendations.

The care and management sub-committee of NASC visited the hospitals and health boards involved in the provision of services to people

with HIV-AIDS and STIs. The purpose of these visits was to identify gaps and make recommendations for the future direction of treatment services. The report of the sub-committee is currently being finalised.

Education is an important aspect in raising awareness of the dangers of engaging in risky sexual behaviour which could result in transmission of HIV and other sexually transmitted infections. Health boards undertake information and awareness activities at regional level and amongst the issues addressed is the prevention of sexually-transmitted infection. Where appropriate, the health boards work in conjunction with and fund voluntary organisations in this regard.

The health promotion unit of my Department is involved in and supports a range of initiatives aimed at preventing and raising awareness of HIV-AIDS and other STIs. These initiatives include national public awareness advertising campaigns aimed at men and women in the 18 to 35 age group. The campaign which has been running for several years in third level colleges, bars, clubs and youth clubs has recently been revised by the health promotion unit and now targets an increased number of venues. The health promotion unit also produces a range of awareness raising leaflets on STIs and safe sex practices. These are available through the health promotion departments in each health board area. A national survey of sexual knowledge, attitudes and behaviours in Ireland funded by my Department and the Crisis Pregnancy Agency will commence in 2004.

Almost €5.5 million additional funding has been provided to health boards since 1997 to address the problems of HIV-AIDS and other STIs. This has resulted in a substantial increase in the facilities in place. At present there are seven consultants specialising in the treatment of HIV-AIDS and STIs — five of these are in Dublin, one of whom deals with children, and one in Cork. The Western Health Board has recently appointed a new infectious diseases consultant. My Department will continue to closely monitor the position in relation to HIV-AIDS and other STIs.

Departmental Expenditure.

50. **Ms McManus** asked the Minister for Health and Children if his Department has made an estimate of the amount required to bring into operation facilities in the health service that are built but not yet commissioned; if his Department has an estimate of the amount of public money spent on these facilities; the steps he is taking to secure the funding to allow them to be brought into operation; and if he will make a statement on the matter. [18357/04]

Minister for Health and Children (Mr. Martin): Various funding issues, including the commissioning of new units, featured in the discussions during the 2004 Estimates campaign and have also arisen in the normal contacts between

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officials of my Department and the Department of Finance.

A proposal for the opening of new units that are completed or nearing completion, but not yet commissioned were recently developed by my Department. Discussions are taking place between the two Departments in relation to the revenue costs of the proposal and the impact of the proposal on staffing levels. The proposal estimated that the revenue cost of opening these new units was in the region of €35 million in 2004, with additional costs of €48 million in 2005 and €16 million in 2006 to enable the units to be funded on a full-year basis. The estimated capital cost required to bring these projects to commissioning stage is approximately €25 million. The capital cost to date on these facilities has been approximately €440 million. Some of these units are already partially in use as they are replacing old and outdated facilities.

Question No. 51 answered with Question No. 9.

General Practitioner Co-operatives.

52. **Mr. R. Bruton** asked the Minister for Health and Children the implications on the out-of-hours services for general practitioner co-operatives following the implementation of the recommendations of the Hanly report; and if he will make a statement on the matter. [18401/04]

Minister for Health and Children (Mr. Martin):
My Department acknowledges the crucial role which general practice plays in the delivery of primary care services. This is recognised in the primary care strategy which envisages a multidisciplinary team model, with the GP as a key member. The primary care task force is examining the provision of primary care across the country.

The Hanly report makes a number of recommendations in relation to the future provision of primary care. The report recommended that we put in place a consultant-provided service, provide a wider range of appropriate services and procedures in local hospitals and further resource and strengthen primary care. This will mean a better service for patients. The report emphasises that the planning and provision of acute hospital care cannot take place in isolation from primary care. The report notes that primary care has the potential to meet 90% to 95% of all health care needs provided it is properly structured and resourced. In this context, the report provided for a 50% increase in GP numbers in its medical staffing projections.

At the core of the Hanly report is the decentralisation of a large proportion of elective care and other services to smaller hospitals like Nenagh, Ennis and St. Columcille's. Properly resourced local hospitals can do much more working in partnership with GPs and other communication and primary care services. The implications of the

Hanly report recommendations for the provision of out-of-hours services for general practitioner co-operatives will be examined in this context.

The funding provided for out-of-hours co-operatives between 2000 and 2003 totalled €46.5 million including an additional amount of €4.143 million in 2003 for further expansions. The total funding available in 2004 amounts to €24.048 million. These funds have been included into health boards' base allocation for the continued provision of services under this heading. This dedicated funding is exclusive of the fees paid to participating general practitioners. At present there are out of hours co-operatives in all health board areas.

Health Service Reform.

53. **Mr. Stanton** asked the Minister for Health and Children the progress to date on appointing a chief executive for the Health Service Executive; and if he will make a statement on the matter. [18432/04]

Minister for Health and Children (Mr. Martin):
The position of chief executive officer of the interim Health Service Executive is an important role in the implementation of the health service reform programme. Responsibility for the recruitment of a chief executive officer is a matter for the board of the interim Health Service Executive and a comprehensive recruitment campaign is under way.

Research Findings.

54. **Mr. Gormley** asked the Minister for Health and Children the number of hours sleep received by the average person here; if this represents a decrease on previous generations; his views on the problem of sleep deficit; the action he intends to take to address this problem; and if he will make a statement on the matter. [18484/04]

Minister for Health and Children (Mr. Martin):
I wish to advise the Deputy that I am not aware of any research indicating that Irish people are sleeping less and therefore I am not in a position to comment on the matter further. However, the National Health Promotion Strategy 2000 — 2005 identifies strategic aims and objectives that contribute to the overall health improvement of the Irish population.

EU Directives.

55. **Ms McManus** asked the Minister for Health and Children the position regarding the application of the European working time directive to non-consultant hospital doctors; the details of the latest assessment of the implications for staffing levels in hospitals; and if he will make a statement on the matter. [18358/04]

88. **Mr. McCormack** asked the Minister for Health and Children if he has satisfied himself that the State's health service will comply with the European working time directive for non-

consultant hospital doctors by the deadline of 1 August 2004; and if he will make a statement on the matter. [18439/04]

194. **Dr. Cowley** asked the Minister for Health and Children the outcome of negotiations which have taken place between his Department and the unions representing managerial staff, ECG technicians, phlebotomists, ward clerks, porters and others with a view to ending the practice whereby up to 17% of the long hours worked by NCHDs is accounted for by carrying out at night and at weekends hospital duties more appropriate to these grades; and if he will make a statement on the matter. [18510/04]

195. **Dr. Cowley** asked the Minister for Health and Children if he intends to allocate additional funding to give effect to the European working time directive; the contingency arrangements he has prepared, including the curtailment of services when dictated by inadequate medical staffing, in the absence of sufficient extra staffing and resources to enable the introduction of the directive; and if he will make a statement on the matter. [18511/04]

Minister for Health and Children (Mr. Martin): I propose to take Questions Nos. 55, 88, 194 and 195 together.

The European working time directive, EWTD, requires a reduction in the average weekly working hours of non-consultant hospital doctors, NCHDs, to 58 hours by 1 August, 2004 and ultimately to 48 hours by 2009. The national task force on medical staffing which produced the Hanly report has reiterated the measures that must be progressed to reduce NCHD hours, while providing safe, high quality acute hospital services, 24 hours a day, seven days a week.

Responsibility for human resource planning rests with the chief executive officer of each health board. Each CEO in managing the workforce in his or her region is responsible for determining the appropriate staffing mix and the precise grades of staff to be employed in line with service plan priorities, subject to overall employment levels remaining within the approved regional employment ceiling.

As far as medical personnel are concerned, the Hanly report details the number of consultants and non-consultant hospital doctors that will be required in the coming years to provide a high quality, consultant-provided service. An implementation phase will obviously be required to achieve this re-configuration. The ability to deliver effective training to our doctors while maintaining a demanding medical service in a new model is significant in its own right. I am convinced, however, that this also presents a unique opportunity to improve training, services and the working lifestyles of all NCHDs.

The Deputies will be aware that the report of the national joint steering group on the working hours of non-consultant hospitals doctors identified a range of activities which could be deliv-

ered by other health professionals within a multidisciplinary team. It suggested a re-configuration of service and enhanced skills mix which could improve the quality of service to patients and remove inappropriate duties from NCHDs. This would also enhance the skills and broaden the range of capabilities of other health professionals. Work has been ongoing in implementing these recommendations. One example of this is the imminent introduction of a new training programme for phlebotomists which is expected to come into operation later this year. It is clear, however, that more work must be done and that full co-operation from all stakeholders is now required to establish groups at local level, incorporating the appropriate mix of doctors, nurses, local management and other grades to progress these discussions on skill mix issues.

A national co-ordinator and support team have been seconded to oversee the implementation of the European working time directive in the health agencies. In addition, medical manpower managers, appointed as part of the NCHD 2000 agreement, are helping to oversee the reduction in NCHD working hours on the ground. They are playing an essential role in the phased implementation of these aspects of the Hanly report, and helping to ensure compliance with the requirements of the directive. Latest returns indicate that in excess of 60% of NCHDs will be compliant with the 58 hours requirement of the directive by 1 August 2004. Difficulties will arise, however, in ensuring full compliance with the specific provisions of the directive, especially those relating to rest breaks and compensatory rest. These issues are being actively reviewed and progressed on an ongoing basis in so far as is possible without having the substantive engagement or necessary agreement of the Irish Medical Organisation.

As the Deputies are aware, time is of the essence in this process. Management representatives have been ready and willing to participate in local working groups, representatives of key stakeholders, to implement these measures. These groups would also monitor progress in relation to the reduction in NCHD hours. One of the problems facing management in implementing the directive's requirements is the lack of substantive engagement by the Irish Medical Organisation, the Irish Hospital Consultants' Organisation and some of the medical training colleges. The refusal of the IMO to establish or participate in local implementation groups, the failure to reach any agreement on the industrial relations issues and the limited and individualised response from some of the colleges on the training-rostering issues are causing significant and ongoing difficulties in relation to implementation. The difficulties being faced in this regard have already been outlined to the European Commission in the Department's response to its consultation document on the review of the European working time directive.

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Management has also been pressing to establish a national implementation group to co-ordinate the work being undertaken at local level, to provide guidance and to monitor progress. These groups at both national and local level should include appropriate hospital managers, consultants, NCHDs and other relevant healthcare professionals. The need to establish these groups has been discussed with the Irish Medical Organisation at the ongoing meetings in the Labour Relations Commission. Full co-operation from all the relevant stakeholders is vital in establishing these groups, to implement these measures that the medical organisations have been lobbying for many years to achieve.

I am aware that resource requirements may arise in the context of the work to be undertaken by both the local and national groups when agreement to their establishment is finally obtained. Such requirements will be considered in the context of the overall agreement that must be reached in relation to the implementation of the directive.

Responsibility for service provision within each health board-region is a matter for each chief executive officer concerned. This includes the preparation of contingency arrangements to address any situation which might affect the provision of services.

The deadlines imposed by the European working time directive will be difficult to meet, assuming the full cooperation of the key stakeholders concerned. I again call on the stakeholders concerned to participate with and co-operate with the necessary implementation processes. I think it is important to state that we face the same hurdles as many of our EU colleagues. They too are grappling with how to provide top quality health services while complying with the requirements of the directive. Every effort has been made and continues to be made to achieve compliance. The current difficulties in no way alleviate our legal obligations and only serve to emphasise the growing urgency of making the necessary progress to achieve implementation. I again call on all interested parties to play their part in achieving a healthier and safer working environment for doctors in training and equally important, the safer provision of services to patients.

Nursing Home Subventions.

56. **Dr. Upton** asked the Minister for Health and Children if his attention has been drawn to claims made by the Federation of Irish Nursing Homes that more than 1,000 elderly patients in nursing homes are being asked to pay top up fees of between €60 and €80 per week due to the fact that health boards have failed to increase subvention payments; the steps he intends to take to address this situation; and if he will make a statement on the matter. [18389/04]

Minister of State at the Department of Health and Children (Mr. Callely): I understand that the Federation of Irish Nursing Homes represents private nursing homes in the eastern part of the country in the area for which the Eastern Regional Health Authority has responsibility.

In accordance with Nursing Home (Subvention) Regulations, 1993, three rates of subvention are payable. They are €114.30, €152.40 and €190.50 per week in respect of the three levels of dependency which are medium, high and maximum. The subvention rates were increased by 25% with effect from April 2001.

Under the terms of section 22.3 and 22.4 of the Nursing Home (Subvention) Regulations, a health board may, at its discretion, pay more than the maximum rate of subvention in particular circumstances such as, for example, where an individual's personal funds are exhausted or where an individual is unable to meet the gap between the nursing home charge and the amount which he/she can contribute. The application of these provisions is a matter for the individual health board concerned in the context of meeting increasing demands for subvention within the board's revenue allocation as notified in the letter of determination. This is in keeping with the provisions of the Health (Amendment) (No 3) Act, 1996.

In the case of the Eastern Regional Health Authority administrative area there were on average 2,642 people in receipt of subvention in 2003. On average 1,359 persons in receipt of subvention were fully subvented, in other words, the full cost of their accommodation was paid with, in some cases, a contribution from them. A further 699 or 26% were in receipt of enhanced subvention at a rate above the maximum rate approved for their level of dependency. In 2003 the total spent on the nursing home subvention scheme in the Eastern Regional Health Authority amounted to approximately €63 million with the demand for subvention continuing to grow.

It is open to any individual who finds himself/herself unable to afford the cost of nursing home care to make an application to his/her local health board for a subvention towards the cost.

Question No. 57 answered with Question No. 46.

Cardiovascular Health Strategy.

58. **Mr. Deenihan** asked the Minister for Health and Children when a cardiologist will be appointed at Tralee General Hospital in view of the fact that County Kerry has the highest rate of cardiac related illness in the country; and if he will make a statement on the matter. [18492/04]

Minister for Health and Children (Mr. Martin): I have recently allocated additional annual funding of €500,000 to the Southern Health Board towards implementation of the cardiovascular health strategy. This additional funding will allow

the board to begin the planning process for the appointment of a consultant cardiologist to Tralee General Hospital, develop its cardiac rehabilitation services and expand its first responder project.

National Health Strategy.

59. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children if he has received the report, *Health in Ireland — An Unequal State*, published by the Public Health Alliance of Ireland; the action he proposes to take on its recommendations; and if he will make a statement on the matter. [18489/04]

Minister for Health and Children (Mr. Martin): I am aware of the report by the Public Health Alliance to which the Deputy refers and the material contained therein in relation to health inequalities.

The Deputy will be aware that both the National Health Strategy, *Quality and Fairness: A Health System for You*, and various reports of the chief medical officer, in particular the annual report of the chief medical officer 1999 and *Better Health For Everyone: A Population Health Approach for Ireland*, the annual report of the Chief Medical Officer, 2001, have pointed out the links between poverty and ill health in an Irish context.

The national anti-poverty strategy is the main vehicle through which the Government's response to the problems of poverty and social exclusion is being channelled. The targets to reduce health inequalities set in the Government's review of the NAPS have been integrated into the national health strategy. These targets were developed in the course of an extensive consultation process with poor and excluded groups. Key health targets are to reduce the gap in premature mortality and low birth weight between the highest and lowest socio-economic groups by 10% by 2007, and to reduce differences in life expectancy between Travellers and the rest of the population.

Because of the wide range of factors which affect health status and health inequalities, both the National Health Strategy, *Quality and Fairness: A Health System for You* and the report of the working group on NAPS and health envisage these targets being met through a range of actions including greater focus on multi-sectoral work and health impact assessment. A health element has been included in Ireland's National Action Plan Against Poverty and Social Exclusion 2003-2005 published in August 2003 — an EU requirement in relation to progressing the Lisbon agenda.

The report of the chief medical officer *Better Health for Everyone* sets out how a population health approach led by a population health division in the Department of Health and Children would enable the multi-sectoral nature of the determinants of health and health inequalities to be more effectively addressed. This issue is being

considered in the context of the reorganisation of the Department.

The national health strategy asserts quite clearly that to achieve better health for everyone and to reduce health inequalities, health must be put at the centre of public policy. In this context health impact assessment, HIA, is being developed so that relevant policies, strategies and legislation undergo a comprehensive process of health proofing so that their impact on the physical, mental and social well-being of the population is positive. The Institute of Public Health is already involved in some initiatives in this area and the Department of Health and Children in partnership with the Institute is developing a programme in this area which will include: policy seminars for senior management; training courses for HIA practitioners (project management, hazard identification, risk management, health gain interventions, HIA appraisal, inter-sectoral action); and review of HIA tools. An introductory policy seminar for senior managers has been held and HIA methodology guidelines and a screening tool for HIA have been published.

The important role of primary care in effectively addressing health inequalities was highlighted in the consultation process for the national anti-poverty strategy. The national health strategy acknowledges the central role of primary care in the future development of the health services. The implementation of the primary care strategy, *Primary Care: A New Direction*, is introducing a new model of primary care involving a core multidisciplinary primary care team, which will work with a wider network of health and personal social care professionals and will offer 24 hour cover. There has been substantial progress in the development of the ten initial primary care teams — one in each health board area — which were approved in late 2002, and additional personnel were funded. Once-off capital funding of €2 million and a further €1 million in respect of information and communications technology supports for the teams was also provided in 2002. Already, some of the teams are providing new or enhanced primary care services, for example, physiotherapy, social work services, shared care, to their target populations. Various teamworking initiatives are receiving high-level support and investment, as are needs assessment developments and research relating to primary care. The establishment of 24 hour GP co-operatives as part of the strengthening of primary care will help to reduce demand from, and treat appropriately, patients who would otherwise have to attend at an accident and emergency department.

One of the key objectives of the health service reform programme is to put in place organisational structures that will facilitate rollout of the primary care strategy, building on the work already undertaken by the health boards in that regard. The development of future primary care teams will be informed by a needs assessment

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process at regional and local level. The primary care strategy sets out a vision for the development of primary care, building on the existing strengths of the system to develop an integrated, high-quality, multidisciplinary and user-friendly primary care service to meet people's health and social care needs.

Community participation is being progressed in the context of the primary care strategy, the Combat Poverty Agency building healthy communities programme, in which my Department participates, and implementation of HeBE's community participation guidelines.

The national health promotion strategy 2000 — 2005 is also central to reducing health inequalities, as are the cardiovascular strategy, the new cancer strategy currently being developed and the mental health policy also in development. Many other actions to reduce health inequalities are also under way.

Intensive community based services which have been put in place to provide support for children who may have emotional and behavioural problems include the springboard initiative and the youth advocacy pilot projects. There are now 22 Government funded springboard family support projects countrywide. Some 700 children and 400 parents benefit from these services.

My Department has made available €1.5 million to the Department of Community, Rural and Gaeltacht Affairs this year to match RAPID money being provided for play facilities following on from the publication of the national play policy for children Ready Steady Play.

The consultation process for the all-Ireland study on Traveller health status and health needs has been concluded. A proposal from the Institute of Public Health in relation to the design, management and funding of the study is currently under consideration in my Department. It is expected that the study will commence later this year. A pilot study on the inclusion of an ethnic identifier in a number of data sources is also being supported. These initiatives are taking place in the wider context of the ongoing implementation of the national strategy for Traveller health.

My Department has commissioned the Institute of Public Health to undertake a programme of work involving the health boards, the Health Board Executive, the Office for Health Management and the Combat Poverty Agency to support health boards to implement actions to achieve the NAPS targets to reduce at health inequalities. The first phase of the work which relates to information gathering and agenda setting is well under way.

The Institute of Public Health is progressing work on data and monitoring requirements for NAPS health targets and is also finalising an extensive literature review to identify effective interventions to address the higher rates of low birth weight found in more disadvantaged groups.

The NAPS and health working group, including the social partners, has been reconvened in a consultative capacity to inform implementation and monitoring of the NAPS and health targets and to situate the work in the broader NAPS context.

My Department is working jointly with the office for social inclusion in the Department of Social and Family Affairs to develop guidelines for poverty proofing tailored to the health services.

Performance Indicators for a number of groups at risk of social exclusion have been included in the national suite of performance indicators developed jointly by the Department of Health and Children and the health boards and currently in use in the context of the annual service plans. The groups included are Travellers, refugees and asylum seekers, homeless and those with an addiction.

The Public Health Alliance report raises the issue of capacity in the health system. The health strategy sets out a programme of investment and reform that will stretch over the next decade. It provides for the largest bed capacity expansion in the history of the health service. €118 million was provided, capital and revenue, to meet the first phase of a programme to provide a total of 3,000 new acute beds over the period to 2011. The Department has been informed by the Eastern Regional Health Authority and the health boards that, to date, 584 additional beds have been commissioned. Funding has been made available to health boards/authority to commission the balance of the 709 beds this year.

In relation to waiting lists in public acute hospitals, the target set out in the national health strategy states that by the end of 2004 all public patients requiring admission to hospital will be scheduled to commence treatment within a maximum of three months of referral from an out-patient department. Intermediate targets have been set to achieve this aim to ensure that the focus is being turned towards those patients waiting longest for treatment.

As the Deputy will be aware I have transferred responsibility for the recording and publishing of waiting list figures to the national treatment purchase fund. The NTPF has a multi-disciplinary team who have been working with individual hospitals to identify patients on waiting lists. The NTPF has been successful in locating additional capacity and arranging treatments for approximately 13,000 patients by the end of May this year. The NTPF has reported that waiting times have fallen significantly with 37% of patients now waiting between three and six months and 43% waiting between six and 12 months for surgery. Therefore, 80% of patients now wait less than one year for surgical treatment. This represents a major reduction in the length of time patients have to wait. The NTPF has the available capacity to treat patients and will continue to focus on reducing waiting times even further. The fund's target is to treat over 12,000 patients in

2004 and has the capacity to treat a minimum of 1,000 patients per month in Ireland and in the United Kingdom. If referrals can be maintained at this level the NTPF expects that waiting times for surgical operations should be reduced further and be brought in line with the health strategy targets of three to six months. It is now the case that, in most instances, adults waiting more than six months for an operation and children waiting more than three months will be facilitated by the fund.

In 2004 some €31 million was allocated to the health boards and Eastern Regional Health Authority as base funding to fund consultant and other support staff costs associated with reducing elective waiting lists. Funding for the national treatment purchase fund was also increased to €44 million in 2004. Therefore the total amount of dedicated funding available to tackle waiting lists in 2004 is €75 million.

In relation to the recommendation in the Public Health Alliance report advocating for publicly salaried hospital consultants who work exclusively for public hospitals, as the Deputy will be aware consultants currently holding the category 1 contract are contracted to devote substantially the whole of their professional time, including time spent on private practice, to public hospitals. There are approximately 1,200 approved category 1 consultant posts at present. The Deputy may also be aware that the Report of the Commission on Financial Management and Control Systems in the Health Service, the Brennan report, recommended the recruitment of consultants on a public only contract. This recommendation, and other recommendations relevant to the consultant contract arising from the Brennan report, the report on the Audit of Structures and Functions in the Health System, Prospectus report, and the Report of the National Task Force on Medical Staffing, Hanly report, will be progressed in the context of the negotiations on a new consultant contract. I am anxious to get these negotiations underway as soon as possible.

I might add that, as set out in the White Paper on Private Health Insurance, it remains Government policy to move, on a phased basis, to full economic pricing for private beds in public hospitals.

The Public Health Alliance report raises issues about eligibility for health services. The Government is fully committed to the extension of medical card coverage as set out in the health strategy. This will focus on people on low incomes and will give priority to families with children, particularly those with a disability. The timing of the introduction of the extension will be decided having regard to the prevailing budgetary position.

The reduction of health inequalities is a central objective of the national health strategy and of the Government's wider national anti-poverty strategy. My priority now is implementation of actions in the context of these strategies and other related health strategies for particular

groups and of the Government's health reform programme generally.

Health Board Services.

60. **Mr. Stagg** asked the Minister for Health and Children if the number of the promised 850 community nursing units now available in regard to his announcement of July 2002; the hospitals in which they are available; the number in each case; and if he will make a statement on the matter. [18387/04]

Minister for Health and Children (Mr. Martin):

The 850 additional beds which I announced in July 2002 were for community nursing units to be provided under two pilot public private partnership projects in 17 locations throughout the Eastern Regional Health Authority and Southern Health Board areas.

The ERHA will be providing nine 50 bed community nursing units, three in each of the area health boards. The locations are as follows: Clonskeagh Hospital, Newcastle Hospital and Tivoli Road, Dún Laoghaire in the East Coast Area Health Board; St. Joseph's Hospital, Raheny, St. Mary's Hospital, Phoenix Park and Swords in the Northern Area Health Board; and St. Brigid's Hospital, Crooksling, Brú Chaoimhin, Cork Street and Cherry Orchard in the South Western Area Health Board.

The Southern Health Board proposes to develop eight 50 bed CNU's in the following locations: St. Finbarr's, Farranlea Road and Ballincollig in the Cork South Lee area; St. Stephen's Hospital Glanmire and St. Mary's Orthopaedic Hospital, Gurranbraher in the Cork North Lee area; Mount Alvernia Hospital, Mallow in the North Cork Area; Bantry in the west Cork area and Tralee in Kerry.

These additional beds are currently not available, as the process of providing services under a PPP arrangement requires the health board/authority to comply with the EU procurement legislation and national guidelines on PPPs.

Public sector benchmarks for both projects have been prepared and finalised by the ERHA and the SHB. These are a comprehensive and detailed risk adjusted costing of the project elements using conventional procurement over the whole life of the project. The public sector benchmarks have been submitted to the Department of Finance for consideration and my Department is currently in consultation with the Department of Finance in relation to the projects. On approval contract notices will be advertised by each of the awarding authorities in the *Official Journal of the European Union*.

Hospital Services.

61. **Mr. J. Bruton** asked the Minister for Health and Children if he has made an estimate of the population of visits to accident and emergency departments that were by persons whose conditions might more appropriately be treated at

[Mr. J. Bruton.] primary care level; if he has analysed the reason accident and emergency departments were used in those cases; and if he will make a statement on the matter. [18395/04]

Minister for Health and Children (Mr. Martin): There are some 1.2 million attendances at emergency departments each year. While individual hospitals have systems and procedures in place to record attendance at the emergency department information in relation to the extent or severity of injuries or conditions of people attending is not routinely collected on a national basis by my Department. However, information supplied to my Department by health boards and hospitals indicates that approximately 25% of those who attend the emergency department require admission to hospital.

While many of the balance require hospital treatment, it is recognised, that a number of those who attend emergency departments may more appropriately be treated in a primary care setting.

The strategy, Primary Care: A New Direction recognises that the Irish health system places considerable reliance on hospital care and that an appropriately developed primary care system can meet between 90% and 95% of all health and personal social service needs. This strategy sets out a new direction for primary care as the central focus for the delivery of health and personal social services. It promotes a team-based approach to service provision which will help to provide a fully integrated primary care service. A properly integrated primary care service can lead to better outcomes, better health status and better cost effectiveness. Appropriately developed, primary care services can help prevent or reduce the impact of conditions that might later require hospitalisation, and can also facilitate earlier hospital discharge. Overall a strengthened primary care system can have a significant impact in alleviating demands on specialist services and the hospital system, particularly accident and emergency and out-patient services. General practitioner out-of-hours co-operatives have been established and are operating in at least part of all health board areas, with one health board, the North Eastern Health Board, having a region wide project. Between 2000 and 2003, €46.5 million has been allocated to the health boards for the purpose of out-of-hours co-operatives and this figure does not include the fees paid to participating general practitioners. An amount of €24 million has been allocated for 2004. The satisfaction rate with the GP co-op service is very high from both patient and provider perspectives. In fact a recent survey by the Western Health Board's service, WestDoc, indicated that of the persons surveyed 30% said that they would have gone to the emergency medicine department if the service had not been available.

In order to address the needs of patients presenting at the emergency department some hospitals have established minor injury or illness

units. These units provide rapid assessment and appropriate treatment of minor injuries by nurse practitioners or junior doctors. The main advantages of having a separate minor injuries area within the emergency department include the better streamlining of patients and decreased waiting times.

Legislative Programme.

62. **Mr. Wall** asked the Minister for Health and Children when he intends to publish the promised health and social care professionals Bill to regulate health workers; and if he will make a statement on the matter. [18391/04]

Minister for Health and Children (Mr. Martin): The draft health and social care professionals Bill is currently being finalised for submission to Government for approval to publish before the commencement of the autumn session.

Rehabilitation Medicine.

63. **Mr. G. Mitchell** asked the Minister for Health and Children if he has plans to increase the number of consultants in rehabilitation medicine; and if he will make a statement on the matter. [18406/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): My Department had identified the need and requirement for new service developments in rehabilitation medicine in the context of Estimates discussions with the Department of Finance. However, the economic position in 2003 and 2004 has had implications for all aspects of public investment and this was reflected in the Estimates and budget adopted by the Government for those years. The funding allocated to the health services has been applied largely to maintaining existing levels of service across all service programmes.

My Department is aware of the need for a strategic approach to the enhancement of rehabilitation services, encompassing as it does services provided through the entire range of medical disciplines, including paediatrics, orthopaedics, respiratory medicine, cardiology and rheumatology, services for older people and mental health. Rehabilitation can be hospital based or community based and specialist or generalist led. It must be integrated and part of a comprehensive programme which identifies rehabilitation in all its forms as a priority.

The key challenge is to develop an integrated approach to driving and resourcing developments in all of these areas. This integrated approach would necessarily involve the recruitment of additional consultants in rehabilitation medicine, as identified by the Deputy, but could not be done in isolation.

Inevitably additional resources are already in great demand for these discrete services even before shared objectives are considered. My Department will continue to pursue the matter having regard to available resources.

Ambulance Service.

64. **Mr. Murphy** asked the Minister for Health and Children if he has plans to progress with the implementation of a helicopter emergency medical service for the island of Ireland following the recent report that was published by his Department and the Northern Ireland Department of Health, Social Services and Public Safety; and if he will make a statement on the matter. [18426/04]

83. **Mr. Murphy** asked the Minister for Health and Children the progress to date of consultations that have taken place between his Department, the Department of Defence and the Department of Communications, Marine and Natural Resources concerning the introduction of a helicopter emergency medical service for the island of Ireland; and if he will make a statement on the matter. [18428/04]

Minister for Health and Children (Mr. Martin): I propose to take Questions Nos. 64 and 83 together.

My Department and the Department of Health, Social Services and Public Safety, Belfast, commissioned a feasibility study and report on the costs and benefits associated with the introduction of a dedicated helicopter emergency medical services, HEMS, for the island of Ireland.

The decision to commission the study followed a recommendation by a cross-Border working group on pre-hospital emergency care, one of a number of groups established under the North-South Ministerial Council to examine areas of North-South co-operation in the health field.

The report of the consultants appointed to undertake the study was published on 30 April 2004 and is available on my Department's website. The study identifies possible roles for a helicopter emergency medical service, HEMS: primary response — travelling directly to the scene of an incident to take the patient to hospital; and inter-hospital response — the planned, rapid transfer between hospital of patients requiring specialist care, escorted by skilled professionals.

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

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

ance. The service is well regarded and appreciated by those in the health service who avail of it.

My Department is exploring options in relation to HEMS development in the light of the recent study. As part of this exercise, it has initiated discussions with the Department of Defence and the Department of Communications, Marine and Natural Resources and the Irish Coast Guard.

Pharmacy Services.

65. **Ms Lynch** asked the Minister for Health and Children the progress made to date in his Department's review of pharmaceutical expenditure and community pharmacy services; when he expects that the review will be completed; and if he will make a statement on the matter. [18372/04]

Minister for Health and Children (Mr. Martin): My Department is reviewing pharmaceutical expenditure and community pharmacy structures in light of the recommendations of several reports in the area, including the pharmacy review group and Brennan reports.

These reports have identified a number of areas that need to be addressed, including measures to control the increase in the cost of the community drug schemes and drug costs in the GMS. To this end, I have established a small working group to evaluate all aspects of drugs prescribing under the various schemes, to determine the feasibility of recommendations in the reports and to make detailed proposals in relation to a number of specific issues.

Among the policy options being considered are increased use of generic medicines, pricing and reimbursement structures for the community drug schemes and pharmaeconomic assessment of reimbursable medicines.

Health Information and Quality Authority.

66. **Mr. Allen** asked the Minister for Health and Children the progress of the establishment of the health information and quality authority; the purpose of the HIQA, its objective, functions and proposed structure; and if he will make a statement on the matter. [18414/04]

Minister for Health and Children (Mr. Martin): My Department is working to progress the establishment of the health information and quality authority, HIQA. A project manager has been appointed and it is anticipated that the board of the Interim HIQA will be in place by early autumn. The board will be charged with developing a set-up plan for the HIQA, for my approval and with overseeing implementation of that plan.

A key policy aim of the health strategy is to deliver high quality services that are based on evidence-supported best practice. The health information and quality authority is being established to advance this aim. Its responsibilities will be built around three related functions: developing health information; promoting and implementing quality assurance programmes nationally; and

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overseeing health technology assessment. The structure of the organisation will reflect these functions. The HIQA will subsume relevant functions currently carried out by the national cancer registry, national disease surveillance centre and the Irish Health Services Accreditation Board. The proposed structure of HIQA will form part of the set-up plan.

Initially, the agency will be set up on an administrative basis. The new health Bill currently being drafted to underpin the health service reform programme will provide, *inter alia*, for the establishment of HIQA on a statutory basis.

Tax Code.

67. **Mr. R. Bruton** asked the Minister for Health and Children if he has the intentions to provide general practitioners tax incentives to encourage their involvement in more diagnostic work; and if he will make a statement on the matter. [18403/04]

Minister for Health and Children (Mr. Martin): There are currently no plans to introduce tax incentives to general practitioners to encourage their involvement in more diagnostic work. The issue of tax incentives is a matter for the Department of Finance.

Hospital Staff.

68. **Mr. Gogarty** asked the Minister for Health and Children the steps he intends to take to ensure that Filipino nurses who provide such a valuable role in hospitals here, continue to stay in face of better conditions being offered in other states; and if he will make a statement on the matter. [18479/04]

Minister for Health and Children (Mr. Martin): The policies of my Department in relation to recruitment of overseas nurses are set out in the publication, Guidance for Best Practice on the Recruitment of Overseas Nurses and Midwives published in 2001. The guidelines cover all aspects of the recruitment process including: planning staff selection; visas and work permits; provision of advice before leaving home; the procedures for gaining registration in Ireland and induction, orientation and adaptation on arrival in Ireland.

The guidelines were developed by a committee of experts from government departments and the health services employers, and represent current best practice. The guiding principles underlying the policies are quality, ethical recruitment, equity, inclusiveness and promotion of nursing as a career. This document is currently being updated.

Supports provided to overseas nurses arriving to work in the health service include supervised clinical practice, orientation and assessment. A full-time clinical placement co-ordinator is employed to facilitate this. Nurses are paid at the minimum point of the staff nurse scale during this period, and following registration are given full

incremental credit for relevant nursing experience. Overseas nurses enjoy the same employment protection as Irish and EU nurses, and are given the same career development supports and opportunities.

Employers are required to assist overseas nurses in obtaining registration with An Bord Altranais, and assistance in obtaining work permits, visas and work authorisations can also be provided. Employers should provide subsidised accommodation for six weeks following arrival and assist nurses in securing long-term private accommodation.

Since 1998, 5,678 non-EU nurses have been registered by An Bord Altranais. While these nurses come from a variety of countries, the predominant country of origin is the Philippines. Officials from my Department are in regular contact with the Philippines Embassy in London and with the honorary consul in Dublin. In fact, senior officials of my Department met with the Philippines ambassador as recently as 1 June last. Feedback from the Philippines authorities is that their nurses are treated well in Ireland, that Irish employment laws are worker friendly and adequately protect the rights of overseas nurses, and that Irish people are receptive and friendly to immigrant workers. The deputy head of mission at the embassy has stated that Ireland remains competitive for foreign skilled workers, particularly Filipinos.

As the Deputy may be aware, late last year media reports highlighted the dissatisfaction of many of the 3,000 or so Filipino nurses working in Ireland with the then arrangement which did not allow their spouses an automatic entitlement to work in Ireland. I also received individual representations from Filipino nurses and the embassy of the Philippines in London on this matter. Many Filipino nurses maintained that the situation in relation to work permits for their spouses effectively meant that the nurse was providing the sole income of the household. Other countries such as the United Kingdom and Australia allowed the nurses' spouses an automatic right to work. Nurses cited this as a reason why some of them were transferring to work in other developed countries.

I very much welcomed the announcement in February 2004 by my colleague, the Tánaiste, Deputy Harney, of the introduction of new arrangements for work permits which will be confined to the spouses of certain categories of non-EEA employees, including nurses, in the State. These new arrangements will give greater ease of access to employment for eligible spouses, under specified schemes and facilities. The Department of Enterprise, Trade and Employment recently published a guide to work permits for spouses of employment permit holders and this has been made available to all health service employers. The guide is also published on my Department's website.

A survey of EU nursing pay rates by my Department indicated in 2003 that the average annual salary for a nurse with ten years experience is €30,247 per annum. In Ireland, the same nurse was paid €34,103 per annum which represents a premium of almost 13%. In the United Kingdom, a nurse with ten years experience earned €25,940 per annum. In Ireland, premium pay, which included overtime, unsocial hours and night duty rates, typically added a further 23% to basic earnings.

Excellent relations and levels of co-operation have been established between the Irish and Filipino authorities, and I would like to place on the record my appreciation of the contribution Filipino nurses have made to our health service.

ERHA Expenditure.

69. **Mr. Costello** asked the Minister for Health and Children the current overspend in the ERHA broken down by health board, up to 1 June 2004; the reasons for the overspend and the measures being taken by him to address this problem; and if he will make a statement on the matter. [18361/04]

Minister for Health and Children (Mr. Martin):

The latest information available to my Department from the Eastern Regional Health Authority is in respect of expenditure for the four months ended 30 April 2004. The ERHA is reporting an excess of €25 million approx. over the period budget of €1,053 million or a variance of 2.4%. The variance against period budget to end April for each sector is as follows

| | Variance €m |
|---|----------------|
| Voluntary Acute Sector | 9.308 |
| Voluntary Non-Acute Sector | (0.838) |
| Intellectual Disability Services Sector | 0.892 |
| Northern Area Health Board | 7.793 |
| East Coast Area Health Board | 2.690 |
| South West Area Health Board | 5.421 |
| ERHA Corporate | nil |
| Total | 25.266 |

The issues giving rise to the variance over budget, as identified by the ERHA, include an increase in acute hospital activity over the same period last year of 4% overall, with an increase in day case activity of 8.6%; non-pay costs, particularly in the area of clinical costs, including drugs and high cost treatments; and increased spending on demand-led schemes;

The ERHA is continuing to work with its service providers to manage expenditure within the annual determination as required under the financial control framework, while continuing to respond to the pressure on accident and emergency and acute hospital services and the knock-

on effect on services for older people. As stipulated by the Minister for Finance and set out as a requirement in the letter of determination, the ERHA has a contingency sum set aside to deal with unexpected issues and service pressures arising during the year.

The over-riding accountability objective of my Department is to monitor the provision of health and children's services by reference to approved service plans and, in particular, to ensure that agencies, including ERHA, manage the delivery of services within the approved levels of expenditure.

Health Service Reform.

70. **Mr. O'Shea** asked the Minister for Health and Children the progress made to date with regard to the implementation of the recommendations of the Brennan report; and if he will make a statement on the matter. [18378/04]

Minister for Health and Children (Mr. Martin):

The Health service reform programme announced by the Government in June 2003 is primarily based on the recommendations of the Commission on Financial Management and Control Systems in the Health Service, the Brennan report, and the Prospectus Audit of Structures and Functions in the Health System together with the Report of the National Taskforce on Medical Staffing, the Hanly report.

Implementation of the reform programme is now well underway. I announced the board of the Interim HSE last November and the board has met on a number of occasions. The Interim HSE was established as a statutory body on foot of SI 90/04 on 9 March. Under the establishment order, the Interim HSE has been given the task of drawing up a plan for the transition to a unitary delivery system. The interim executive has also been given the task of making the necessary preparations to implement this plan, subject to ministerial approval, so as to ensure as smooth a transition as possible from the existing health board structure to the new Health Service Executive structure. It is intended that the Health Service Executive will be established on a full statutory basis by January 2005. Work on the preparation of the necessary primary legislation is well under way.

The Government has appointed a national steering committee to oversee the implementation of the reform programme. The committee will report to the Cabinet Committee on the Health Strategy, ensuring that the Government is kept fully informed on all important issues.

The Health (Amendment) Act 2004, which provides for the abolition of the membership of the Eastern Regional Health Authority and the health boards was commenced on the 15 June. The Act also repeals the provisions providing for the appointment of members to the Eastern Regional Health Authority, area health boards and health boards.

[Mr. Martin.]

An interim health information quality authority will be established on an administrative basis by early autumn. A financial transition team made up of representatives from my Department and the interim HSE are working together to lay the groundwork for the implementation of a number of the recommendations of the Brennan commission. The team is working to enable the HSE to comply with its role in the management and control of the health service delivery system from January 2005.

A national service planning team has also been established made up of representatives from my Department and the Interim Health Service Executive. The team will be working on the development of a national service plan for 2005 and subsequent years with associated performance indicators and a robust monitoring and evaluation framework.

The new system will provide a clear national focus on service delivery and executive management through reduced fragmentation and the creation of clear and unambiguous accountability throughout the system. I am satisfied that the new arrangements, combined with the introduction of system-wide best practice governance and accountability systems, will ensure a more effective, efficient and responsive health system.

Cancer Incidence.

Question No. 71 answered with Question No. 9.

72. **Ms O'Sullivan** asked the Minister for Health and Children if the incidence of cervical cancer here is worsening and, for the first time, is now higher than in Britain; when the cervical smear testing programme will be available nationwide; the steps being taken to reduce delays in the provision of results; and if he will make a statement on the matter. [18374/04]

Minister for Health and Children (Mr. Martin): Statistics on the incidence of new cancer cases are collated by the national cancer registry. The most up-to-date data for the number of new cases of invasive cervical cancer are for the years 1994 to 2000 and are shown in the following table.

| Year | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 |
|------|------|------|------|------|------|------|------|
| | 174 | 155 | 215 | 173 | 188 | 156 | 193 |

The data show no statistically significant increase in the numbers of invasive cervical cancer.

I have set out in the following table the age-standardised rates per 100,000 women of newly diagnosed invasive cervical cancer in Ireland and England. The Deputy will note that the rates are different in comparison to similar rates in this country.

| | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 1998-2000 Average |
|---------|-------|-------|-------|------|------|------|------|-------------------|
| Ireland | 10.7 | 9.2 | 12.2 | 9.9 | 10.5 | 8.8 | 10.5 | 9.9 |
| England | 11.00 | 10.04 | 10.00 | 9.7 | 9.2 | 9.4 | 8.6 | 9.00 |

A pilot cervical screening programme commenced in October 2000 with the programme covering the Mid-Western Health Board region. Under the programme, cervical screening is being offered, free of charge, to approximately 74,000 women in the 25 to 60 age group, at five year intervals.

The Health Board Executive, HeBE, has commissioned an examination of the feasibility and implications of a national rollout of a cervical screening programme. This is a major undertaking with significant logistical and resource implications. The examination includes an evaluation of the pilot programme, policy development and the establishment of national governance arrangements. The evaluation of the pilot programme is a key element in informing the development of a high quality cervical screening model for Ireland. HeBE has advised that, when the evaluation report is completed, it will be in a position to prepare a draft plan for the national rollout of a programme, for consideration by my Department.

The number of smear tests carried out nationally has increased by almost 20% in recent years. In order to meet this increased demand, additional cumulative funding of €11 million has been provided by my Department since 2002 to enhance the laboratory and colposcopy services. This funding has enabled the laboratories to employ additional personnel, to purchase new equipment and to introduce new technology thereby increasing the volume of activity. In addition, a number of hospitals have undertaken initiatives such as contracting out of smear test analysis to external laboratories. These initiatives have resulted in a reduction in waiting times with, for example, the waiting time for routine results at Cork University Hospital being reduced from 129 days at March 2003 to less than 40 days currently.

National Health Information Strategy.

73. **Mr. Timmins** asked the Minister for Health and Children when he will publish the health information strategy; the reason its publication has been delayed; and if he will make a statement on the matter. [18420/04]

Minister for Health and Children (Mr. Martin): The national health information strategy has been approved by Government and will be published shortly.

While an earlier launch date had been intended, I decided to defer completion of the report in order to ensure full consistency with the suite of reports which form the basis of the health

service reform programme. I consider this to be particularly important given the key role of information in supporting and enabling reform. These reports each address one of the frameworks for change identified in the health strategy, Quality and Fairness: A Health System for You. These are strengthening primary care, reform of the acute hospital system, funding, organisational reform and human resources. The remaining framework is information and is addressed by the national health information strategy.

Health Service Reform.

74. **Mr. Gilmore** asked the Minister for Health and Children the way in which it is intended to meet the requirement for 21 specialists as specified in the Hanly report in view of the commitment given by him in a letter dated 27 May 2004 (details supplied); and if he will make a statement on the matter. [18363/04]

Minister for Health and Children (Mr. Martin): The Hanly report argues that in the context of a 48-hour working week for doctors, for a hospital to be in a position to provide full emergency cover at all times, it would require seven consultants each in the specialties of medicine, surgery and anaesthesia.

In the case of the east coast region, I established an implementation group to progress implementation of the Hanly report recommendations. The exact services to be provided in each hospital, including Loughlinstown, and the detailed medical staffing requirements to bring this about, will be part of the implementation group's remit.

Unfortunately, the group has not been in a position to meet to date because of the non-participation of hospital consultants due to ongoing industrial relations difficulties.

Legislative Programme.

75. **Mr. Sherlock** asked the Minister for Health and Children when it is expected that the heads of the medical practitioners Bill will be presented to Government; if it is intended to publish the heads; and if he will make a statement on the matter. [18393/04]

Minister for Health and Children (Mr. Martin): I am pleased to inform the Deputy, that a memo for Government on this matter was on the agenda of this morning's Cabinet meeting. I will revert to the Deputy with the Government's decision on the matter in due course.

76. **Ms Enright** asked the Minister for Health and Children if he will consider the introduction of a Good Samaritans Bill to give exemptions from liability for persons who render emergency treatment with a portable defibrillator in order to facilitate a volunteer system in which defibrillators can be placed and used in rural communities, large offices or commercial buildings;

and if he will make a statement on the matter. [18446/04]

Minister for Health and Children (Mr. Martin):

It may not be possible for legal reasons to grant an exemption from civil liability to people who volunteer to give emergency treatment using portable defibrillators. I am aware that some health boards whose regions cover sparsely populated areas provide training in the use of portable defibrillators to appropriately qualified "first responders" such as fire crews. I have asked officials of my Department and the State Claims Agency, which operates the clinical indemnity scheme, to examine how the scheme might be able to offer indemnity cover to appropriately qualified and trained volunteers who agree to provide this service.

Medical Cards.

77. **Mr. Penrose** asked the Minister for Health and Children the number of persons who held medical cards in June 2002 and at the latest date for which figures are available and the proportion of the population this represents in respect of each such date; when it is intended to implement the commitment to extend eligibility for medical cards in order to bring in over 200,000 extra persons; and if he will make a statement on the matter. [18380/04]

Minister for Health and Children (Mr. Martin):

The details requested are as follows:

| Date | No. of medical cards | No. of persons covered | Percentage of the population |
|-----------|----------------------|------------------------|------------------------------|
| June 2002 | 783,612 | 1,207,096 | 30.81% |
| May 2004 | 766,596 | 1,154,861 | 29.48% |

As the Deputy is aware the health strategy includes a commitment that significant improvements will be made in the medical card income guidelines in order to increase the number of persons on low income who are eligible for a medical card and to give priority to families with children and particularly children with a disability. I regret that it is not possible to meet this commitment this year but the Government remains committed to the introduction of the necessary changes during its current term.

Strategy for Asthma Sufferers.

78. **Mr. P. Breen** asked the Minister for Health and Children if, following reports that approximately 400,000 persons here suffer from asthma, he intends to introduce a national strategy for asthma sufferers; and if he will make a statement on the matter. [18435/04]

Minister for Health and Children (Mr. Martin):

My Department is aware of reports of a rise in the number of persons suffering from asthma in this country. Conditions which may contribute to an increase in the prevalence of asthma include

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food allergies resulting in gastrointestinal symptoms and allergies to substances in the environment which may lead to a variety of skin conditions. It is accepted that some of the factors which may influence this situation include environmental factors, not only smoking and workplace exposure to respiratory irritants, but a more general level of exposure to environmental substances which cause allergies to occur.

The Deputy may wish to note that at the Competitiveness (Internal Market, Industry and Research) Council on 22 September 2003 the Council approved a directive regarding the labelling of the ingredients present in foodstuffs. In particular, the new labelling rules aim to ensure that consumers suffering from food allergies, or who wish to avoid eating certain ingredients for any other reason, are informed of the ingredients present. The new directive also establishes a list of ingredients liable to cause allergies or intolerances. The new rules will also extend to alcoholic beverages if they contain an ingredient on the allergens list.

The European Commission is currently developing an action plan on environment and health, which is expected to be adopted later this year. The plan is intended to reduce the disease burden caused by environmental factors in the EU with special emphasis on children, to identify and to prevent new health threats caused by environmental factors and to strengthen EU capacity for policy making in this area. Officials of my Department and the Department of the Environment, Heritage and Local Government are involved in this issue.

At the recent meeting of EU chief medical officers, the chief medical officer of my Department placed the issues of food and asthma on the agenda in order to share experiences, information and knowledge with our EU partners on these issues. In addition, my Department has contacted the Health Research Board to discuss the issue of research into the incidence of asthma in the Irish population and the establishment of an asthma register is under discussion between professionals dealing with asthma and the ERHA.

These initiatives should help to clarify some of the causative factors relating to these conditions and, more specifically, to identify contributing factors. Thus, preventative and treatment strategies can be more effectively developed and implemented.

Accident and Emergency Services.

79. **Mr. Broughan** asked the Minister for Health and Children the action which is planned to deal with the shocking level of overcrowding in accident and emergency hospitals in the greater Dublin area, as a result of which the ERHA was forced to issue a public statement asking people not to attend accident and emergency departments; and if he will make a statement on the matter. [18366/04]

Minister for Health and Children (Mr. Martin):

There are a number of initiatives under way at present in order to deal with pressures in emergency medicine departments in the eastern region.

I provided €13.8 million to the ERHA in 2003-04 to facilitate the discharge of patients from the acute system to a more appropriate setting thereby freeing up acute beds. To date, a total of 286 patients in the eastern region has benefited from this initiative.

I have provided additional annual revenue funding of €93 million and capital funding of €25 million to health boards and the Eastern Regional Health Authority to commission 709 extra beds in the acute hospital sector. Over 270 new acute beds have been commissioned to date in the eastern region under the bed capacity initiative.

Funding has been provided for the recruitment of additional emergency medicine consultants and consultant anaesthetists. The number of emergency medicine consultants in the eastern region has increased from ten to 21 in the past five years.

A review of the nurse staffing levels in emergency departments is also being progressed by the Health Services Employers Agency in consultation with the health service management representatives and the nursing unions.

General practitioner out-of-hours co-operatives have been established and are operating in at least part of all health board areas, with one health board, the North Eastern Health Board, having a region-wide project. A total of €46.5 million has been allocated for the development of out-of-hours co-operatives between 2000 and 2003, with an additional €24 million being provided in 2004.

In order to ease pressure on the emergency medicine departments in the city the ERHA is reminding the public of the need to only attend the emergency department if absolutely necessary. This is to ensure that those in greatest need of care have immediate access to services. I assure the Deputy that I will continue to work with the various health agencies in looking for short-term and longer-term solutions to the current difficulties.

Task Force on Childhood Obesity.

80. **Mr. Sargent** asked the Minister for Health and Children the number of meetings of the task force on childhood obesity that have taken place; the levels of remuneration for those involved in the task force; when the task force intends to report; and if he will make a statement on the matter. [18482/04]

Minister for Health and Children (Mr. Martin):

The national task force on obesity was established on the 10 March 2004. There have been five plenary meetings to date. The members of the task force do not receive any remuneration

and an obesity strategy document is expected by December 2004.

Food Supplements.

81. **Mr. Sargent** asked the Minister for Health and Children his views on the health effects on young athletes of the use of creatine and food supplements, due to possible contamination in these substances; the action he intends to take to deal with this problem; and if he will make a statement on the matter. [18487/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Creatine is an amino acid made in the body by the liver and kidneys, and is derived from the diet through meat and animal products. Creatine is categorised as a food supplement in Ireland and in the European Union, and is available over the counter in health food and sports shops. It is also available over the Internet. Studies have shown that creatine can increase the performance of athletes in activities that require quick bursts of energy, such as sprinting, and can help athletes to recover faster after expending bursts of energy. It is also used by people with neuromuscular disorders under medical supervision.

All food supplements, including creatine, must comply with general food labelling regulations which are enforced by the Food Safety Authority of Ireland, FSAI. I am advised by the FSAI that short-term exercise studies have not reported any adverse effects associated with creatine supplementation. While no long-term studies have been done to evaluate the safety of prolonged administration, a recent report from the French food safety authority said that adverse events involving the digestive, muscular and cardiovascular systems of people taking high dosages of creatine have occurred. It also warned that impurities could exist in creatine that is marketed to consumers. However, no published investigation has been conducted on creatine to determine what impurities might be present in creatine supplements, and what their long-term effect might be. The Department of Health and Children recommends a balanced diet and advises that the health effects of supplementation with high levels of creatine over extended periods have not been investigated. Therefore, as a precautionary measure, the consumption of high doses of creatine over a long period should be avoided.

The European Commission recently published a draft directive on foods intended to meet the expenditure of intense muscular effort, especially for sports people. This draft incorporates the Scientific Committee on Food's, review of the safety aspects of creatine supplementation. The SCF noted that certain intakes of creatine are effective in increasing total muscle and improving performance of short-term, high-intensity exercise. However, high doses of creatine should be avoided. On the basis of this opinion, the draft directive states that it is appropriate that products containing creatine should have detailed instruc-

tions for use, including details on intake levels per day.

Officials of my Department and of the FSAI are actively involved in the discussions on this draft directive which will be implemented into Irish law once adopted by the European Commission.

Question No. 82 answered with Question No. 39.

Question No. 83 answered with Question No. 64.

Question No. 84 answered with Question No. 43.

Medical Insurance.

85. **Mr. Sherlock** asked the Minister for Health and Children the position regarding his discussions with the Irish Hospital Consultants Association regarding the proposed new system of medical insurance; and if he will make a statement on the matter. [18386/04]

Minister for Health and Children (Mr. Martin): Intensive efforts are continuing to resolve the issue of who should take responsibility for claims that result from events which occurred before the establishment of the clinical indemnity scheme. This is the issue which is of greatest concern to consultants arising from the introduction of the new indemnity arrangements. The Irish Hospital Consultants Association and the Irish Medical Organisation are kept informed of progress on a regular basis.

Accident and Emergency Services.

86. **Mr. J. O'Keeffe** asked the Minister for Health and Children if he will report on arrangements for the future of the accident and emergency services at Bantry Community Hospital. [18397/04]

Minister for Health and Children (Mr. Martin): I presume this question has been prompted by concerns which have been raised about the implications for accident and emergency departments of the Report Of The National Task Force On Medical Staffing, the Hanly report. In fact, the Hanly report does not recommend the closure of accident and emergency departments. Instead, it argues that major hospitals should treat the most serious accident and emergency cases, namely, those requiring multi-specialist care. The great majority of current accident and emergency work would continue to be treated in hospitals such as Bantry.

While the task force report contains specific recommendations regarding the configuration of acute hospital services in the two pilot regions studied, the East Coast Area Health Board and the Mid-Western Health Board, no specific recommendations are made for other regions.

[Mr. Martin.]

The next phase of work will involve the preparation of a national plan for the reorganisation of acute hospital services by the acute hospitals review group.

Medical Cards.

87. **Mr. Noonan** asked the Minister for Health and Children if he intends to raise the medical card income guidelines; and if he will make a statement on the matter. [18443/04]

Minister for Health and Children (Mr. Martin):

As the Deputy is aware the health strategy includes a commitment that significant improvements will be made in the medical card income guidelines in order to increase the number of persons on low income who are eligible for a medical card and to give priority to families with children and particularly children with a disability. This should be viewed in the broader context of the strategy's emphasis on fairness and its stated objective of reducing health inequalities in our society. Due to the prevailing budgetary situation I regret that it is not possible to meet this commitment this year but the Government remains committed to the introduction of the necessary changes within the lifetime of this Government. As a matter of course, the medical card income guidelines are revised annually in line with the consumer price index. The last such increase was notified in January 2004.

It should be remembered that health board chief executive officers have discretion in the issuing of medical cards and also that a range of income sources are excluded by the Health Boards when assessing medical card eligibility. Many allowances such as carer's allowance, child benefit, domiciliary care allowance, family income supplement and foster care allowance are all disregarded when determining a person's eligibility. Given these factors and the discretionary powers of the CEOs, having an income that exceeds the guidelines does not mean that a person will not be eligible for a medical card, and a medical card may still be awarded if the chief executive officer considers that a person's medical needs or other circumstances would justify this.

Non-medical card holders, and people with conditions not covered under the long term illness scheme, can avail of the drugs payment scheme. Under this scheme, no individual or family unit pays more than €78 per calendar month towards the cost of approved prescribed medicines.

The health strategy includes a whole series of initiatives to clarify and expand the existing arrangements for eligibility for health services, including recommendations arising from the review of the medical card scheme carried out by the Health Board CEOs under the PPF which include streamlining applications and improving the standardisation of the medical card applications process to ensure better fairness and

transparency; providing clearer information to people about how and where to apply for medical cards; and proactively seeking out those who should have medical cards to ensure they have access to the services that are available.

The strategy emphasises fairness and the objective of reducing health inequalities in our society. Shorter waiting times for public patients is prioritised, with the expansion of bed numbers and the introduction of a treatment purchase fund. In addition, there are clear commitments to targeting vulnerable and disadvantaged groups including continued investment in services for people with disabilities and older people; initiatives to improve the health of travellers, homeless people, drug misusers, asylum seekers/refugees and prisoners; and implementation of the NAPS targets relating to health.

Question No. 88 answered with Question No. 55.

Health Board Services.

89. **Mr. Rabbitte** asked the Minister for Health and Children the progress made to date in regard to his Department's discussions with the ERHA and the Northern Area Health Board on the steps necessary to ensure that the Ballymun health centre will be brought into operation and made available to the people of the area, in view of the fact that it has remained unused, although completed, for a year at an estimated cost of €3.5 million; and if he will make a statement on the matter. [18384/04]

Minister for Health and Children (Mr. Martin):

My Department has recently been in discussions with the Eastern Regional Health Authority, ERHA, and the Northern Area Health Board, NAHB, regarding this project. My Department is currently awaiting a report from the ERHA and the NAHB on a number of issues regarding this proposal.

Medical Insurance.

90. **Mr. Broughan** asked the Minister for Health and Children if he has received an application for an increase in premium rates from the VHI; if it is intended to grant the application; the date and amount of each increase in premium rates approved since June 1997; the cumulative increase in premium rates during this period; if his attention has been drawn to the difficulties created for VHI members by the huge rate of increase in rates; and if he will make a statement on the matter. [18365/04]

Minister for Health and Children (Mr. Martin):

Early this afternoon, notification was received from VHI stating that it intends to increase premiums by 3.8% for its hospital A to E plans and 2.5% for Options plans from 1 September 2004 as members renew. There is no increase for its primary care Healthsteps plans. My Department will now proceed to consider this notification.

The following are the premium increases since June 1997:

| Effective date | % Increase |
|------------------|---|
| 1 September 2003 | 8.5 (across hospital plans A to E and plan P) 7.5 (across option plans) |
| 1 September 2002 | 18 |
| 1 September 2001 | 9 |
| 1 February 2001 | 6.25 |
| 1 September 1999 | 9.4 |
| 1 September 1998 | 9 |
| 1 September 1997 | 9 The cumulative increase amounts to 92.7%, with the average annual increase being just under 10%. |

Under VHI legislation, the VHI board has the primary responsibility to set premium rates. It is a matter for the VHI board, in discharging its responsibilities as regards setting premium levels, to take account of all the key considerations, including the matter of affordability for its members.

Hanly Report.

91. **Mr. Gilmore** asked the Minister for Health and Children if he has received the response to the Hanly report from the Ennis General Hospital Development Committee; his views on its recommendations; and if he will make a statement on the matter. [18362/04]

Minister for Health and Children (Mr. Martin): I have examined the report commissioned by Ennis General Hospital Development Committee in response to the Hanly report. I am pleased that it supports a substantial number of the Hanly proposals and that it acknowledges that the report should not be rejected out of hand. This is in marked contrast to some of the comments offered about the report from other quarters.

However, the report reaches some incorrect conclusions regarding the implications of the Hanly report for the future of Ennis General Hospital. For example, it compares staffing ratios and costs per case between Ennis General Hospital and other hospitals without taking account of differences in case complexity between smaller and larger hospitals. Comparisons of costs and staffing levels are meaningless unless the relative complexity and intensity of patients' treatment needs are taken into account. It is not possible to reach valid conclusions about the relative efficiency of hospitals without this information.

The report incorrectly assumes all acute beds in Ennis would be closed and transferred to Limerick. The Hanly report does not propose the closure of any beds in local hospitals. Its recommendations are based on the provision of an additional 3,000 acute hospital beds as envisaged in the health strategy.

The report also appears to expect that all accident and emergency cases currently seen in Ennis will be transferred to Limerick, with the effective complete closure of accident and emergency in the smaller hospitals. This incorrect assumption leads to a projected 35% increase in Limerick's accident and emergency numbers. In fact, the Hanly report argues that the major hospital should treat the most serious accident and emergency cases, namely, those requiring multi-specialist care. The great majority of current accident and emergency work would continue to be provided in hospitals such as Ennis.

The report commissioned for the hospital committee analyses journey times to hospital in the context of the "golden hour". Unfortunately it seems to take no account of the approach set out in the Hanly report, which argues that the critical issue is speedy access to emergency treatment at the scene by first responders, such as trained ambulance personnel or general practitioners. This should be followed by rapid transfer to a hospital most able to meet their needs. The critical issue, therefore, is not journey time to the nearest hospital, but speed of access by trained personnel with onward transfer to the hospital most able to deal with serious cases. The critique later argues that reliance on ambulances would leave remote areas more vulnerable where an ambulance has been called away from that region; however this depends on the number of ambulances available and their positioning within the region.

Finally, the critique points to a "population explosion" brought about by tourism in the summer months in the west Clare region. Any additional workload for accident and emergency services brought about by this increase is already reflected in the accident and emergency activity recorded in Ennis General Hospital. It was therefore taken into account by the Hanly group when framing its recommendations.

Overall, I welcome the work commissioned by the Ennis General Hospital Development Committee in analysing the Hanly report. I am pleased it is very supportive of many aspects of the Hanly report but its key criticisms are based on a series of incorrect assumptions which need to be challenged.

General Practice Manpower.

92. **Mr. McGinley** asked the Minister for Health and Children the efforts he has made to address the current manpower crisis in general practice; and if he will make a statement on the matter. [18440/04]

Minister for Health and Children (Mr. Martin): The issue of manpower in general practice in the new primary care settings is being addressed by the HR education and training subgroup of the primary care national steering group. Representatives from the Irish Medical Organisation and the Irish College of General Practitioners are on this group along with other stakeholders.

[Mr. Martin.]

The intake of trainees into general practice vocational training programmes in recent years has increased from 55 in 1998 to 84 in 2003, reflecting an acknowledgement that provisions had to be made to ensure for the future manpower needs in general practice. In fact, 186 applications were received for inclusion in the GP training schemes in 2003, giving a clear indication that general practice is still an attractive specialist option for graduates. In view of the recruitment and retention needs of general practitioners, my Department is consulting with the Irish College of General Practitioners with a view to achieving an increase of up to 50% in the number of training places available.

My Department has provided €1.314 million in 2003 for GP vocational training schemes and will seek to maintain and, I hope, increase funding in this area, as resources permit.

Hospital Waiting Lists.

93. **Mr. Durkan** asked the Minister for Health and Children the steps he has taken or proposes to take to address the anomalous situation whereby long hospital waiting lists appear to have become the norm, while at the same time hospital wards remain closed or beds decommissioned due to a lack of adequate resources and staff; and if he will make a statement on the matter. [18463/04]

203. **Mr. Durkan** asked the Minister for Health and Children the number of patients awaiting treatment in respect of various surgical procedures; and if he will make a statement on the matter. [18637/04]

205. **Mr. Durkan** asked the Minister for Health and Children the extent to which he has dealt with hospital waiting lists having particular regard to his promise to eliminate all waiting lists within two years of the life of the present Government; and if he will make a statement on the matter. [18639/04]

213. **Mr. Durkan** asked the Minister for Health and Children the steps he proposes to take to ensure that all hospital wards and beds are fully commissioned, available and utilised to the optimum extent in line with public requirements; and if he will make a statement on the matter. [18649/04]

214. **Mr. Durkan** asked the Minister for Health and Children the reason hospital wards and beds are closed or decommissioned in view of the public demand for services as illustrated by long waiting lists; if he has examined the cause or causes whereby the public cannot gain access to hospital services; and if he will make a statement on the matter. [18650/04]

Minister for Health and Children (Mr. Martin): I propose to take Questions Nos. 93, 203, 205, 213 and 214 together.

Responsibility for the collection and reporting of waiting lists and waiting times now falls within the remit of the national treatment purchase fund, NTPF. This will result in a more accurate and complete picture being available of the numbers waiting and more importantly the length of time they are waiting for their procedures. My Department has, therefore, asked the chief executive of the NTPF to respond directly to the Deputy regarding the number of patients awaiting treatment for surgical procedures.

With regard to waiting times, the NTPF has reported that 80% of patients now wait less than one year for surgical treatment. The NTPF has also reported that waiting times have fallen significantly in the past year with 37% of patients now waiting between three and six months and 43% waiting between six and 12 months for surgery. This represents a major reduction in the length of time patients have to wait. Patients who have been waiting more than six months for treatment can also contact the NTPF directly or through their general practitioners to arrange treatment.

While the rate of progress in achieving the targets set out in the health strategy has been slower than anticipated, the targets still remain a goal to be achieved and I will continue to keep the focus on reducing waiting lists and waiting times.

It is a feature of all acute hospital systems that some beds are out of use for short periods. These beds are not decommissioned but are temporarily out of use for a variety of reasons such as ward refurbishment, essential ward maintenance, staff leave, seasonal closures and infection control measures. Data collected by my Department show that the total bed days lost due to beds being temporarily out of use in 2003 represents approximately 3% of the overall available acute bed stock.

Increasing the capacity of the acute hospital system continues to be a priority. I have provided additional annual revenue funding of €93 million and capital funding of €25 million to health boards and the Eastern Regional Health Authority to commission 709 extra beds in the acute hospital sector as part of the Government's commitment under the health strategy to provide an additional 3,000 acute hospital beds over the period to 2011. Some 589 of these beds have been commissioned to date and funding has been made available to health boards and the ERHA to commission the balance of the 709 beds.

My Department will continue to work with health agencies to bring on stream buildings, facilities and equipment which are being provided under the national development plan. The additional revenue required to open these new facilities will have to be considered against the background of available resources and other competing priorities.

Health Board Staff.

94. **Mr. Durkan** asked the Minister for Health

and Children the full extent of staff shortages throughout the health services at present, with particular reference to community care and special needs; his plans to address the issue; and if he will make a statement on the matter. [18462/04]

209. **Mr. Durkan** asked the Minister for Health and Children the plans he has in mind to ensure the provision of adequate staff throughout the health services including hospital, community care and special hospital services; and if he will make a statement on the matter. [18643/04]

210. **Mr. Durkan** asked the Minister for Health and Children the number and category of staff shortages in the health services throughout County Kildare; his plans to address this issue; and if he will make a statement on the matter. [18646/04]

Minister for Health and Children (Mr. Martin): I propose to take Questions Nos. 94, 209, 210 together.

Staffing requirements in the areas highlighted by the Deputy should be viewed in light of the very substantial increases in employment levels achieved in the health service overall in recent years. The Deputy may wish to note that there has been an increase in the level of employment of 23,706, excluding home helps, in whole-time equivalence terms since 1999, or 32.6%. In this context, comparing employment levels at the end of December 2003 to those at end-1999, there were 26%, +1,407, more medical/dental personnel and 85%, +5,853, more health and social care professionals employed in the health services in whole-time equivalent, WTE, terms. In 1998 there were 26,612 whole-time equivalent nurses employed in the public health system. By the end of December 2003 this figure had reached 33,765. This is an increase of more than 7,150 during the period, or 26.8%.

Developments such as pay increases, improvements in career structure and enhanced opportunities for professional and career development have all supported increased staffing levels for key health and social care professions. The implementation of the pay recommendations of the Public Service Benchmarking Body — which are subject to the successful ongoing completion of the performance verification process — are making a further important contribution to recruitment and improved retention. The continued implementation of the action plan for people management — a key action under the health strategy — has a crucial role in improving retention and reducing turnover of skilled staff.

The Deputy may wish to note that specific human resource initiatives in key areas will contribute significantly to meeting the workforce requirements of the health services.

As far as medical personnel are concerned the report of the National Task Force on Medical Staffing details the number of consultants and non-consultant hospital doctors that will be

required in the coming years to provide a high quality, consultant-provided service.

The promotional structure within nursing, including the introduction of a clinical career pathway, has been substantially improved on foot of the recommendations of the Commission On Nursing and the 1999 nurses' pay settlement. The National Council for the Professional Development of Nursing and Midwifery has been especially active in this area and, to date, 1,563 clinical nurse specialist and advanced nurse practitioner posts have been created.

Figures from An Bord Altranais for the same period indicate that there is a steady stream of new entrants into the profession, over and above those graduating from the Irish system, thus further increasing the potential recruitment pool. Since 1998, the total number of nurses newly registered by An Bord Altranais is 19,945. Of this number, 13,658 were overseas nurses.

According to the most recent survey of nursing vacancies by the Health Service Employers Agency, the number of nursing vacancies stood at 705 at the end of March 2004. This represents a 49% reduction in the number of vacancies reported at the end of September 2000.

The current nursing vacancy rate of less than 2% could be considered to be a normal frictional rate, given that there will always be some level of movement due to resignations, retirements and nurses availing of opportunities to change employment and locations.

Significant progress has also been achieved in doubling the total number of professional therapy training places — namely, physiotherapy, occupational therapy and speech and language therapy — in line with the recommendations of the report entitled *Current and Future Supply and Demand Conditions in the Labour Market for Certain Professional Therapists*, commissioned by my Department from Dr. Peter Bacon and Associates and published in June 2001.

On the prioritisation of particular service and geographical areas, such as those mentioned by the Deputy, it should be noted that responsibility for human resource planning rests with the chief executive officer, CEO, of each board. Each CEO in managing the workforce in his/her region is responsible for determining the appropriate staffing mix and the precise grades of staff to be employed in line with service plan priorities, subject to overall employment levels remaining within the approved regional employment ceiling.

Hospital Services.

95. **Mr. Rabbitte** asked the Minister for Health and Children when it is expected that the new five story facility at James Connolly Memorial Hospital, Blanchardstown, which cost more than €96 million to construct and equip, will be brought into service; the steps being taken to ensure that the facility is commissioned without further delay; the estimated costs arising from cleaning, light, heating, security and maintenance

[Mr. Rabbitte.]
of equipment that would be required to bring it into operation; and if he will make a statement on the matter. [18383/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of services at James Connolly Memorial Hospital rests with the Eastern Regional Health Authority.

This major development is being funded jointly by the Northern Area Health Board, through the sale of surplus lands, and my Department. The projected full project cost is €101.4 million. This includes an amount of €5 million approved last year to facilitate refurbishment works at the hospital which are necessary as part of the transition process to the new hospital and to facilitate a land transfer in line with the project development arrangements.

My Department is advised that the first phase of the transition to the new development at James Connolly Memorial Hospital, Blanchardstown, has been completed. The coronary care and car-

diac unit, the therapeutic psychiatry of old age unit, day hospital and the rheumatology service transferred to the new building in September 2003.

The further commissioning of this development is currently being examined by the ERHA and my Department.

Population Statistics.

96. **Mr. J. Bruton** asked the Taoiseach his projection of evolution of the working age population here as a proportion of total population over the next 25 years on present trends and the equivalent available projections for other OECD countries. [18259/04]

Minister of State at the Department of the Taoiseach (Ms Hanafin): The information requested by the Deputy is contained in the following table which is based on the medium variant of the UN population projections. The working age population is defined as those aged 15 to 64 years.

Projected percentage of the population aged 15-64 in OECD countries 2000-2030

| Country | Projection Year | | | | | | |
|--------------------------|-----------------|------|------|------|------|------|------|
| | 2000 | 2005 | 2010 | 2015 | 2020 | 2025 | 2030 |
| | % | | | | | | |
| Australia | 67.2 | 67.8 | 68.2 | 67.2 | 65.8 | 64.1 | 62.5 |
| Austria | 67.8 | 68.2 | 68.5 | 68.2 | 67.0 | 64.3 | 60.6 |
| Belgium | 65.6 | 65.6 | 66.1 | 65.0 | 63.7 | 61.8 | 59.7 |
| Canada | 68.4 | 69.4 | 70.0 | 68.8 | 66.6 | 63.8 | 61.3 |
| Czech Republic | 69.8 | 71.2 | 70.9 | 68.1 | 65.7 | 64.5 | 63.4 |
| Denmark | 66.7 | 66.3 | 65.7 | 64.5 | 63.8 | 62.5 | 60.4 |
| Finland | 66.9 | 66.9 | 66.6 | 63.9 | 61.6 | 59.8 | 58.5 |
| France | 65.2 | 65.3 | 65.2 | 63.7 | 62.5 | 61.3 | 60.0 |
| Germany | 68.1 | 67.0 | 66.2 | 66.0 | 64.7 | 62.6 | 59.6 |
| Greece | 67.4 | 66.7 | 66.4 | 65.8 | 65.0 | 63.7 | 61.9 |
| Hungary | 68.4 | 69.4 | 70.0 | 69.3 | 67.1 | 65.5 | 65.0 |
| Iceland | 65.0 | 66.2 | 67.4 | 67.0 | 65.8 | 63.9 | 62.2 |
| Ireland | 67.2 | 68.2 | 67.7 | 66.3 | 65.5 | 65.1 | 65.0 |
| Italy | 67.6 | 66.6 | 66.3 | 65.3 | 64.6 | 63.0 | 60.0 |
| Japan | 68.2 | 66.3 | 64.0 | 61.0 | 59.5 | 58.9 | 57.8 |
| Luxembourg | 67.3 | 67.3 | 68.0 | 68.1 | 67.8 | 66.7 | 64.9 |
| Mexico | 61.4 | 63.5 | 65.3 | 66.8 | 67.6 | 68.0 | 68.0 |
| Netherlands | 67.9 | 67.7 | 67.6 | 66.2 | 65.1 | 63.3 | 60.9 |
| New Zealand | 65.3 | 66.0 | 66.8 | 66.1 | 65.0 | 63.2 | 61.2 |
| Norway | 64.8 | 65.7 | 66.3 | 65.4 | 64.2 | 62.4 | 60.5 |
| Poland | 68.6 | 70.7 | 72.2 | 70.6 | 67.7 | 65.3 | 64.5 |
| Portugal | 67.7 | 67.0 | 66.9 | 66.7 | 66.4 | 65.4 | 63.8 |
| Republic of Korea | 72.0 | 71.8 | 72.5 | 72.6 | 71.5 | 68.4 | 65.1 |
| Slovakia | 69.1 | 71.3 | 72.2 | 71.0 | 68.6 | 66.8 | 65.5 |
| Spain | 68.6 | 68.8 | 68.2 | 67.6 | 67.0 | 65.3 | 62.7 |
| Sweden | 64.3 | 65.3 | 65.2 | 62.9 | 61.3 | 60.0 | 58.8 |
| Switzerland | 67.3 | 67.4 | 66.9 | 65.4 | 63.3 | 60.2 | 56.7 |
| Turkey | 62.8 | 65.1 | 66.9 | 68.3 | 69.3 | 69.6 | 69.1 |
| United Kingdom | 65.1 | 66.1 | 66.9 | 66.3 | 65.5 | 64.2 | 62.5 |
| United States of America | 65.9 | 66.5 | 66.6 | 65.5 | 64.1 | 62.5 | 61.5 |

Source: Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, World Population Prospects: The 2002 Revision and World Urbanization Prospects: The 2001 Revision <http://esa.un.org/unpp>, 17 June 2004

Gross Domestic Product.

97. **Mr. J. Bruton** asked the Taoiseach the average GDP per head for Ireland and for each other OECD country in 1950, 1960, 1970, 1980, 1990, 2000 and to date. [18260/04]

Minister of State at the Department of the Taoiseach (Ms Hanafin): The GDP per head for Ireland in current and constant terms — in terms of 1995 prices — are supplied in Table 1 for the years requested. There are discontinuities in the series in 1990 and 1985 and two sets of figures have been supplied for each of those years. This arises in the case of 1990 due to the accounts being compiled according to new rules — the ESA95 system as opposed to the ESA 1970 sys-

tem. However, the values of GDP under the new and old systems are supplied for 1990.

In the case of 1985, the discontinuity arises due to improved methodologies being adopted while it was not possible to revise retrospectively prior to 1985. Here again, two sets of figures using the new and old methodologies have been provided for the year 1985.

The GDP figures *per capita* in other OECD countries, in US dollars for the relevant years beginning with 1970, have been supplied in Table 2. These have been taken from the OECD website. OECD cannot provide the data prior to 1970. The conversion into dollars has been done using a special PPP, purchasing power parity, rate that compares the price of a representative basket of goods in each country rather than using the currency exchange rates. Similar tables in constant terms can be obtained on the OECD website.

Table 1

Ireland's GDP *per capita* at current and constant (1995) prices

| Year | Period: 1950-2003 | |
|------|--------------------------------------|--|
| | GDP <i>per capita</i> (€) Current | GDP <i>per capita</i> (€) 1995 prices |
| 2003 | 33,155 | 24,335 |
| 2002 | 33,021 | 24,381 |
| 2001 | 29,889 | 23,266 |
| 2000 | 27,157 | 22,211 |
| 1990 | 10,358 | 11,947 |
| 1990 | 9,846 | 11,323 |
| 1985 | 6,663 | 9,005 |
| 1985 | 6,445 | 8,711 |
| 1980 | 3,522 | 8,187 |
| 1970 | 702 | 6,183 |
| 1960 | 285 | 4,344 |
| 1950 | 159 | 3,232 |

Table 2

OECD GDP per head at current prices and current PPPs (US dollars)

| Country | 1970 | 1980 | 1990 | 2000 | 2001 | 2002 |
|----------------|-----------|-----------|-----------|-----------|-----------|-----------|
| Australia | 4,214.719 | 9,747.555 | 16,663.03 | 26,294.57 | 27,385.44 | 28,086.7 |
| Austria | 3,601.775 | 9,962.901 | 18,698.34 | 27,865.26 | 28,372.61 | 28,871.98 |
| Belgium | 3,667.228 | 9,809.5 | 17,931.78 | 25,916 | 27,096.28 | 27,716.49 |
| Canada | 4,223.356 | 10,830.99 | 19,100.63 | 28,366.59 | 29,290.04 | 30,302.71 |
| Czech Republic | — | — | 11,087.31 | 13,668.14 | 14,852.99 | 15,108.29 |
| Denmark | 4,530.475 | 10,344.42 | 18,296.06 | 28,143.9 | 29,222.95 | 29,231.2 |
| Finland | 3,373.793 | 9,154.551 | 17,990.29 | 25,358.52 | 26,390.27 | 26,494.63 |
| France | 3,769.408 | 9,647.375 | 17,717.73 | 25,292.78 | 26,552.11 | 27,216.64 |
| Germany | 3,662.261 | 9,369.552 | 17,621.32 | 24,851.36 | 25,455.81 | 25,917.24 |
| Greece | 2,558.882 | 7,175.642 | 11,072.94 | 16,074.54 | 17,020.13 | 18,436.27 |
| Hungary | — | — | — | 11,878.5 | 13,042.7 | 13,891.61 |
| Iceland | 3,466.84 | 11,250.31 | 20,047.15 | 27,948.54 | 29,030.91 | 28,398.86 |
| Ireland | 22,68.574 | 6,131.31 | 12,890.97 | 28,035.07 | 29,821.87 | 32,646.13 |

| Country | 1970 | 1980 | 1990 | 2000 | 2001 | 2002 |
|-----------------|-----------|-----------|-----------|-----------|-----------|-----------|
| Italy | 3,444.59 | 9,189.887 | 17,368 | 24,682.09 | 25,343.02 | 25,610.05 |
| Japan | 3,200.402 | 8,627.72 | 18,632.57 | 25,887.44 | 26,551.14 | 26,852.42 |
| Korea | 706.276 | 2,396.947 | 7,416.338 | 15,185.62 | 15,915.87 | 17,016.08 |
| Luxembourg | 4,526.414 | 10,671.96 | 25,068.44 | 48,419.78 | 49,229.86 | 49,149.71 |
| Mexico | 1,569.178 | 4,256.151 | 6,288.826 | 9,110.341 | 9,148.489 | 9,214.563 |
| Netherlands | 4,121.188 | 9,929.523 | 17,808.3 | 26,982.1 | 28,711.19 | 29,008.81 |
| New Zealand | 39,67.432 | 8,308.082 | 13,982.27 | 20,412.28 | 21,229.52 | 21,783.16 |
| Norway | 3,180.164 | 9,460.887 | 17,908.39 | 35,815.83 | 36,577.71 | 35,515.75 |
| Poland | — | — | 6,037.929 | 10,173.57 | 10,495.82 | 10,845.51 |
| Portugal | 1,881.694 | 5,237.291 | 10,805.96 | 17,149.85 | 17,885.79 | 18,433.66 |
| Slovak Republic | — | — | — | 10657.25 | 11322.87 | 12,254.56 |
| Spain | 2,627.579 | 6,647.209 | 13,013.8 | 20,316.7 | 21,346.52 | 22,405.65 |
| Sweden | 4,421.369 | 10,189.36 | 18,665.68 | 26,575.75 | 26,902.26 | 27,265.22 |
| Switzerland | 6,378.603 | 13,902.84 | 24,299.88 | 29,758.81 | 30,036.44 | 30,454.87 |
| Turkey | 968.794 | 2,268.518 | 4,526.084 | 6,729.826 | 6,045.501 | 6,407.769 |
| United Kingdom | 3,585.214 | 8,436.865 | 16,358.96 | 25,322.1 | 26,627.13 | 27,948.35 |
| United States | 5,000.268 | 12,170.33 | 23,004.76 | 34,601.67 | 35,178.81 | 36,120.66 |
| Euro area | 3,419.879 | 8,834.149 | 16,533.98 | 24,049.84 | 24,964.09 | 25,565.52 |
| EU15 | 3,486.408 | 8,824.675 | 16,581.24 | 24,364.27 | 25,328.04 | 26,027.1 |
| OECD-Europe | 3,298.811 | 8,203.736 | 15,153.63 | 21,963.58 | 22,641.69 | 23,240.09 |
| OECD total | 3,550.821 | 8,821.716 | 16,656.62 | 24,562.91 | 25,162.85 | 25,801.65 |

Unemployment Levels.

98. **Mr. J. Bruton** asked the Taoiseach the figures for the rate of unemployment for different national categories of foreign-born persons here and for persons born here. [18261/04]

Minister of State at the Department of the Taoiseach (Ms Hanafin): The information requested by the Deputy is contained in the following table:

ILO unemployment rate for persons aged 15 years and over by place of birth — QNHS, 2004 Q1

| | % |
|----------------------|-----|
| Republic of Ireland | 4.3 |
| United Kingdom | 5.9 |
| Rest of the EU | 3.4 |
| Rest of the world | 4.4 |
| Total non-Irish-born | 5.4 |
| Total | 4.4 |

Notes

1. For the purposes of this table it is assumed that when the country of birth is not stated it is the Republic of Ireland.
2. EU refers to EU-15.
3. The QNHS covers the usually resident population living in private households.

Data may be subject to sampling or other survey errors, which are greater in respect of smaller values or estimates of change. Reference period: Q1 — December to February 2004.

Source: Quarterly National Household Survey, Central Statistics Office, Ireland.

Population Statistics.

99. **Mr. J. Bruton** asked the Taoiseach the proportion of the population here born outside the

State and the equivalent proportion for the OECD as a whole and for each OECD country. [18262/04]

Minister of State at the Department of the Taoiseach (Ms Hanafin): The information requested by the Deputy, insofar as it is available, is contained in the following table.

Percentage of Foreign Born Persons for years around 2000

| | % |
|----------------|------|
| Australia | 27.4 |
| Austria | 12.5 |
| Belgium | 10.8 |
| Canada | 19.3 |
| Switzerland | 22.4 |
| Czech Republic | 4.5 |
| Germany | N/A |
| Denmark | 6.8 |
| Spain | 5.3 |
| Finland | 2.5 |
| France | 10.0 |
| United Kingdom | 8.3 |
| Greece | 10.3 |
| Hungary | 2.9 |
| Ireland | 10.4 |
| Italy | N/A |
| Japan | N/A |
| Korea | 0.3 |
| Luxembourg | 32.6 |
| Mexico | 0.5 |
| Netherlands | 10.1 |
| Norway | 7.3 |
| New Zealand | 18.8 |
| Poland | N/A |

| | % |
|--------------------------|------|
| Portugal | 6.3 |
| Slovakia | 2.5 |
| Sweden | 12.0 |
| Turkey | 1.9 |
| United States of America | 12.3 |
| Total | 8.7 |

N/A = Not Available

Household Wealth.

100. **Mr. J. Bruton** asked the Taoiseach the proportion of household wealth here held in the form of housing assets; and the comparable figures for other OECD countries. [18209/04]

Minister of State at the Department of the Taoiseach (Ms Hanafin): The information requested by the Deputy is not available.

National Minimum Wage.

101. **Mr. R. Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment if the age differential under the minimum wage legislation can permit employers to pay a lower wage even when identical hours and productivity requirements apply to a worker who is under 18; and her views on whether the right of employers to pay a lower wage should only apply when there is an apprenticeship or other such special arrangement approved. [18327/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): Sub-minimum rates of the national minimum wage apply where an employee is: under age 18; or in the first two years after the date of first employment over age 18; or undergoing a prescribed course of study or training.

All employees under the age of 18 are entitled to 70% of the national minimum wage. This percentage was recommended by the National Minimum Wage Commission to strike a balance between ensuring that young employees are not exploited and ensuring that the rate of pay does not encourage students to leave full-time education.

The National Minimum Wage Commission recommended that sub-minimum rates should also apply to employees in the first two years of employment over age 18 and to those undergoing structured training. These recommendations were endorsed by the interdepartmental group on implementation of a national minimum wage and implemented in the minimum wage legislation.

Regulations — SI 99 of 2000 — prescribe the criteria that a course of study or training must satisfy before these sub-minimum rates can apply. These include the requirement that the course must include an assessment and certification procedure.

The National Minimum Wage Act does not apply to statutory apprentices within the meaning

of or under the Industrial Training Act 1967 or the Labour Services Act 1987.

Consumer Protection.

102. **Dr. Upton** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the practices of a person (details supplied) and the concerns expressed that vulnerable persons are being manipulated by this person; if she has satisfied herself with the regulatory regime in place here in order that allegations of manipulation of persons in this manner can be satisfactorily investigated and sanctions made when appropriate; her views on whether in respect of whether these allegations are true, there is a regulatory vacuum in this area; her plans to bring forward legislation to deal with this type of concern; and if she will make a statement on the matter. [18547/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The current legislative regulatory framework for consumer protection makes provision for false trade descriptions. Section 2 of the Consumer Information Act 1978 makes it an offence to apply a false trade description to a product. These offences are prosecuted by the Director of Consumer Affairs. In addition, the consumer has rights under the Sale of Goods and Supply of Services Act 1980 regarding breaches as to the warranty of a particular product.

At the competitiveness Council on 18 May 2004 the unfair commercial practices directive received political agreement. This measure will create harmonised rules for the protection of consumers against misleading, unfair or aggressive practices which harm consumers economic interests.

The directive contains a list of practices which are considered at all times unfair and consequently prohibited. One of these banned practices is “falsely claiming that a product is able to cure illness, dysfunction or malformation”. This directive will probably be formally adopted by the Council later this year after which it will be transposed into Irish law.

Extradition of Person.

103. **Mr. Rabbitte** asked the Minister for Defence if progress has been made with regard to efforts to bring to justice those responsible for the killings of persons (details supplied) in Lebanon in April 1980; if, in particular, efforts have been made to secure the extradition of a person identified in a television programme as being the killer of the persons, who it is reported is now resident in the United States; and if he will make a statement on the matter. [18540/04]

Minister for Defence (Mr. M. Smith): The killing of Private Thomas Barrett and Private Derek Smallhorne and the wounding of Private John O'Mahony while serving with UNIFIL was an abhorrent crime. The legal issues in this case have

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been reviewed on a number of occasions in the context of ascertaining whether persons alleged to have committed this awful crime could be brought to justice.

I have previously consulted the Attorney General on the question of the possibility of seeking the extradition to the State for trial here of the alleged perpetrators of this crime. However, I have been advised that the Irish courts do not have jurisdiction for acts, such as this, committed by non-nationals outside the State and that extradition proceedings would, therefore, have to be initiated in the country where the crime was committed, namely, in Lebanon.

As the Deputy will be aware, the Convention on the Safety of United Nations and Associated Personnel, which was inspired by the need to improve the level of protection of people, such as the late Privates Barrett and Smallhorne, serving on UN missions and to ensure the punishment of individuals who do not respect the mandate of UN peacekeepers, entered into force on 15 January 1999. The convention, however, does not apply retrospectively.

I will continue to explore such avenues as may be open to me to seek justice in respect of Privates Barrett and Smallhorne. However, it is the case that, given the passage of time, building a *prima facie* case at this remove is likely to prove difficult.

Registration of Title.

104. **Mr. Ring** asked the Minister for Agriculture and Food if matters will be expedited for persons (details supplied) in County Mayo. [18294/04]

Minister for Agriculture and Food (Mr. Walsh): I am advised that the Land Registry has completed this dealing.

Farm Waste Management.

105. **Mr. P. Breen** asked the Minister for Agriculture and Food the reason grant aid under the farm waste management scheme is not available for replacement of one gang slats in slatted cattle houses while such aid is available for the replacement of single slats one or otherwise; his proposals to amend this anomaly; and if he will make a statement on the matter. [18299/04]

Minister for Agriculture and Food (Mr. Walsh): The farm waste management scheme does not provide grant aid for the repair of existing buildings. However, when the revised farm waste management scheme was introduced in January of this year, I decided to provide grant aid for the removal of single slats and their replacement by gang slats as an exceptional safety measure. Gang slats tend to be inherently safer than single slats and are now manufactured to a more rigorous standard specification. I have no plans to extend grant-aid under the scheme to the

replacement of existing gang slats by new gang slats.

Rural Environmental Protection Scheme.

106. **Mr. P. Breen** asked the Minister for Agriculture and Food the way in which his Department's view that the REP scheme is easier to operate and cheaper to enter be justified in view of matters (details supplied); and if he will make a statement on the matter. [18300/04]

Minister for Agriculture and Food (Mr. Walsh): The detailed specification referred to by the Deputy is for the use of professional planners and is designed to assist them in drawing up REPS 3 plans. Farmers are not obliged to refer to the specification; instead, I have introduced a separate publication called the *REPS Farmer's Handbook* which explains plainly and in user-friendly terms what the farmer must do to comply with the scheme.

Mapping requirements for each REPS undertaking are clearly set out and are similar to those under REPS 2. The need for amended plans has been reduced in REPS 3; they will now be needed only where there is a significant change to the land area or the farming system.

A sum of €1.3 million has already been invested in providing on-line access to Ordnance Survey maps for REPS planning purposes. I am making a further investment in an on-line REPS planning system, which is currently being developed by Teagasc and the Agricultural Consultants' Association and will be available to planners later this year. This will lead to further efficiencies and less time required for the preparation of plans.

REPS planners are no longer required to examine title documentation regarding REPS farms, except where the land is leased or part of a commonage. They are now required to visit a farm only once during the course of a REPS contract, whereas annual visits were required in previous years.

All of these changes will lead to a reduction in the time taken to prepare plans and in the planner's ongoing involvement in REPS contracts, and I would expect this to be reflected in reduced costs to the farmer.

Grant Payments.

107. **Mr. Neville** asked the Minister for Agriculture and Food when a forestry premium will be awarded to a person (details supplied) in County Limerick. [18323/04]

Minister for Agriculture and Food (Mr. Walsh): The 2004 forestry premium was paid to the person in question on 7 April 2004 and the top-up premium payment was issued on 17 June 2004.

108. **Mr. Neville** asked the Minister for Agriculture and Food when a green belt forestry grant

will be made to a person (details supplied) in County Limerick. [18334/04]

Minister for Agriculture and Food (Mr. Walsh): The forestry premium was paid to the person in question on 27 January 2004.

109. **Mr. Kehoe** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Wexford has not been eligible for suckler cow premium in recent years; the action he will take to rectify this; and if he will make a statement on the matter. [18512/04]

Minister for Agriculture and Food (Mr. Walsh): Applicants under the suckler cow scheme must have a suckler cow quota to be eligible for payment. The person named does not hold a suckler cow quota and consequently cannot be paid suckler cow premium. He was informed of this requirement in writing on 19 May 2000, 11 April 2001 and as recently as 15 April 2004.

110. **Mr. Crawford** asked the Minister for Agriculture and Food when a person (details supplied) in County Monaghan can expect to receive special beef and bull premium payment; and if he will make a statement on the matter. [18513/04]

Minister for Agriculture and Food (Mr. Walsh): The person named submitted five applications under the 2003 special beef-bull premium scheme; one on 24 February 2003, in respect of six animals, one on 4 June 2003, in respect of seven animals, one on 24 July 2003, in respect of three animals, one on 23 September 2003, in respect of nine animals and one on 30 December 2003, in respect of 21 animals.

The person named has a milk quota and, initially, payments were calculated using the national average milk yield figure of 3,982 litres, as a result of which the person named was deemed stocking density restricted. Subsequently, the person named provided evidence of being involved in official milk recording, with a confirmed average yield figure of 7,055 litres. This revised data have been inputted into my Department's mainframe computer system, as a result of which all outstanding payments under these schemes will issue shortly.

111. **Mr. Crawford** asked the Minister for Agriculture and Food when a person (details supplied) in County Monaghan can expect to receive the REP scheme payment; and if he will make a statement on the matter. [18514/04]

Minister for Agriculture and Food (Mr. Walsh): A REPS payment will issue to the person named within the next ten days.

Decentralisation Programme.

112. **Mr. Sherlock** asked the Minister for Agriculture and Food if a decision has been taken on his Department's farm development office at

Mallow in County Cork; and if he will make a statement on the matter. [18543/04]

113. **Mr. Sherlock** asked the Minister for Agriculture and Food if it is his intention to open an office in the Fermoy area in order that farmers avoid having to travel to Macroom from the north Cork region; and if he will make a statement on the matter. [18544/04]

Minister for Agriculture and Food (Mr. Walsh): I propose to take Questions Nos. 112 and 113 together.

As I announced on 22 April it has been decided to relocate the Department's local office from Cork city to Fermoy to serve Cork north and east. It has also been decided to relocate the agriculture, environment and structures office activities from Mallow to Fermoy.

Population Statistics.

114. **Mr. J. Bruton** asked the Minister for Finance if, in relation to the evolution of the working age population here as a proportion of total population over the next 25 years, he will make a statement on the impact of these projected changes on the productivity of the economy here and the likely burden of taxation. [18259/04]

Minister for Finance (Mr. McCreevy): Over the next 25 years the working age population as a proportion of total population is projected to fall. The resultant lower levels of employment growth will mean that productivity growth will become a key ingredient in economic growth. In this context, increased labour force participation rates, particularly amongst female and older age groups, will be crucial.

The falling proportion of those of working age will be a factor which will impact on many aspects of budgetary policy going forward, including taxation policy.

Fiscal Policy.

115. **Mr. Cuffe** asked the Minister for Finance if he will consider reviewing the policy of levying rates on child care facilities; and if he will make a statement on the matter. [18286/04]

Minister for Finance (Mr. McCreevy): I have no plans to provide for special treatment of child care facilities under the Valuation Act. The Valuation Act 2001 maintained the long-standing position that commercial facilities — including child care facilities such as play schools, pre-schools, crèches and Montessori schools — are liable for rates. Exceptions to this key principle would quickly be followed by demands for similar treatment from the providers of other useful services and products, which would be difficult in equity to resist. The process could thus substantially reduce local authority revenues, which would have to be made good by imposing corresponding increases on the remaining ratepayers.

The rateable valuation of commercial property is based on net annual value, NAV, which is the

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rental value of the property. Any rate payer dissatisfied with the rateability of a property, the valuation assessed on a particular property or the method of calculation can appeal to the Commissioner of Valuation in the first instance and subsequently to the independent valuation tribunal. There is a further right of appeal to the High Court and ultimately to the Supreme Court on a point of law.

Outdoor Events.

116. **Mr. Gregory** asked the Minister for Finance, further to Parliamentary Question No. 226 of 27 November 2002, if each of the concerts held in the Phoenix Park, Dublin 7, since then has met the criteria within the policy framework; if the attendance limit of 100,000 has been adhered to in each case; the action that is taken to ensure these limits are adhered to; and if he will make a statement on the matter. [18470/04]

Minister of State at the Department of Finance (Mr. Parlon): Each of the concerts held in the Phoenix Park since 27 November 2002 has adhered to the terms of the policy document dated May 1997 outlining the policy framework relating to the use of the Phoenix Park for large-scale public, cultural, musical and heritage events.

Each concert also secured a licence under Part 16 of the Planning and Development Regulations, 2001, for public outdoor events. There is no specific limit in the policy framework document on numbers attending these events. Numbers attending events are limited by the capacity of the venue and health and safety concerns.

School Site Transfers.

117. **Mr. McGuinness** asked the Minister for Finance if the transfer of a site for a new school (details supplied) in County Kilkenny has been completed; the stage the transfer is at; and if completion of the deal will be expedited. [18279/04]

Minister of State at the Department of Finance (Mr. Parlon): The purchase of a site for the School of the Holy Spirit, Kilkenny city, was completed on 14 May 2004 and is currently in the process of being registered.

Tax Code.

118. **Mr. Gogarty** asked the Minister for Finance if there are plans to change the 12% vehicle registration tax on crew cab commercial vehicles. [18282/04]

Minister for Finance (Mr. McCreevy): The current situation with regard to crew cabs is that a crew cab with a gross weight less than 3,500 kg is classed as a category B vehicle for VRT purposes, and therefore is subject to a VRT rate of 13.5%. A crew cab that has a gross weight over 3,500 kg is classed as a category C vehicle and is subject to a VRT charge of €50. I have no plans to change the current arrangements.

Banking Sector Regulation.

119. **Mr. Cuffe** asked the Minister for Finance if he has any plans to introduce a requirement on lending institutions to limit the amount of borrowing on domestic loans and mortgages to a multiple of annual income after taking into account the net worth of the person or persons. [18288/04]

Minister for Finance (Mr. McCreevy): The Irish Financial Services Regulatory Authority, a constituent part of the Central Bank and Financial Services Authority of Ireland, is responsible in the first instance for ensuring that credit institutions have prudent lending policies as part of its general supervisory role.

The Financial Services Regulator has continuously emphasised to credit institutions the importance of strict ongoing monitoring and management and control of credit risk and the need to maintain prudent lending practices in order to avoid problems which become apparent only when the economic climate is less favourable. In July 2001 the Central Bank issued guidance on “Additional Characteristics of Prudent Home Loan Assessment”, the main focus of which was to strengthen lending practices. The bank has required that stress-testing techniques be performed in credit institutions to measure the capacity of lending institutions to withstand economic shocks. In November 2002 credit institutions were advised not to relax their lending criteria in order to increase their market share. They were also advised to alert their borrowers to the risks associated with all mortgage based lending products and to remain fully alert to the dangers of lending to marginal borrowers. However, it is the obligation of each credit institution and its board to ensure that prudent lending policies are adopted, that the appropriate standards are maintained and that loan books are of a sufficiently high quality to withstand an economic shock.

The Financial Services Regulator performed a mortgage credit review in the first quarter of 2003. The overall general findings from that inspection were that no matters of financial soundness came to light, however credit institutions were required to put more robust procedures in place in the area of client income verification and the funding of mortgage loan balances to ensure that loans are properly secured and will be repaid in full. It is important to note that the majority of credit institutions now utilise net disposable income criteria in underwriting mortgage applications. Net disposable income criteria are considered to be a more accurate reflection of repayment capacity. For example, a simple multiple would not capture the difference in the ability to make repayments on a loan at 10% interest and at 3% interest. An examination of net disposable income can capture this difference. At the same time, this has to be combined with a stress-test of the loan to assess the ability to repay should interest rates increase from current levels.

As will be clear from the foregoing, the question of the level of borrowing/lending that would be appropriate is, in the first instance a matter for the borrowers and lenders themselves, subject to overall monitoring from a prudential regulatory aspect by IFSRA, which is statutorily independent in the exercise of its regulatory functions. I have no plans for any detailed legislation in this area at this time. Should IFSRA report to me at any time that it felt it required additional powers in this regard, I would respond quickly to such a request.

Tax Code.

120. **Mr. R. Bruton** asked the Minister for Finance his views on whether the capital tax gains code should be reformed in order that the personal exemption of €1,270 of chargeable gain be subtracted from the chargeable gains of a year of assessment before deciding whether losses brought forward from earlier years should be deducted, in view of the fact that the present rules involve the taxpayer sacrificing the losses carried forward if the chargeable gains do not exceed €1,270; and if he will make a statement on the matter. [18296/04]

Minister for Finance (Mr. McCreavy): The annual exemption from capital gains tax, CGT, is €1,270. If an individual's chargeable gains in a year are no greater than this amount, there is no CGT liability in respect of those gains. If the chargeable gains are greater than this amount, €1,270 continues to be deducted from the gains before calculating the liability. A CGT rate of 20% applies, which was halved from 40% in Budget 1998.

Section 31 of the Taxes Consolidation Act 1997 provides that the total amount of chargeable gains arising in that year of assessment is arrived at after deducting: (a) any allowable losses accruing to that person in that year of assessment; and (b) in so far as they have not been allowed as a deduction from chargeable gains in any previous year of assessment, any allowable losses accruing to that person in any previous year of assessment.

This approach ensures that taxpayers in the same net situation — individuals with net gains after deducting any losses compared with individuals with gains of a similar amount without any losses — are treated equally. The annual exemption is then allowed after the net gains have been established.

This is similar to what is applied in income tax relating to the carry forward of the unused losses from earlier years. Under the normal set-off rules for income tax, any unused trading losses from a previous year would come forward against future profits from the same trade before establishing the individual's level of income for income tax exemption or marginal relief purposes in that year and before the granting of any personal allowances, reliefs or tax credits. Likewise, where rental income is involved, the normal tax rules apply which provide that any unused rental losses

would be brought forward and be offset against the rental income in the subsequent year of assessment before any personal allowances, reliefs and tax credits are granted.

In view of the considerations outlined such that the current system treats taxpayers equally and is consistent with the approach adopted regarding other taxes, such as income tax, I have no plans to change the capital gains tax code as suggested by the Deputy.

Tax Yield.

121. **Mr. R. Bruton** asked the Minister for Finance the details of his assessment on the cost of making all tax credits refundable when they are unused; the main category of refunds under such a proposal; and if he will make a statement on the matter. [18297/04]

Minister for Finance (Mr. McCreavy): I assume that the Deputy is referring to those personal credits, which were converted from personal allowances in the changeover to tax credits, which was completed in 2001. I am advised by the Revenue Commissioners that the cost of making all personal tax credits refundable when they are unused including the personal and employee credits, the home carer tax credit, the one-parent family credit and the age credit as well as the minor personal credits such as incapacitated child credit and the blind person's credit, is broadly in the region of €1.6 billion annually.

The main category of refund would relate to the basic personal credit — single, married and widowed — where the annual cost of refunding the unused portion of the credit to income earners with insufficient income to fully absorb it would amount to approximately €830 million. The next two categories of refund in order of scale would be the employee credit, approximately €660 million, and the home carer credit, approximately €70 million. The figure of €1.6 billion above relates only to the cost of extending refundable tax credits to all those on Revenue's tax files. If a refundable tax credit system were to be introduced, one would have to consider those who are not on the tax files, for example, those who are of employable age but not working. This would increase the cost significantly.

Apart from the issue of cost, there would be a range of other policy and practical difficulties arising in introducing such a system. I have no plans to introduce refundable tax credits at present.

Tax Code.

122. **Mr. Kehoe** asked the Minister for Finance if tax relief is available to a person wishing to build a stable and arena area to break and train horses; and if he will make a statement on the matter. [18302/04]

Minister for Finance (Mr. McCreavy): There is no specific tax relief available for the construction of a stable and arena area to break and train

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horses. However, in certain circumstances I am advised that the Revenue Commissioners take the view that racehorse trainers are entitled to farm buildings allowances in respect of expenditure incurred on structures such as stables and yards. To qualify, a trainer must have the use of land or the right to graze livestock on land. The qualifying expenditure can be written off over seven years at the rate of 15% for the first six years and 10% for the seventh year.

Tax relief may also be available under one of the general property-based incentive schemes, depending on where the premises are to be located and the circumstances of the case. Tax relief is available for certain commercial premises under the urban renewal, town renewal and rural renewal schemes. Based on the information supplied it is not possible to say if tax relief under one of these schemes might apply in this case. The person concerned should check with his or her local authority to ascertain if the area in which the stable and arena is to be built has been designated for tax incentive purposes. If the outcome of that inquiry is positive the person concerned should then contact the Office of the Revenue Commissioners, Business Income Tax, Ship Street Gate, Dublin Castle, Dublin 2, whose phone numbers are 01-6475473 and 01-6475432, for further advice.

Decentralisation Programme.

123. **Mr. O'Connor** asked the Minister for Finance if his Department will investigate the potential to move a Government office to Tallaght, Dublin 24; and if he will make a statement on the matter. [18475/04]

Minister for Finance (Mr. McCreevy): As the Deputy is aware, since 1997, the Revenue Commissioners have relocated a number of their offices to Tallaght. These include the large cases division; Dublin region; east-south-east — CAT and Kildare audit-compliance; information communication technology and e-business — ROS — offices. A staff of 264 works in the offices concerned. Having announced the Government's decentralisation programme last December, the Government has no plans at present to relocate any further offices to Tallaght.

Motor Fuels.

124. **Mr. O'Shea** asked the Minister for Finance his views on whether allowing the use of green diesel in off-road dumper vehicles makes these vehicles very economic leading to an increase of on-road use; and if he will make a statement on the matter. [18529/04]

Minister for Finance (Mr. McCreevy): In accordance with Article 8(2) of Council Directive 2003/96/EC, which sets down rules for the taxation of energy products, reduced rates of duty may be applied to fuel used by vehicles intended for use off the public roadway. The majority of

member states avail of this option. In Ireland the reduced rate of mineral oil tax is €47.36 per 1,000 litres for marked gas oil or "green diesel" as against a standard rate of €368.05 per 1,000 litres for regular road diesel. The VAT rate applicable to marked gas oil is 13.5% and the VAT rate for regular road diesel is 21%. So-called "off-road" dumpers qualify to use fuel at the reduced rate regardless of where they are used. However, the use of such vehicles on public roadways is subject to special permits issued by local authorities in accordance with Article 17 of the Road Traffic (Construction, Equipment and Use of Vehicles) Regulations 1963, SI 190 of 1963. The Revenue Commissioners do not have any data on the extent of on-road usage of these dumpers.

Tax Code.

125. **Mr. R. Bruton** asked the Minister for Finance if he will consider removing the stamp duty on credit cards for old age pensioners to promote the use of cashless transactions and reduce the risk to older persons of carrying cash. [18530/04]

Minister for Finance (Mr. McCreevy): The stamp duty on credit card accounts is charged to the financial institutions, which in turn pass it on to their customers in the vast majority of cases. The stamp duty charged on a credit card account is now €40 per annum. The stamp duty arises irrespective of the age of the person holding the account.

I do not believe this charge is excessive in the circumstances and there is no evidence that it significantly discourages people from using this form of transaction. If an exemption were introduced for one group of people, such as the over-65s, there would be demands for similar treatment for others and the tax base could be significantly curtailed. I do not, therefore, intend introducing an exemption from the stamp duty concerned.

As the Deputy knows, the Government has done more for those aged 65 and over than many previous Governments. The income tax age exemption limits have been increased by approximately 135% since 1997, removing 81,300 elderly people from the tax net. The current rate of payment for old age pensions has increased by approximately 69% over the rate payable in 1997. This is well ahead of the rate of inflation and represents an enormous improvement in the living standards of our older citizens.

Drainage Schemes.

126. **Mr. Naughten** asked the Minister for Finance the role and function of the OPW in carrying out drainage works on the Arigna River, County Roscommon; and if he will make a statement on the matter. [18568/04]

Minister of State at the Department of Finance (Mr. Parlon): The OPW has no role or function in carrying out drainage works on the Arigna River.

Decentralisation Programme.

127. **Mr. Kehoe** asked the Minister for Finance the position regarding persons wishing to join the Civil Service, in particular, those who wish to apply for jobs in the various centres outside of Dublin. [18620/04]

Minister for Finance (Mr. McCreevy): Recruitment to permanent positions in the Civil Service is carried out by the Civil Service Commissioners, who under the Civil Service Commissioners Act 1956 are bound by law to recruit by fair, open and merit-based means to various levels in the Civil Service. The Civil Service Commissioners are involved in recruitment to a range of positions in the Civil Service.

Recruitment is by way of open competition. All competitions held by the commissioners are advertised in one or more of the national papers and on their web site at: *www.publicjobs.ie*. Application forms, together with all relevant details, are only available when competitions are announced. However, potential candidates can register their interest in a position on the Civil Service Commission website and will then automatically be notified by e-mail when the competition is announced. From time to time the Civil Service Commission may advertise for positions in existing offices outside Dublin.

Under the decentralisation programme, the Government has decided to relocate more than 10,000 civil and public service jobs to 53 locations in 25 other counties outside Dublin. The decentralisation central applications facility gives information about the new locations and jobs. It allows certain public servants to apply for transfer to posts at the same or equivalent level in decentralised locations and to rank preferences for different locations. Applications can be made on the CAF website at: *www.publicjobscsf.ie*. In the medium to longer term, it will be necessary to consider the development of regional recruitment and promotion systems building on the existing regional arrangements. This will be the subject of further discussions with the Civil Service unions.

Tax Code.

128. **Mr. Ferris** asked the Minister for Finance if he will make a statement on employee discount schemes (details supplied) and the manner in which they will be affected by new tax rules on employee benefits. [18625/04]

Minister for Finance (Mr. McCreevy): I am informed by the Revenue Commissioners that a discount given by an employer, for example, an employer in the retail sector, on the purchase of goods by one of his or her employees is not regarded as a taxable benefit if the sum paid by the employee is equal to or greater than the cost to the employer of acquiring or manufacturing the goods. However, where goods are sold to an

employee for a price that is below his or her employer's cost of such goods, the difference between that cost and the price paid by the employee is a taxable benefit giving rise to a liability to tax and PRSI under the PAYE system.

It is understood that some retail companies operate for their employees a discount system under which the employees are given a voucher that may be redeemed at any branch of the company against future purchases. In these circumstances, the value of the voucher given to the employee, like all other vouchers given by an employer to an employee, is liable to tax and PRSI under the PAYE system.

Overseas Missions.

129. **Mr. Rabbitte** asked the Minister for Foreign Affairs if, during his meeting with President Bush, he will raise the reported presence in the United States of the person believed to be responsible for the killing in the Lebanon in April 1980 of two members of the Defence Forces, (details supplied); and if he will make a statement on the matter. [18542/04]

132. **Mr. Rabbitte** asked the Minister for Foreign Affairs if he has raised with the United States authorities the reported presence in that country of a person believed to have been responsible for the killings of persons (details supplied) in the Lebanon in April 1980 who was identified in a television programme; if, in particular efforts have been made to secure the extradition of the person from the United States; and if he will make a statement on the matter. [18541/04]

Minister for Foreign Affairs (Mr. Cowen): I propose to take Questions Nos. 129 and 132 together.

The killing of Private Thomas Barrett and Private Derek Smallhorne and the wounding of Private John O'Mahony in 1980 while they served with the United Nations Interim Force in Lebanon were abhorrent crimes. The nation grieved for their loss and our sympathy for their loved ones has not diminished with the passage of time.

The legal issues in this case have been reviewed on a number of occasions with a view to determining whether persons alleged to have committed these crimes could be brought to justice. The Government has engaged in close consultation with the United States authorities on the question of bringing to justice the alleged perpetrator who is understood to be resident in the US and is a naturalised US citizen. The Deputy will understand that I am not in a position to go into detail. I can, however, assure him that the US authorities have been very helpful in the course of these consultations.

The question of seeking the extradition to the State for trial here of the alleged perpetrators of

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these crimes does not arise because the Irish courts do not have jurisdiction to try persons for acts such as these committed by non-nationals outside the State. An extradition request would therefore have to be made by the country where the crime was committed, namely Lebanon, with a view to a criminal prosecution there.

As the Deputy will be aware, the Convention on the Safety of United Nations and Associated Personnel, which was inspired by the need to improve the level of protection of personnel such as Private Barrett and Private Smallhorne serving on UN Missions, and to ensure the punishment of individuals who do not respect the mandate of UN peacekeepers, entered into force on 15 January 1999. The convention, however, does not apply retrospectively. The Government will continue to explore such avenues as may be open to it to seek justice in this tragic case.

Support for Emigrants.

130. **Mr. F. McGrath** asked the Minister for Foreign Affairs the reason for the delay in implementing the report of the task force on policy regarding emigrants; and if the maximum support will be given to elderly Irish emigrants in Britain. [18258/04]

Minister for Foreign Affairs (Mr. Cowen): The report of the task force on policy regarding emigrants is being implemented progressively. As I have said before, the report contains a large number of wide-ranging recommendations, which will have to be implemented on a phased basis over a period of years. Action is currently being taken on more than two-thirds of the 71 recommendations contained in the report. A special group in my Department, chaired by the Secretary General, is meeting on a fortnightly basis to monitor progress in implementing the recommendations.

I have asked the DION committee to give priority to the needs of elderly and vulnerable emigrants in Britain in line with the recommendations of the task force. Last year, approximately €1.3 million, more than half the DION fund, went to vulnerable groups. Of this, €873,000 was allocated to projects to support the older Irish in Britain, €119,000 to projects for returning emigrants, and €332,000 to projects for Irish Travellers in Britain. This year, I have increased substantially the allocation of the DION fund to €3.57 million. This will enable a further increase in the provision of support to the elderly Irish in Britain.

Colombia Three.

131. **Mr. Crowe** asked the Minister for Foreign Affairs if the Government or its representatives have expressed concern at the unwarranted attention being given to at least one of the lawyers representing the three Irish prisoners (details

supplied) in Colombia, by Colombian security services; and if he will make a statement on the matter. [18324/04]

Minister for Foreign Affairs (Mr. Cowen):

From the outset of this case, my Department has provided all possible consular assistance to these three Irish citizens in Colombia and their families. Assistance of this kind, in accordance with the provisions of the 1963 Vienna Convention on Consular Relations, can only be provided by a State to its own citizens and my Department cannot therefore provide consular assistance to non-Irish nationals.

Question No. 132 answered with Question No. 129.

School Staffing.

133. **Ms Shortall** asked the Minister for Education and Science if he will report on the changes in teacher numbers at a school (details supplied) in Dublin 11; the number of teachers allocated to the school in each of the past three years and the number which will be allocated in 2005; and if he will make a statement on the matter. [18268/04]

Minister for Education and Science (Mr. N. Dempsey):

The staffing of a primary school for a particular school year is determined by reference to the enrolment of the school on the 30 September of the previous school year. This is in accordance with guidelines agreed between my Department and the education partners.

The staffing of the school referred to by the Deputy was a principal and ten mainstream class teachers, two learning support teachers, one special class teacher, one resource teacher, one home school liaison teacher and one early start teacher for the school year 2001-02. Since then, the mainstream staffing has remained unchanged. However, the school was allocated an additional resource teacher post from 2002-03.

The enrolment on 30 September 2003 entitles the school to a staffing of a principal and nine mainstream class teachers for the 2004-05 school year. However, on the basis of the projected enrolment for the 30 September 2004, provisional sanction to retain the tenth mainstream post under developing school status was given to the board of management on 20 May 2004, subject to the projected enrolment being achieved on 30 September.

To ensure transparency and openness in the system, an independent appeals board is now in place to decide on any appeals on mainstream staffing. Details of the appeals procedure are outlined in department circular 03/04.

134. **Mr. Allen** asked the Minister for Education and Science if he will provide sufficient teachers to avoid a situation at a school (details

supplied) in County Cork; and if he will provide adequate teachers to avoid this serious situation. [18269/04]

Minister for Education and Science (Mr. N. Dempsey): The staffing of a primary school for a particular school year is determined by reference to the enrolment of the school on the 30 September of the previous school year. This is in accordance with guidelines agreed between my Department and the education partners.

In the current school year the mainstream staffing of the school referred to by the Deputy is a principal plus 15 mainstream posts based on an enrolment of 398 pupils at 30 September 2002. The enrolment of the school at 30 September 2003 was 374 pupils, which warrants a staffing of a principal and 13 mainstream posts for the 2004-05 school year. The staffing schedule is structured to ensure that all primary schools will operate to an average mainstream class size of 29 pupils. School authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and the smallest classes is kept to a minimum.

To ensure transparency and openness in the system an independent appeals board is now in place to decide on any appeals on mainstream staffing. Details of the appeals procedure are outlined in department primary circular 03/04.

Grant Payments.

135. **Mr. Allen** asked the Minister for Education and Science if he will sanction a grant for a school (details supplied) in County Cork. [18275/04]

Minister for Education and Science (Mr. N. Dempsey): The scope of works required at the school referred to by the Deputy, is appropriate for consideration under the summer works scheme. While the school's application under the summer works scheme for 2004 was unsuccessful, it is open to the school's management authority to re-apply for the key priority works required at the school as part of the 2005 summer works scheme, details of which will be announced later this year.

Early Retirement.

136. **Mr. McGuinness** asked the Minister for Education and Science if an application for early retirement in the name of a person (details supplied) in County Kilkenny will be approved as soon as possible. [18277/04]

Minister for Education and Science (Mr. N. Dempsey): The person referred to by the Deputy has applied for a disability pension. Entitlement of an applicant to a disability pension is established through the verification by my Department in conjunction with the chief medical officer for

the Civil Service that the applicant is not capable of performing his or her duties due to infirmity of body or mind and that the infirmity is likely to be permanent. In the case referred to by the Deputy, the chief medical officer has advised that he is unable to categorise the applicant as permanently incapacitated at this point. The chief medical officer has advised that the applicant's medical consultant should submit a detailed medical report on the applicant's illness, treatment and prognosis for return to work. The position will then be reviewed by the chief medical officer on the basis of the up-to-date medical evidence with a view to deciding on the award of ill-health retirement.

Schools Building Projects.

137. **Mr. McGuinness** asked the Minister for Education and Science if a new school building would be approved for construction on a site obtained by the Office of Public Works for a school (details supplied) in County Kilkenny; and the timeframe for the project. [18278/04]

Minister for Education and Science (Mr. N. Dempsey): The large-scale building project for the school referred to by the Deputy is listed in section 8 of the 2004 school building programme which is published on my Department's website at www.education.ie. This project has been assigned a band 1 rating by my Department in accordance with the published criteria for prioritising large-scale projects. It is planned to progress this project to advanced architectural planning during 2004.

Indicative timescales have been included for large-scale projects proceeding to tender in 2004. The budget announcement regarding multi-annual capital envelopes will enable me to adopt a multi-annual framework for the school building programme, which in turn will give greater clarity regarding projects that are not progressing to tender in this year's programme including the Holy Spirit special school. I will make a further announcement in that regard during the year.

Standardised School Year.

138. **Mr. Gogarty** asked the Minister for Education and Science if he has plans to introduce a derogation from the standardised school year for schools operating a six-day week; and if his attention has been drawn to the difficulties faced by these schools in imposing standardised fixed Christmas and Easter holidays. [18283/04]

Minister for Education and Science (Mr. N. Dempsey): The arrangements for the standardisation of the mid-term, Christmas and Easter breaks were agreed at the teachers' conciliation council. The council comprises representatives of the Department of Education and Science, the

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Department of Finance, managerial authorities of schools and teacher unions.

The purpose of the discussions at the council was to implement a specific requirement in the national agreement Sustaining Progress. Sustaining Progress set the achievement of a standard school year as a requirement for all primary and post-primary schools in the country. In encompassing all schools in both sectors it was designed to bring certainty and clarity on a countrywide basis to the arrangements for the vacation periods covered by the agreement. The agreed arrangements achieve that purpose and will have general application.

The issue of a derogation for a number of schools, including boarding schools operating a six-day week, was discussed on a number of occasions at the council following representations from those schools. There is no agreement at the council to grant such a derogation. Boarding schools continue to have discretion in the start and end of the school year, which are not covered by the Sustaining Progress requirement.

Special Educational Needs.

139. **Mr. Ring** asked the Minister for Education and Science if the vacancy for visiting teacher (details supplied) for visually impaired children in County Mayo would be filled immediately. [18304/04]

Minister for Education and Science (Mr. N. Dempsey): My Department is assessing the role of the visiting teacher service in the context of the level and range of teacher supports now being provided for children with special educational needs. Decisions regarding appointments to the visiting teacher service will be made when this assessment is completed.

Teachers' Remuneration.

140. **Mr. Ring** asked the Minister for Education and Science if the correct wage will be provided to a person (details supplied) in County Mayo; and if the arrears due to them will also be paid. [18305/04]

Minister for Education and Science (Mr. N. Dempsey): The person referred to by the Deputy is on the unqualified teacher rate of remuneration until such time as provisional recognition as a primary teacher is granted by my Department. If provisional recognition is granted, this person will be placed on the qualified rate of remuneration and the appropriate arrears will be paid.

The processing of this person's application for provisional recognition cannot, however, be finalised until my Department receives certified evidence of qualified teacher status, QTS, to teach the range of primary school subjects to children aged four to 12 issued by the competent

authority in the State in which the qualifications were obtained. The person in question has been made aware of the documentation required to complete the processing of the application and informed that such documentation should be forwarded to primary administration section of the Department of Education and Science at Cornamaddy, Athlone, County Westmeath.

School Transport.

141. **Mr. F. McGrath** asked the Minister for Education and Science if urgent assistance will be given to a school (details supplied) in Dublin 1 with its transport crisis and loss of a pre-school teacher. [18315/04]

Minister for Education and Science (Mr. N. Dempsey): My Department has received an application for transport to the school referred to by the Deputy. The matter is being considered at present. My Department provides grant assistance to this school towards the tuition costs for the pre-school children enrolled in the school. It is a matter for the school management to make the necessary arrangements to recruit the teachers who provide the tuition.

School Staffing.

142. **Dr. Fitzpatrick** asked the Minister for Education and Science when it is proposed that a classroom assistant, approved in September 2003, will be appointed to assist a person (details supplied) in Dublin 7; and if he will make a statement on the matter. [18337/04]

Minister for Education and Science (Mr. N. Dempsey): My Department received an application for special needs assistant support for the pupil referred to by the Deputy on 3 October 2003. The school in question will be advised of the outcome of the application as soon as possible in advance of the 2004-05 school year.

Special Educational Needs.

143. **Mr. O'Connor** asked the Minister for Education and Science the number of special needs assistants employed by his Department; and the number based in schools on a county basis. [18338/04]

152. **Mr. Rabbitte** asked the Minister for Education and Science the figures for the numbers and distribution of special needs assistants in each of the country's primary schools; and if he will make a statement on the matter. [18353/04]

Minister for Education and Science (Mr. N. Dempsey): I propose to take Questions Nos. 143 and 152 together.

Approval for the position of a special needs assistant is granted by my Department. The post is sanctioned to help cater for the special needs of the pupil or pupils and is subject to review in

light of their emerging needs. Each individual school authority is responsible for the employment of special needs assistants.

There are 5,026 wholetime equivalent special needs assistants at primary level being paid salary on my Department's payroll. To date, my Department has allocated 466 wholetime equivalent special needs assistants at post-primary level. A table setting out the breakdown on a county basis follows for the Deputies' information.

| County | Primary | Post-primary |
|-----------|----------|--------------|
| | WTE | WTE |
| Carlow | 58.75 | 7.36 |
| Cavan | 62.15 | 7.23 |
| Clare | 184.24 | 18.79 |
| Cork | 634.99 | 42.21 |
| Donegal | 194.43 | 54.34 |
| Dublin | 1,290.79 | 89.71 |
| Galway | 221.4 | 40.12 |
| Kerry | 140.1 | 10.35 |
| Kildare | 242.8 | 11.65 |
| Kilkenny | 92.78 | 11.32 |
| Laois | 89.67 | 1.77 |
| Leitrim | 19.34 | 4.5 |
| Limerick | 264.87 | 21.93 |
| Longford | 38.04 | 1.45 |
| Louth | 102.64 | 8.98 |
| Mayo | 147.45 | 19.91 |
| Meath | 172.17 | 21.32 |
| Monaghan | 33.24 | 10.09 |
| Offaly | 85.92 | 14.39 |
| Roscommon | 68.23 | 5.22 |
| Sligo | 97.98 | 5.46 |
| Tipperary | 217.61 | 26.36 |
| Waterford | 114.14 | 6.36 |
| Westmeath | 135.43 | 10.46 |
| Wexford | 128.32 | 2.67 |
| Wicklow | 188.38 | 11.98 |
| Total | 5025.86 | 465.93 |

Education Welfare Service.

144. **Mr. O'Connor** asked the Minister for Education and Science if his attention has been drawn to difficulties being experienced in a school (details supplied) in Tallaght, Dublin 24 in respect of the need for a school attendance officer; if he has made contact with the school in the matter; and if he will make a statement on the matter. [18339/04]

Minister for Education and Science (Mr. N. Dempsey): The particular difficulties regarding educational welfare officer cover in Tallaght have been brought to the attention of my Department. Discussions are taking place between officials of my Department and senior management of the National Educational Welfare Board with a view

to putting in place procedures to resolve these difficulties as soon as possible.

Special Educational Needs.

145. **Mr. Haughey** asked the Minister for Education and Science the functions of resource teachers; and if he will make a statement on the matter. [18340/04]

146. **Mr. Haughey** asked the Minister for Education and Science the functions of learning support teachers; and if he will make a statement on the matter. [18341/04]

147. **Mr. Haughey** asked the Minister for Education and Science the functions of special class teachers; and if he will make a statement on the matter. [18342/04]

148. **Mr. Haughey** asked the Minister for Education and Science the functions of special needs assistants; and if he will make a statement on the matter. [18343/04]

Minister for Education and Science (Mr. N. Dempsey): I propose to take Questions Nos. 145 to 148, inclusive, together.

The post of resource teacher is an additional post allocated to assist a school or cluster of schools in providing an education, which meets the needs of children assessed as having disabilities. Under the direction of the relevant principal, the role of the resource teacher is to provide additional teaching support for these children who have been fully integrated into mainstream schools and who need such support. In addition, he or she should advise and liaise with other teachers, parents and relevant professionals in the children's interest.

Learning support teachers provide additional teaching support for pupils with literacy or numeracy difficulties who score at or below the tenth percentile in standardised tests of literacy and numeracy. My Department has been developing a new weighted system for the allocation of teacher resources, which I announced recently. This system, as part of which an additional 350 teaching posts will be allocated, will involve two main elements: making a staffing allocation to schools based on a predicted incidence of pupils with special educational needs; and making individual allocations in the case of children with more acute lower-prevalence special educational needs.

It is expected that the change to a weighted system will bring with it a number of benefits. The new system will reduce the need for individualised educational psychological assessments; 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. Under the weighted system, the post of

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learning support teacher and resource teacher will be merged to provide an allocation of special education teacher posts to primary schools.

Special class teachers are allocated to special schools and to special classes attached to mainstream primary schools. Such classes operate with enhanced pupil teacher ratios, for example, 6:1 in the case of pupils with severe or profound general learning disability, GLD, and 8:1 for pupils with a moderate GLD.

Special needs assistants are recruited specifically to assist in the care of pupils with disabilities in an educational context. They may be appointed to a special school or a mainstream school in cases where a pupil has a significant medical need for such assistance, a significant impairment of physical or sensory function or where their behaviour is such that they are a danger to themselves or to other pupils.

Psychological Service.

149. **Mr. Haughey** asked the Minister for Education and Science the role and function of the National Educational Psychological Service; the way in which it can be contacted; and if he will make a statement on the matter. [18344/04]

Minister for Education and Science (Mr. N. Dempsey): In February 1999, the Government decided to establish the National Educational Psychological Service agency, NEPS. My Department has delegated authority to NEPS to develop and provide an educational psychological service to all students who need it in primary and post-primary schools and in other relevant centres supported by my Department. The Government also agreed that NEPS should be established in the first instance on an administrative basis as a dedicated executive agency of my Department and with an initial development period of five years. The NEPS agency was established accordingly with effect from 1 September 1999.

Contact details for NEPS, including its network of regional offices and telephone numbers etc. are available under NEPS on my Department's website www.education.gov.ie.

Special Educational Needs.

150. **Mr. Haughey** asked the Minister for Education and Science the role and functions of the National Council for Special Education; and if he will make a statement on the matter. [18345/04]

Minister for Education and Science (Mr. N. Dempsey): The National Council for Special Education is an independent statutory body set up to deliver what is, in many respects, a new service. In essence, the National Council for Special Education will operate under two main headings. On foot of research to be commissioned by the council, it will define models of appropriate educational response for categories of special need, and it will assist in the delivery at ground level on the needs of individual students, mainly

through the deployment of a new grade of special education needs organisers, SENOs.

The objective in establishing the new council is to have clarity of entitlement, an accessible service at local level and speedy delivery. The council will define the most appropriate educational response for various categories of special need. This will involve drawing on research and international best practice. The establishment of the council should impact on equality by ensuring that special educational services are provided to a standard comparable to best international practice and through simplifying access to those services through the deployment of special education needs organisers.

The SENOs will be responsible for ensuring that all special educational needs in their areas are addressed in an effective manner. They will be charged with facilitating access to and co-ordinating education services for children with special needs in their areas by liaising between local providers of educational services, local providers of necessary ancillary services, the council, the Department and parents. In many cases provision will be based on individual education plans for the children involved.

The first council has been appointed and the inaugural meeting was held on 2 February last. The council will assume its direct service role in 2004 following the recruitment and training of the special education needs organisers.

School Placement.

151. **Mr. Haughey** asked the Minister for Education and Science if assistance will be given to a person (details supplied) in Dublin 9 in finding a suitable primary school placement for their child in view of the fact that no local school in Dublin 5 is in a position to enrol them for September 2004; and if he will make a statement on the matter. [18346/04]

Minister for Education and Science (Mr. N. Dempsey): I have made arrangements with my officials to investigate the matter referred to by the Deputy. Contact will be made with the family in question shortly.

Question No. 152 answered with Question No. 143.

Special Educational Needs.

153. **Mr. O'Shea** asked the Minister for Education and Science when the expected circular letter regarding the employment of special needs assistants will issue; the issues it will address; and if he will make a statement on the matter. [18456/04]

Minister for Education and Science (Mr. N. Dempsey): Special needs assistants may be approved to support a pupil who has a significant medical need for such assistance, a significant impairment of physical or sensory function or where his or her behaviour means he or she con-

stitutes a danger to himself or herself or other pupils. The criteria and procedures relating to the allocation of special needs assistant support are outlined in my Department's circular 07/02. This circular may be accessed on my Department's website under the heading "Children with Special Needs". The detailed arrangements for processing applications for special education resources, including those for special needs assistants, will be set out in an interim circular to be issued to all schools in the coming week.

School Security.

154. **Mr. Gregory** asked the Minister for Education and Science if his Department has received a request from the authorities of a school (details supplied) for funding to improve security, that is, prevent unauthorised access to the school grounds by gangs involved in anti-social activities; if assistance can be made available; and if he will make a statement on the matter. [18457/04]

Minister for Education and Science (Mr. N. Dempsey): The nature of the works required at the school referred to by the Deputy is appropriate for consideration under the summer works scheme. The school did not apply for funding under the 2004 scheme. It is open to its management authority to apply for the key priority works required at the school as part of the 2005 scheme details of which will be announced shortly.

Educational Projects.

155. **Ms O'Sullivan** asked the Minister for Education and Science when he will make a decision on the submission of music network and the Donegal local music education services pilot proposal which was submitted in March 2004 to begin the implementation of a national system of local music education services; and if he will make a statement on the matter. [18493/04]

Minister for Education and Science (Mr. N. Dempsey): I am aware of the music network report which recommended the establishment on a phased basis of 24 local music education partnerships in collaboration with the VECs and county and city development boards to provide for a national system of music education services. The partnerships would provide for tuition in instrumental and vocal music performance for children and adults as well as curriculum supports for the school system. The Donegal submission proposed a pilot of the model set out in the national report to cater for the Donegal region. My Department has been examining the scope for an initial development in this area and I will inform the Deputy of the outcome of this process.

Private Sector Education.

156. **Mr. F. McGrath** asked the Minister for Education and Science if urgent assistance will be given to a person (details supplied). [18507/04]

Minister for Education and Science (Mr. N. Dempsey): I understand that the Deputy is referring to an issue involving a part-time lecturer in Griffith College Dublin. This college is a private third level college and my Department has no involvement in its day-to-day operation including matters relating to personnel issues.

Special Educational Needs.

157. **Ms Enright** asked the Minister for Education and Science when he intends to process an application for a special needs teacher for a school (details supplied) in County Donegal; the reason this application has not been processed to date; and if he will make a statement on the matter. [18515/04]

Minister for Education and Science (Mr. N. Dempsey): My Department has received an application for special education resources, SER, for three pupils from the school referred to by the Deputy. SER applications received between 15 February and 31 August 2003, including those from the school in question, have now been considered. The applications have been reviewed by a dedicated team comprising members of my Department's inspectorate and the National Educational Psychological Service, NEPS. The applications have been further considered in the context of the outcome of surveys of SER provision conducted over the past year and the data submitted by schools as part of a nationwide census of SER provision. It is intended that applicant schools will be notified of the outcomes of their cases in the coming week.

158. **Dr. Fitzpatrick** asked the Minister for Education and Science when a special needs resource teacher will be appointed to a primary school which is in a hugely disadvantaged area in Dublin city (details supplied); and if he will make a statement on the matter. [18516/04]

Minister for Education and Science (Mr. N. Dempsey): My Department has received applications for special educational resources, SER, from the school referred to by the Deputy. All applications for special educational resources received after 31 August 2003, including the applications from the school in question are being considered by the National Educational Psychological Service. In those cases, it is intended that the applicant schools will be notified of the outcome as soon as possible in advance of the commencement of the next school year.

Capitation Grants.

159. **Ms Burton** asked the Minister for Education and Science if his attention has been drawn to the financial difficulties being experienced by a school (details supplied) in Dublin 22 in which parents, in addition to being asked for weekly financial contributions, are also being asked to take over the cleaning of the school; and if he will

[Ms Burton.]
make additional funding available to the school to facilitate this essential service. [18521/04]

Minister for Education and Science (Mr. N. Dempsey): As there are two national schools in the area referred to by the Deputy — junior and senior — it is not clear to which the Deputy is referring. My attention has not been drawn to financial difficulties being experienced by either school. In addition to capitation grants, both of these schools receive additional funding under the disadvantage initiative scheme.

Primary schools' running costs are met by my Department's scheme of capitation grants. These grants are intended to contribute towards the general operating costs of national schools which include heating, lighting, cleaning, insurance, painting, teaching aids and other miscellaneous charges. The capitation grant has been increased substantially in recent years. In the case of primary schools, the standard rate of capitation grant has been increased from €57 in 1997 to €121.58 per pupil from 1 January last. This represents an increase of almost 113% over the period. I am committed to improving further the funding position of primary schools in the context of available resources.

Teachers' Remuneration.

160. **Mr. Ring** asked the Minister for Education and Science the reason a person (details supplied) in County Mayo has not been remunerated for their years of service as a substitute teacher from 1970-2001. [18523/04]

Minister for Education and Science (Mr. N. Dempsey): My Department's records indicate that the person referred to by the Deputy did indeed serve as a substitute teacher and appears to have been remunerated at the appropriate rate. However, if there is a specific period for which details are required, I will have further enquiries made. The person in question is employed as a special needs assistant, or SNA, in a national school in County Mayo. An application by this person for incremental credit as an SNA for previous experience was not approved by my Department as no evidence was provided to indicate the person had previous experience as an SNA or in a similar care role.

Special Educational Needs.

161. **Mr. P. McGrath** asked the Minister for Education and Science if a special needs assistant has been authorised for a person (details supplied) in Westmeath who is due to commence primary school in September 2004. [18546/04]

Minister for Education and Science (Mr. N. Dempsey): My Department received an application for special needs assistant and resource teaching support for the pupil referred to by the Deputy on 12 February 2004. All applications for special educational resources received after 31

August 2003, including the application for the person in question, are being considered by the National Educational Psychological Service. It is intended that the applicant schools will be notified of the outcome as soon as possible in advance of the commencement of the next school year.

Legislative Programme.

162. **Mr. F. McGrath** asked the Minister for Education and Science the number of amendments that he accepted in the new Education for Persons with Disabilities Bill that were tabled by this Deputy; and if he will give an update on the Bill. [18564/04]

Minister for Education and Science (Mr. N. Dempsey): The Education for Persons with Special Educational Needs Bill was passed by the Dáil on 26 May and has been scheduled to commence Second Stage in the Seanad on Wednesday, 23 June. While it is a matter for the Select Committee on Education and Science and the Houses to accept or reject amendments to legislation, the debates held on this Bill were particularly constructive. I was anxious to reflect the views of others in my own amendments wherever possible. The Bill underwent very substantial changes as a result of the comments of all the Deputies involved.

On Report Stage, I moved more than 70 amendments to accommodate arguments made by the Deputy and others on Committee Stage. In many cases, those arguments were made separately by several Deputies including Deputy McGrath. The amendments were accepted by the House. In addition to the amendments I moved on Report Stage, a small number of amendments moved by others were accepted by the House, including one moved by the Deputy. These changes have very significantly improved the provisions of the Bill and I record again my thanks to all those who participated in our discussions.

School Accommodation.

163. **Mr. Durkan** asked the Minister for Education and Science if he will provide extra temporary accommodation to a school (details supplied) in County Kildare due to the increase in students attending same and the provision of a fourth assistant from 2004; if his attention has been drawn to the fact that the only accommodation available for those extra students will be the general purpose room which the school uses for physical education classes and as a result of same, the school will not be in a position to offer physical education to their students from October to March; and if he will make a statement on the matter. [18565/04]

Minister for Education and Science (Mr. N. Dempsey): An application for additional accommodation was received from the school to which the Deputy refers. However, in the context of the available funding and the number of applications

for it, it was not possible to approve all applications for temporary accommodation this year. Only those with an absolute and demonstrated need for additional accommodation were approved. All other schools are required, as an interim measure, to maximise the use of existing accommodation until my Department is in a position to make extra accommodation available.

School Placement.

164. **Ms O'Sullivan** asked the Minister for Education and Science if he and his Department have any control over a situation where parish boundaries are changed and children who previously had access to their local school are no longer granted entry; and if he will make a statement on the matter. [18582/04]

Minister for Education and Science (Mr. N. Dempsey): Enrolment policy is the responsibility of the boards of management of individual schools. My Department's main responsibility is to ensure that schools in an area can among them cater for all pupils seeking places. This may result in some pupils not obtaining a place in the school of their first choice.

Special Educational Needs.

165. **Caoimhghín Ó Caoláin** asked the Minister for Education and Science the current status of the proposed high support centre for children with autism in Middletown, County Armagh, launched jointly by the then Minister for Education and Science, Deputy Woods, and the then Northern Assembly Minister for Education, Mr. Martin McGuinness, MP, MLA; the funding that has been committed by both Governments; the person that actually owns the property; and the person that is primarily tasked with its resourcing and implementation. [18615/04]

Minister for Education and Science (Mr. N. Dempsey): The centre in question is the former St. Joseph's Adolescent Centre owned by the St. Louis Order. It is intended that the centre will be purchased in the near future and operated on a joint North-South basis to serve the needs of children and young persons with autism in both jurisdictions. The matter is being progressed jointly by my Department and the Department of Education in Northern Ireland and the costs involved will be shared on an equal basis. The purchase cost is £3 million sterling. Precise details of the annual operating costs will not be available until final decisions have been taken on the level of staffing and specialist inputs required. Proposals for the centre envisage a learning support service, an educational assessment service, a training and advisory service and an autism research, dissemination and information service.

Departmental Properties.

166. **Mr. Deenihan** asked the Minister for Education and Science the position regarding the pro-

vision of a right of way to Kerry County Council over its property at the Grove, Dingle; and if he will make a statement on the matter. [18628/04]

Minister for Education and Science (Mr. N. Dempsey): My Department is currently considering the issue of providing a right of way to Kerry County Council over the site at Grove, Dingle. As soon as a decision is made on the matter, the Department will be in contact with the local authority.

Schools Building Projects.

167. **Mr. Deenihan** asked the Minister for Education and Science the reason the proposed extension to a school (details supplied) has not moved on to the next stage; and if he will make a statement on the matter. [18629/04]

Minister for Education and Science (Mr. N. Dempsey): A large-scale building project for the school referred to by the Deputy is listed in section 9 of the 2004 school building programme which is published on my Department's website at www.education.ie. This project is at early stages of architectural planning and has been assigned a band 3 rating by my Department in accordance with the published criteria for prioritising large-scale projects. The budget announcement regarding multi-annual capital envelopes will enable me to adopt a multi-annual framework for the schools building programme which in turn will give greater clarity regarding projects not progressing to tender in this year's programme including the school referred to by the Deputy. I will make a further announcement in that regard during the year.

Special Educational Needs.

168. **Mr. O'Dowd** asked the Minister for Education and Science if a special needs assistant will be allocated to a person (details supplied) in County Louth. [18632/04]

Minister for Education and Science (Mr. N. Dempsey): My Department allocates resource teacher posts and special needs assistant posts to second level schools and vocational education committees to cater for pupils with special educational needs. Applications for such supports are made to my Department by the relevant school authorities. Each application is considered on the basis of the assessed needs of the pupil or pupils involved and the nature and level of the support provided is determined on the advice of the psychological service.

My Department has approved an allocation of additional teaching hours and special needs assistant support to the school in question to cater for the special educational needs of a number of pupils in the school, including the pupil to which the Deputy refers.

169. **Mr. Deasy** asked the Minister for Education and Science if a special needs assistant will

[Mr. Deasy.]
be provided for a person (details supplied) in County Waterford. [18644/04]

Minister for Education and Science (Mr. N. Dempsey): My Department has received an application for resource teaching and special needs assistant support for the pupil referred to by the Deputy. All applications for special educational resources received after 31 August 2003, including the application for the person in question, are being considered by the National Educational Psychological Service. It is intended that the applicant schools will be notified of the outcome as soon as possible in advance of the commencement of the next school year.

School Dispute.

170. **Mr. B. Smith** asked the Minister for Education and Science if the appropriate measures will be taken to resolve the serious difficulties at a school (details supplied) in County Cavan; and if he will make a statement on the matter. [18714/04]

Minister for Education and Science (Mr. N. Dempsey): I am aware of the difficulties arising from the dispute in the school referred to by the Deputy and I have asked my Department's inspectorate to monitor the situation. The resolution of the dispute is a matter for the authorities of the school in the first instance. However, I urge all involved to take all the necessary steps to resolve the dispute as speedily as possible having due regard to the rights of all concerned.

Special Educational Needs.

171. **Mr. Penrose** asked the Minister for Education and Science if a special needs assistant will be provided for a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [18723/04]

Minister for Education and Science (Mr. N. Dempsey): My Department allocates resource teacher posts and special needs assistant posts to second level schools and vocational education committees to cater for students with special educational needs. Applications for such supports are made to my Department by the relevant school authorities. Each application is considered on the basis of the assessed needs of the pupil or pupils involved and the nature and level of the support provided is determined on the advice of the psychological service.

An application seeking the continued allocation of resources to address the special educational needs of a number of students in the school, including the student to whom the Deputy refers, was submitted to my Department by the VEC concerned. Following examination of this application, my Department allocated an additional 43.40 teaching hours plus 82 special needs assistant hours per week for the 2004-2005 school year to address the needs of these

students. It is a matter for the VEC to deploy this allocation and review this deployment in line with the evolving needs of the students concerned. If the VEC is of the view that the prevailing level of assessed special needs within the school is such as to be incapable of being addressed from within the approved allocation, my Department will be prepared to consider its concerns.

Electricity Generation.

172. **Mr. P. Breen** asked the Minister for Communications, Marine and Natural Resources the action he proposes to take to kick start the wind energy industry here in view of substantially increased fossil fuel costs; and if he will make a statement on the matter. [18301/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): Recently, I announced the establishment of a renewable energy development group to be chaired by my Department. The group comprises relevant experts from across the sector and will advise on future policies, targets, programmes and support measures taking into account the associated economic, social and environmental impacts of the development and deployment of renewable energy. The promotion of renewable energy technologies, of which wind energy is the dominant form at this time, is a priority of this Government. As Minister with responsibility for energy policy, my immediate goal is to add an additional 500 MW of renewables based electricity generating capacity to the electricity network by 2005 to deliver the target published in the Green Paper on Sustainable Energy. In addition, I have announced that subject to EU state aids clearance I will support the building of an additional 218 MW of new renewable energy projects.

The 500 MW target is currently being implemented and will be achieved in the main under contracts offered by me under the fifth and sixth alternative energy requirement competitions. While I am confident of securing state aids clearance for the additional 218 MW which will be allocated to AER VI projects, I cannot commit to individual projects until the European Commission has finalised its position on the state aids notification. The AER VI competition was based on lowest bid price and only the lowest compliant tenders were offered contracts up to the capacity threshold defined for each technology class. This process ensures that the general customer incurs the smallest price increase on their electricity bills through the operation of the public service obligation levy. The process was oversubscribed and as with any competition not everyone who takes part can be successful. While some of the unsuccessful competitors may be disappointed with the fact that they were not selected on this occasion, the terms and conditions of the competition were clearly stated and all of the competitors acknowledged receipt of and accepted these terms and conditions when they entered the competition.

I am confident that those projects which were successful in the competition will proceed to completion. In the event that any project does not, a reserve list is in place to take up any capacity that is surrendered. The completion of AER VI will close the current chapter of support for renewable energy technologies. However, at the end of last year I published a consultation document, Options for Future Renewable Energy Policy, Targets and Programmes. The consultation document and supporting annexes which examine in detail support mechanisms and renewable energy policies in Ireland as well as in other European countries were published on my Department's website. The document, which will be used to map out a future strategy for green energy in the coming years, follows a commitment I gave after the conclusion of the AER VI competition.

The consultation document considered key areas in the future including future renewables policy, future green energy contribution to Ireland's electricity markets, how to overcome barriers to the deployment of renewable energy and future options for market support mechanisms. Respondents were asked to outline their proposals in detail and to estimate the cost of any support measures they proposed. Over forty responses were received and are currently being analysed with the technical assistance of Sustainable Energy Ireland. The analyses of the consultation document submissions will feed into the work of the renewable energy development group. It is intended that a new policy for developing the renewable energy sector will be submitted to Government for approval later this year.

In relation to generating capacity, the Commission for Energy Regulation continues to monitor the security of supply situation. The commission has initiated a number of positive actions to redress postulated generation capacity shortfalls in the short, medium and longer term as forecast by the ESB National Grid in its generation adequacy report which was published on 27 November 2003. In addition, the ESB is currently undertaking a significant networks investment programme of some €4 billion up to 2007 to bring the transmission and distribution systems up to required international standards and to meet projected capacity demand requirements. Furthermore, the Government has given its approval to proceed with the development of two 500 MW interconnectors between Ireland and Great Britain, while the desirability and feasibility of further interconnection North and South is being investigated.

Sustainable Energy Ireland, the independent non-commercial state body focused exclusively on sustainable use of energy including deployment of renewable energy sources, has commenced a challenging work programme to increase energy efficiency and to promote renewable energy technologies. In the renewable energy field specifically, Sustainable Energy

Ireland has opened a research, development and demonstration programme for renewable energy technologies. The programme is open to a wide range of proposals including policy studies, field research, feasibility studies and technology research development and demonstration.

Mineral Resources.

173. **Mr. Hogan** asked the Minister for Communications, Marine and Natural Resources if the reports supplied to the DCMNR technical team by a company (details supplied) and their consultants, contain chemical analysis of the rock found at the site of their proposed extension to substantiate the claim that the mineral resource at Dunbell, County Kilkenny, in the proposed extension lands of RPL is a scheduled mineral; and if he will make a statement on the matter. [18561/04]

174. **Mr. Hogan** asked the Minister for Communications, Marine and Natural Resources if the mineral content at a plant (details supplied) at Bennettsbridge, County Kilkenny, is sufficient to have it classed according to the Mineral Acts 1940 and 1999; and if he will make a statement on the matter. [18562/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I propose to take Questions Nos. 173 and 174 together.

Under the Minerals Development Acts 1940 to 1999, both dolomite and dolomitic limestone are included in the list of scheduled minerals encompassed by the Acts. Both rock types contain the mineral dolomite and it is the proportion of the latter that distinguishes the difference between the two rock types. Visual and chemical analyses provided for the deposit currently being worked at Maddoxtown, Bennettsbridge, County Kilkenny, show that the rocks are dolomite. In the area of the proposed extension, the existing mine lessee's experts, using chemical testing, identified dolomitic limestone in their limited drilling programme in 2002. As pointed out in my reply to Parliamentary Question No. 228 on 25 May 2004, this testing work followed an earlier drilling programme in 1996 which identified a potential dolomite resource in this area. The area of the proposed extension, like that in the area currently being mined, therefore contains minerals scheduled under the Acts.

Comprehensive chemical analysis in the area of the proposed extension have not been carried out by the mining company because it is satisfied that there is sufficient evidence that a sizeable mineral deposit exists. However, it might be worthwhile to carry out the analyses if the cost is reasonable. The Department will pursue this issue with the company and I will inform the Deputy of the outcome.

Sports Capital Programme.

175. **Mr. O'Connor** asked the Minister for Arts, Sport and Tourism if he will report on his con-

[Mr. O'Connor.]
tacts with a football club (details supplied) in respect of the unfinished stadium at Tallaght, Dublin 24; if his attention has been drawn to the serious anxiety of the local community in the matter; and if he will make a statement on the matter. [18467/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Through the sports capital programme administered by my Department over €320 million has been allocated in funding since 1997 in respect of over 4,200 projects. These have involved sporting and community organisations at local, regional and national level throughout the country assisting in the provision of sport and recreational facilities. Under this programme, grants totalling €2.57 million were allocated towards the development of a new stadium in Tallaght for Shamrock Rovers Football Club in each of the three years 2000, 2001 and 2002. These allocations were made following an application from the club and a recommendation from the Football Association of Ireland, FAI, that such funding should be provided to enable one of Dublin's oldest clubs to have its own facilities.

While responsibility for the delivery of this project rests with the club, my Department has written directly to the club on a number of occasions since the last grant payment was made in May 2002 requesting information on its likely completion date. In October 2002, the club advised my Department that costs on the project had risen considerably and they were in discussions with a number of interested parties in an effort to secure additional funding to complete it. The importance of completing the stadium has been raised at a number of meetings between my Department and the FAI. On 26 March 2004, the club informed my Department of further ongoing discussions with interested parties which could lead to a proposal to complete the stadium. My Department is in contact with the FAI to investigate how this matter can be progressed to a satisfactory conclusion.

Swimming Pool Projects.

176. **Mr. O'Connor** asked the Minister for Arts, Sport and Tourism the contacts he has had with South Dublin County Council in respect of the proposed swimming pool complex at Tallaght west, Dublin 24; and if he will make a statement on the matter. [18468/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Earlier this month I approved the contract documents submitted by South Dublin County Council for the proposed swimming pool project in Jobstown, west Tallaght. This approval allows the council to invite tenders for the work proposed.

Sports Capital Programme.

177. **Mr. Deenihan** asked the Minister for Arts, Sport and Tourism if a grant under the sports

capital programme will be awarded to a club (details supplied) in County Kerry; and if he will make a statement on the matter. [18630/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): An agreement exists between my Department and the Department of Community, Rural and Gaeltacht Affairs whereby applications for funding under the sport capital programme from organisations located in designated Gaeltacht areas will be considered by the Department of Community, Rural and Gaeltacht Affairs. On this basis, the application for grant assistance from Cumann Caide Peile, Liospoil, was not assessed under the sports capital programme operated by my Department but was transferred to the Department of Community, Rural and Gaeltacht Affairs for consideration. I understand that the Department will contact Cumann Caide Peile, Liospoil, regarding the outcome of the application.

Health Board Services.

178. **Ms Burton** asked the Minister for Health and Children his views on the case of a person (details supplied) in Dublin 22; and if this person will be accommodated in an area more easily accessible to their mother. [18522/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The provision of health services, including speech and language therapy, for people with a physical and, or, sensory disability rests with the Eastern Regional Health Authority and the health boards in the first instance. Accordingly, the Deputy's question has been referred to the regional chief executive of the Eastern Regional Health Authority with a request that he examine the matter raised and reply directly to the Deputy as a matter of urgency.

Telephone Masts.

179. **Mr. Morgan** asked the Minister for Health and Children his views on whether some persons with sensitive dispositions are suffering from multiple health problems from phone mast emissions; if his attention has been drawn to the number of persons suffering in this way; and if he has plans to take measures to protect persons so effected. [18563/04]

Minister for Health and Children (Mr. Martin): I am aware of concerns expressed by some persons in regard to hyper-sensitivity to electromagnetic radiation from phone masts. The Irish Electromagnetic Radiation Victims Network, IERVN, is an organisation representing their interests. My Department corresponds with IERVN on an ongoing basis and my officials have also met with its representatives. Scientific research to date has not established a causal relationship between electromagnetic radiation and ill health. Research is ongoing in this area

and my Department will continue to review the findings of all new peer-reviewed studies.

In the absence of evidence of a causal relationship between electromagnetic radiation and ill-health, the approach adopted in Ireland is to minimise exposure in accordance with the 1999 recommendations of the European Community on the limitation of exposure of the general public to electromagnetic fields. These recommendations are based on the 1998 guidelines of the International Commission on Non-Ionising Radiation, ICNIRP, covering the frequency range from 0-300 GHz. Telecommunications companies licensed to operate in Ireland are required to comply with these recommendations.

The monitoring of emission levels from masts is a function of the Office of the Director of Telecommunications Regulation. My Department is in regular contact with the office of the chief technical advisor in the Department of Communications, Marine and Natural Resources which represents Ireland's interests in the relevant international organisations — the World Health Organisation, the EU and the International Committee on Electromagnetic Safety.

Health Board Services.

180. **Ms O. Mitchell** asked the Minister for Health and Children if he will confirm the reported grant of core funding for the continued operation of Carmichael House; and if this funding will be paid annually. [18266/04]

187. **Mr. R. Bruton** asked the Minister for Health and Children if he has visited Carmichael House (details supplied); his Department's views on the desirability of developing such service centres as part of his community health strategy; and if he has made contact with the Eastern Regional Health Authority regarding present funding difficulties. [18333/04]

191. **Mr. Gregory** asked the Minister for Health and Children his views on the funding crisis at the Carmichael Centre (details supplied) in Dublin 7; his further views on the services provided by the centre; the level of funding his Department can make available to help ensure that the centre does not close or the staff be let go; and if he will make a statement on the matter. [18465/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I propose to take Questions Nos. 180, 187 and 191 together.

I am aware of the funding issues which have been raised by the Carmichael Centre. I have agreed with my colleague the Minister for Community, Rural and Gaeltacht Affairs that these issues merit further consideration by both Departments in consultation with the Eastern Regional Health Authority and the health boards. In the meantime, my Department has asked the Eastern Regional Health Authority to make a grant of €150,000 available on a once-off basis this year to alleviate the immediate needs which have been outlined by the board of the Carmichael Centre.

Task Force on Alcohol.

181. **Ms O. Mitchell** asked the Minister for Health and Children the details of the membership of the Task Force on Alcohol; and when its report is expected. [18274/04]

Minister for Health and Children (Mr. Martin): The Strategic Task Force on Alcohol was established to recommend specific evidence-based measures to Government to prevent and reduce alcohol related harm. The membership is broadly based and is composed of representatives from Government Departments, health professionals, the Garda, non-governmental organisations and the drinks industry.

| Membership | |
|--------------------------|---|
| Dr. Jim Kiely (Chair) | Chief Medical Officer, Department of Health and Children |
| Mr. Chris Fitzgerald | Principal Officer, Health Promotion Unit, Department of Health and Children |
| Mr. Pat Barry | Drinks Industry Group of Ireland |
| Ms. Mary Golden | Principal Officer, National Children's Office |
| Mr. Pat Donnellan | Health and Safety Authority |
| Dr. Ann Hope | National Alcohol Policy Advisor, Department of Health and Children |
| Mr. Owen Keenan | Chief Executive Officer, Barnardos |
| Mr. Eamonn Brazil | Consultant in Accident and Emergency, Mater Hospital |
| Mr. Stephen Rowan | Irish National Alliance for Action on Alcohol |
| Mr. Pat Costello | Chief Executive Officer, National Safety Council |
| Mr. Christopher McCamley | Assistant Principal, Department of Education and Science |
| Mr. Shay McGovern | Assistant Principal, Department of Health and Children |
| Mr. Seamus Carroll | Principal Officer, Department of Justice, Equality and Law Reform |
| Ms Bernie Hyland | Health Promotion Manager, North Western Health Board |
| Supt. Vincent Maguire | Community Relations, the Garda Síochána |
| Ms Mary Cunningham | National Youth Council of Ireland |
| Dr. John Sheehan | Consultant Liaison Psychiatrist, Mater Hospital |
| Ms Fionnuala Sheehan | Chief Executive Officer, MEAS |
| Ms Eileen Kehoe | Principal Officer, Social Policy Unit, Department of the Taoiseach |

| Membership | |
|--------------------------|---|
| Inspector Con O'Donoghue | National Traffic Bureau, the Garda Síochána |
| Mr. Noel Brett | Regional Manager of Mental Health and Services for Older People, Western Health Board |
| Dr. Dermot Walsh | Inspector of Mental Hospitals, Department of Health and Children |
| Dr. Joe Barry | National Drugs Strategy Team |
| Dr. Declan Bedford | Faculty of Public Health Medicine |
| Ms. Fionnuala Kilfeather | Chief Executive Officer, National Parents Council (Primary) |
| Mr. John Treacy | Chief Executive Officer, National Sports Council |
| Ms. Caren Mulcahy | Assistant Principal, Sports Section, Department of Arts, Sport and Tourism |
| Ms. Kathleen Stack | Principal Officer, Department of Community, Rural and Gaeltacht Affairs |

The second interim report of the task force is currently being finalised and will be published in the coming weeks.

Hospital Services.

182. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will receive an appointment with a consultant in regard to their need for cataract surgery. [18280/04]

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.

Medical Cards.

183. **Mr. Cuffe** asked the Minister for Health and Children if his attention has been drawn to the fact that 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 that a disproportional higher number of travellers are in this category compared to their peers in the settled community; and if he will make changes in order to assist young travellers. [18284/04]

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.

Substance Misuse.

184. **Mr. Cuffe** asked the Minister for Health and Children if he will consider setting up and funding an independent and impartial support agency to educate and aid both the victims and the victims of victims suffering from alcohol's negative side effects; and if he will make a statement on the matter. [18285/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I share the

Deputy's concern that alcohol abuse continues to be a significant problem for Irish society.

The health promotion unit of my Department is involved in a range of initiatives aimed at preventing and reducing alcohol related harm. One such initiative was the establishment of the Strategic Task Force on Alcohol in January 2002, to recommend evidence based measures to Government, aimed at reducing and preventing alcohol related harm. Following a comprehensive review of the most effective alcohol policy measures by international experts, an interim report was published in May 2002. A second report, containing further recommendations, will be published in the near future. An interdepartmental group has been established to co-ordinate responses to the recommendations.

The health promotion unit of my Department has also provided funding to the Irish College of General Practitioners to implement an alcohol aware practice project to assist the GP in being more effective in helping patients with alcohol problems.

National policy on the treatment of alcohol abuse, as set out in Planning for the Future, stipulates that the emphasis in the management of alcohol related problems should be on community-based interventions. Health boards already provide and continue to develop a range of comprehensive community-based support services appropriate to the needs of persons affected and afflicted by alcohol abuse. These services include family support and community, medical and social services in the management of the problem.

The main therapeutic tools in the treatment of alcohol addiction are psychotherapy, counselling, family and marital therapy, either individually or in group settings. Therapy may take place in residential or day settings. As alcohol related problems occur, in many instances, in local and family settings, the community-based response can be direct and early, thereby reducing the associated levels of physical, psychological and social problems.

Legislation is presently being drafted within my Department to reduce the over-exposure of young people to alcohol advertising and marketing practices.

Inter-Country Adoptions.

185. **Mr. J. O’Keeffe** asked the Minister for Health and Children if his attention has been drawn to delays of up to three years for persons hoping to adopt children to obtain a place on a preparation course; his views on whether this is very unfair, in particular for middle aged persons; and the steps he proposes to improve the situation. [18293/04]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): A standardised framework for intercountry adoption assessment was introduced in 1999 to streamline assessments and to provide a transparent system to assess the suitability of applicants to adopt a child, centred on the child’s best interests. When introduced, the framework was welcomed both by health boards and prospective adopters, and it is regarded very highly in countries from which Irish people adopt. The framework is being implemented nationally.

Assessments for intercountry and domestic adoptions are carried out by health boards or by registered adoption societies. At the outset of the process, applicants are placed on a health board/adoption society waiting list for assessment. The waiting list for assessment varies throughout the country. The assessment process itself involves a number of stages and would generally include an initial assessment, a considerable level of education/preparation work (including an exploration with prospective adoptive parents of the challenges and issues that are likely to arise when undertaking adoption) and a home study assessment. The length of the process can vary between applicants depending on the particular circumstances of each case, bearing in mind at all times the best interests of the child.

The length of time it takes to complete the necessary assessment and the allocation of resources within the health board is a matter for the management of each individual health board.

Accident and Emergency Services.

186. **Mr. F. McGrath** asked the Minister for Health and Children if there has been an improvement in waiting times for patients on trolleys in the accident and emergency department of Beaumont Hospital over the past six months; and if he has future plans to resolve this terrible situation. [18320/04]

Minister for Health and Children (Mr. Martin): Services at Beaumont Hospital are provided under an arrangement with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive of the authority to examine the issue raised and to reply to the Deputy directly.

Question No. 187 answered with Question No. 180.

Hospital Charges.

188. **Ms Shortall** asked the Minister for Health and Children further to Question No. 132 of 5 May 2004, the reason for the delay in replying to this Deputy; and if he will give a detailed reply to the question asked. [18335/04]

Minister for Health and Children (Mr. Martin): Arising from the Deputy’s question on 5 May 2004 my Department wrote to the chief executive officer of the Eastern Regional Health Authority, requesting that he investigate the case in question. The ERHA has now advised that charges were applied by the hospital under the Health (Charges for In-Patient Services) Regulations 1976, as amended by the Health (Charges for In-Patient Services) (Amendment) Regulations 1987. The hospital has also advised that charges were inappropriate in this case. The ERHA has been advised by the hospital that arrangements are being made to reimburse the person in respect of these charges.

National Lottery Funding.

189. **Mr. Haughey** asked the Minister for Health and Children the details of lottery funded grant schemes administered by his Department; and if he will make a statement on the matter. [18351/04]

Minister for Health and Children (Mr. Martin): The health and children allocation of national lottery funds for 2004 is €13.017 million. This includes €2.539 million which forms part of the funding for the capital programme. The remaining €10.478 million includes funding of €6.847 million which is allocated to health agencies to fund the respite care grants scheme, the disadvantaged youth scheme and the schemes of grants to voluntary organisations and the remaining €3.631 million is discretionary funding available to my Department.

The conditions which apply to the allocation by health boards of the scheme of grants to voluntary organisation funds are as follows: grants may be allocated to community based projects under the headings of intellectual and physical disability, services for older people, mental health services, child care services, personal social services, including information and counselling services; at least 70% of the funding should be allocated to local voluntary groups; grants should not be in substitution for section 65 grants; and particular care should be taken to ensure that grants are made to viable schemes which will be completed within a reasonable period and, in determining the priority of schemes, an assessment should be made of any ongoing revenue implications.

The amount of discretionary funding available to my Department for 2004 from the proceeds of the national lottery is €3.631 million. There is a set protocol in place in my Department for dealing with applications/requests for grants from discretionary national lottery funds. An application

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form is made available to any individual, group or agency which requests a grant. Requests for application forms come primarily from individuals, groups and organisations with an involvement in the provision of health services to specific client groups, national groups providing information and support regarding disability and illness and groups with a specific interest. 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.

Applications for national lottery grants far exceed the resources available in any one year. Where an application has been unsuccessful, the applicant is informed and advised that they may apply in the following year if funding is required for the particular project.

Health Board Services.

190. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be called for orthodontic treatment; the length of time this person has been on the orthodontic treatment waiting list; and the position they are on the list at present. [18352/04]

Minister for Health and Children (Mr. Martin):

As the Deputy is aware, responsibility for the provision of orthodontic treatment to eligible persons in County Mayo rests with the Western Health Board. My Department has asked the chief executive officer to investigate the matter raised by the Deputy and to reply to him directly.

Question No. 191 answered with Question No. 180.

192. **Mr. O'Connor** asked the Minister for Health and Children if he can confirm plans for the redevelopment of the health centre at Millbrook Lawns, Tallaght, Dublin 24; if his attention has been drawn to the need for immediate action; and if he will make a statement on the matter. [18472/04]

Minister for Health and Children (Mr. Martin):

With regard to the provision of health centres generally, the position is that the identification, prioritisation and provision of such facilities to meet the needs of local communities within its functional area, is a matter for the relevant health board or the Eastern Regional Health Authority (ERHA). In the case of Millbrook Lawns Health Centre, Tallaght, Dublin 24, this responsibility rests with the ERHA.

The ERHA has indicated that the refurbishment of this health centre would constitute a regional priority. The ERHA has recently submitted proposals to my Department in relation

to the funding of a number of priority projects, including Millbrook Lawns health centre and these proposals are currently being examined by my Department.

EU Directives.

193. **Dr. Cowley** asked the Minister for Health and Children the meetings which have taken place between his Department, the postgraduate training bodies and the Medical Council in relation to the implementation of the European Working Time Directive; the result of such meetings; the way in which he intends to ensure that NCHDs will be trained following the implementation of the European Working Time Directive; and if he will make a statement on the matter. [18509/04]

Minister for Health and Children (Mr. Martin):

My Department meets representatives of the medical education and training organisations and of the Medical Council on an ongoing basis to discuss a very wide range of issues of mutual interest, including the implementation of the European Working Time Directive (EWTD). These meetings, both formal and informal, are very helpful in informing my Department's approach to many issues, including the training of non-consultant hospital doctors (NCHDs) in the context of implementing the directive. Over the past number of years both the training bodies and the Medical Council have made a significant contribution to Government policy on medical education and training and on implementing the EWTD, most notably their membership of and contribution to the preparation and publication of the Report of the National Task Force on Medical Staffing, Hanly report.

As you will be aware, on publication of the Hanly report, I asked the sub-group of the Hanly task force which dealt with medical education and training issues to remain in place in order to examine and report to me on the measures required to accommodate NCHD training in all postgraduate programmes and to safeguard training and service delivery during the transition to a 48 hour working week. The group convened a major national seminar last January involving all stakeholders including training bodies, the Medical Council, employers and medical representative organisations. Drawing on the views expressed at this seminar and the ongoing work of the medical education and training group, draft proposals have been developed with a view to ensuring the provision of high quality training for NCHDs in the context of the initial implementation of the 58 hour week and the eventual implementation of the 48-hour working week. I anticipate that these proposals will be submitted to me in the near future.

Unfortunately, in recent months, it has been necessary to cancel a number of formal meetings of the medical education and training group due to continuing industrial relations action by the

Irish Hospital Consultants Association arising from an unrelated issue. I would like to take this opportunity to again call on all concerned to re-enter formal discussions in the interests of ensuring that both patient care and training needs are fully met in the context of implementation of the directive.

Even though it has proved difficult to convene formal meetings of the MET group, the ongoing contacts with training bodies have facilitated the group's secretariat in making progress on a range of issues including, in particular, the draft proposals referred to above on addressing training needs in a 58 hour week. A significant and welcome development has been the forging of constructive dialogue between key medical training and employer representatives in order to jointly address how best to respond to the requirements arising from the implementation of the 58 hour week.

The deadlines imposed by the EWTD will be difficult to meet, assuming the full cooperation of the key stakeholders concerned. I again call on the stakeholders concerned to participate with and cooperate with the necessary implementation processes. I think it is important to state that we face the same hurdles as many of our EU colleagues. They too are grappling with how to provide top quality health services while complying with the requirements of the directive. Every effort has been made and continues to be made to achieve compliance. The current difficulties in no way alleviate our legal obligations and only serve to emphasise the growing urgency of making the necessary progress to achieve implementation. I again call on all interested parties to play their part in achieving a healthier and safer working environment for doctors in training and equally important, the safer provision of services to patients.

Questions Nos. 194 and 195 answered with Question No. 55.

Health Service Reform.

196. **Mr. Sherlock** asked the Minister for Health and Children if he has received a submission from 107 general practitioners in the Mallow General Hospital region, on the effects that the Hanly recommendations would have for the hospital; and if he is considering responding to the call for developments at the hospital to meet the needs of the people in the region; and if he will make a statement on the matter. [18545/04]

Minister for Health and Children (Mr. Martin): I welcome the submission prepared by general practitioners working in the region of Mallow General Hospital. The submission rightly identifies an important role for the hospital in the future, and points to the valuable contribution it has made to the community for many years. I am

committed to ensuring that Mallow General Hospital will be part of an integrated network of hospitals, providing the highest quality treatment and care for patients.

The general practitioners' submission expresses concerns about the perceived consequences of the Hanly report for the population served by Mallow General Hospital. It argues that Hanly would reduce patient access to emergency services within the important "golden hour". However, Hanly argues that the critical issue is speedy access to emergency treatment at the scene by first responders, such as trained ambulance personnel or general practitioners. This should be followed by rapid transfer to a hospital most able to meet their needs. This approach would make access to emergency services within the "golden hour" possible for a greater number of patients than reliance on the location of any individual hospital.

It is important to emphasise that the second phase of the Hanly process will examine every acute hospital, including Mallow General Hospital, before recommendations about services are formulated. The concern will be to ensure the best possible service for patients, taking account of geographic, demographic and spatial considerations. I have no doubt that the future of Mallow General Hospital as a vital element of health care will be secured in this context.

Health Board Services.

197. **Mr. F. McGrath** asked the Minister for Health and Children if Minister of State O'Malley will meet the family of a person (details supplied) in County Galway and further increase their PA hours. [18548/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The provision of health services, including personal assistants, for people with a physical and/or sensory disability rests with the Eastern Regional Health Authority and the health boards in the first instance. Accordingly, the Deputy's question as 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.

Hospital Services.

198. **Mr. Ring** asked the Minister for Health and Children the opening date for the orthopaedic unit in Mayo General Hospital, Castlebar, County Mayo. [18549/04]

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. I understand that the board are planning to open the orthopaedic unit in Sep-

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tember 2004 as was outlined to the Deputy in the Adjournment debate on 16 June 2004.

199. **Ms O. Mitchell** asked the Minister for Health and Children the reason appropriate hospital based treatment is not available to a person (details supplied) in Dublin 12; if funding for private treatment can be given; if his attention has been drawn to the gross lack of services for children with anorexia; and his plans for improving the situation. [18553/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of health services to persons residing in counties Dublin, Kildare and Wicklow rests with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive of the authority to investigate the matter raised by the Deputy and to reply to her directly.

The Deputy may wish to note that persons presenting with eating disorders are generally treated through the psychiatric services of their local health board. Outpatient psychiatric services are provided from a network of hospitals, health centres, day hospitals and day centres. Where in-patient treatment is deemed necessary, it is provided in the local acute psychiatric unit or hospital, beds being allocated on the basis of patient need at any particular time.

A tertiary referral service for eating disorders is available to public patients in St. Vincent's Hospital, Elm Park, Dublin, where three in-patient beds are designated for this purpose. A similar service is available privately at St. Patrick's Hospital, James's Street, Dublin, and at St. John of God Hospital, Stillorgan, County Dublin.

Later this year, the Working Group on Child and Adolescent Psychiatry will commence the preparation of a report on services for people with eating disorders and how they can best be developed in the short, medium and long-term.

Question No. 200 answered with Question No. 35.

Hospitals Building Programme.

201. **Mr. Deenihan** asked the Minister for Health and Children when construction will begin on the new Dingle Community Hospital, County Kerry; and if he will make a statement on the matter. [18631/04]

Minister for Health and Children (Mr. Martin): The question of progressing the Dingle Community Hospital to construction is at present being considered by my Department in the context of finalising the capital investment framework 2004-08 for the health service. This will determine what new capital commitments can be progressed in 2004 or beyond, in line with overall funding resources available for the years in ques-

tion. While it is not possible to give a precise date at this stage in relation to a construction date for this project, I expect this to be finalised shortly. My Department will continue to liaise with the Southern Health Board on the matter and I will ask that the Deputy be kept advised of developments.

Cancer Incidence.

202. **Mr. Durkan** asked the Minister for Health and Children if he has studied the reports on the incidents of the various forms of cancer throughout the country by county; if he can attribute any cause or causes for variations throughout the country; and if he will make a statement on the matter. [18636/04]

Minister for Health and Children (Mr. Martin): Reports of the national cancer registry have examined variations in incidence of cancer among counties and health board areas during the period from 1994 onwards. Variations in case numbers, overall or for particular cancers, obviously reflect variation in population size or in population age structure. Age-standardised rates show less variation, but nevertheless some variation is evident, although, for most counties or health authority areas, rates do not show statistically significant variation from the national average. The main exception is Dublin and the ERHA region, where incidence rates are higher than the national average for cancers as a whole, and for a number of individual cancers, including lung, breast and prostate cancers. For lung and a number of other cancers, variation is strongly influenced by smoking, which tends to be most prevalent in urban, particularly deprived urban, areas. For breast and prostate cancer, incidence rates may be increased in areas where there are higher levels of screening, e.g. breast screening. In general, cancers not strongly influenced by smoking, socio-economic or screening-related factors show less marked variation within Ireland, and any such variation cannot readily be attributed to specific factors without further research into specific cancers. Distinguishing true geographic variation from random or chance variation is also a problem given the small numbers of cases involved at county level for most cancers.

Since 1997, significant developments in cancer services have taken place in all regions. The overall additional cumulative funding in cancer services in this country since 1997 is in excess of €550 million including an additional €15 million revenue which I allocated this year. An additional 92 consultant posts in key areas of cancer treatment and 245 clinical nurse specialists across all health board areas have been funded. There has also been approximately €95 million in capital funding allocated specifically for the development of cancer related initiatives. These include an invest-

ment of €60 million in radiation oncology, and €11.9 million in BreastCheck.

The investment and appointments in cancer services have resulted in substantial increases in activity levels across the three modalities of care of radiation oncology, medical oncology and surgical oncology. For example, since 1996 the annual number of discharges of patients receiving chemotherapy has more than doubled, from 22,000 in 1996 to over 50,000 in 2002. Similarly, for radiotherapy the increase in discharges reported at Cork University Hospital increased from less than 7,000 cases in 1996 to nearly 15,000 in 2002. There has been a 36% increase nationally in surgical procedures for breast cancer, with an additional 500 procedures performed in 2002 compared to 1997.

Last year I announced the extension of the BreastCheck programme to counties Carlow, Kilkenny and Wexford and also the national roll out to the southern and western counties. Screening commenced in Wexford in March of this year.

The report on the development of radiation oncology services in Ireland provides the basis of Government policy in relation to the development and organisation of radiation oncology services. This report, which was developed by an expert working group under the chairmanship of Professor Donal Hollywood has received considerable international endorsement. The first phase of this programme will be the development of a network of large clinical centres in Dublin, Cork and Galway which will permit a rapid increase in patient access and also form a backbone for future service expansion.

Already, substantial progress is being made in implementing the report's recommendations. In 2004, an additional €3.5 million is being used to develop the services at the supra regional centres at University College Hospital, Galway, and Cork University Hospital. 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. I have provided for the appointment of an additional five consultant radiation oncologists. Recruitment for these posts is under way. 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.

In relation to other areas of cancer services, significant work is also being undertaken. Under the Ireland-Northern Ireland-NCI Cancer Consortium, awards to the value of €3.5 million are enabling Irish hospitals develop their infrastructure to enable them to carry out high quality clinical trials. Irish hospitals will be able to participate in world-class clinical trials involving the latest advances, helping to ensure that these new and effective treatments are available more readily to patients as a result of this funding.

The new national cancer strategy will target investment for cancer services over the next number of years and will make recommendations in relation to the development and organisation of services nationally. The strategy will also provide a mechanism for the development, implementation, monitoring and updating of clinical guidelines for the treatment of cancer.

Question No. 203 answered with Question No. 93.

Health Board Services.

204. **Mr. Durkan** asked the Minister for Health and Children his plans to upgrade the facilities available at the various health centres throughout the country with a view to alleviating the pressure on hospital accident and emergency departments; and if he will make a statement on the matter. [18638/04]

Minister for Health and Children (Mr. Martin):

The primary care strategy, Primary Care: A New Direction, aims to shift the emphasis from the current over-reliance on acute hospital services to one where patients will be able to access an integrated multidisciplinary team of general practitioners, nurses, health care assistants, home helps, occupational therapists, physiotherapists, and social workers in their local community. Appropriately structured, primary care can meet 90%-95% of all health and personal social service needs.

The strategy also envisages the development of extended-hours and out-of-hours cover for defined primary care services. The management of this wide range of care within the primary care setting represents the most appropriate, effective and user-friendly approach to the organisation of service delivery.

Primary care, planned and organised on this basis, can lessen the current reliance on specialist services and the hospital system, particularly accident and emergency and out-patient services. Based on available evidence, it has the potential to reduce the requirement for specialist services, reduce hospitalisation rates, reduce lengths of stay for those who are hospitalised, promote more rational prescribing and improve efficiency.

The primary care strategy also recognises that the provision of modern, well-equipped, accessible premises will be central to the effective functioning of the primary care team. One of the Government's key objectives is to facilitate and encourage the development, where appropriate, of modern, well-equipped, user-friendly buildings in which the broad range of primary care services, including general practice, can be delivered. The strategy also emphasises the need to gain full benefit from existing buildings and to fully exploit any opportunities for public private partnerships in implementing the development programme. I am committed to developing policy in such a way as to maximise the opportunities to attract private sector interests into the provision of facilities to

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support delivery of primary care service in accordance with the new interdisciplinary model.

The identification, prioritisation and provision of health centres, including the upgrading of such facilities, to meet the health and personal social service needs of local communities are matters for the health boards or the Eastern Regional Health Authority in the first instance.

Question No. 205 answered with Question No. 93.

Health Board Services.

206. **Mr. Durkan** asked the Minister for Health and Children the number of patients on orthodontic waiting lists who have had to seek private treatment in the past five years; and if he will make a statement on the matter. [18640/04]

207. **Mr. Durkan** asked the Minister for Health and Children the position in regard to the provision of orthodontic services with particular reference to waiting lists; and if he will make a statement on the matter. [18641/04]

Minister for Health and Children (Mr. Martin): I propose to take Questions Nos. 206 and 207 together.

The provision of orthodontic services is a matter for the health boards/authority in the first instance.

I am pleased to advise the Deputy that I have taken a number of measures to improve orthodontic services on a national basis.

The grade of specialist in orthodontics has been created in the health board orthodontic service. In 2003, my Department and the health boards funded 13 dentists from various health boards for specialist in orthodontics qualifications at training programmes in Ireland and at three separate universities in the United Kingdom. These 13 trainees for the public orthodontic service are additional to the six dentists who commenced their training in 2001. Thus, there is an aggregate of 19 dentists in specialist training for orthodontics. These measures will complement the other structural changes being introduced into the orthodontic service, including the creation of an auxiliary grade of orthodontic therapist to work in the orthodontic area.

Furthermore, the commitment of the Department to training development is manifested in the funding provided to both the training of specialist clinical staff and the recruitment of a professor in orthodontics for the Cork Dental School. This appointment at the school will facilitate the development of an approved training programme leading to specialist qualification in orthodontics. The chief executive officer of the Southern Health Board has reported that the professor commenced duty on the 1st of December 2003. In recognition of the importance of this post at Cork Dental School my Department has given approval in principle to a proposal from the

school to further substantially improve the training facilities there for orthodontics. This project should see the construction of a large orthodontic unit and support facilities; it will ultimately support an enhanced teaching and treatment service to the wider region under the leadership of the professor of orthodontics.

Orthodontic initiative funding of €4.698 million was provided to the health boards/authority in 2001 and this has enabled health boards to recruit additional staff, engage the services of private specialist orthodontic practitioners to treat patients and build additional orthodontic facilities.

In June 2002, my Department provided additional funding of €5 million from the treatment purchase fund to health boards/authority specifically for the purchase of orthodontic treatment. This funding is enabling boards to provide both additional sessions for existing staff and purchase treatment from private specialist orthodontic practitioners.

The information requested by the Deputy on the number of patients who have had to seek private treatment in the past five years is not available.

Finally, the chief executive officers of the health boards/authority have informed my Department that at the end of the March quarter 2004, there were 21,033 children receiving orthodontic treatment in the public orthodontic service. This means that there are nearly twice as many children getting orthodontic treatment as there are children waiting to be treated and almost 4,000 extra children are getting treatment from health boards/authority since the end of 2001.

208. **Mr. Durkan** asked the Minister for Health and Children when he expects to ensure the provision of adequate resources to meet the requirements of the Kildare psychiatric services; if his attention has been drawn to the urgent requirements in this area; and if he will make a statement on the matter. [18642/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Responsibility for the provision of the services referred to by the Deputy rests with the Eastern Regional Health Authority. The further development of our mental health services, including those in the Eastern Regional Health Authority, will be considered in the context of the estimates process for 2005 and subsequent years.

Questions Nos. 209 and 210 answered with Question No. 94.

Hospital Services.

211. **Mr. Durkan** asked the Minister for Health and Children if he has issued instructions to or received communications from the Eastern Regional Health Authority in regard to the opening of all the facilities at Naas General Hospital;

the number of beds and wards, theatres or other facilities decommissioned; his plans to ensure the provision of a full range of services at the hospital; and if he will make a statement on the matter. [18647/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of services at Naas General Hospital rests with the Eastern Regional Health Authority. My Department has received a request from the authority for additional revenue funding to complete the commissioning of additional services at the hospital. This request is being considered. My Department has asked the regional chief executive of the authority to reply directly to the Deputy on the other issues raised.

212. **Mr. Durkan** asked the Minister for Health and Children if he has received full information regarding proposals to discontinue the respiratory and tuberculosis unit at Peamount Hospital, Newcastle, County Dublin; if his attention has been drawn to the negative impact such a step is likely to have on the immediate and wider catchment area; if he has examined the implications whereby patients suffering from acute forms of tuberculosis or respiratory illnesses may in future be referred to other general hospitals thereby causing a possible risk of infection for other patients; if he has investigated the circumstances surrounding the refusal of admission to such a patient and subsequent re-admission; if he will personally intervene to ensure the continuation of the services currently provided to tuberculosis and respiratory patients at the hospital in the future; and if he will make a statement on the matter. [18648/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of services at Peamount Hospital rests with the Eastern Regional Health Authority. My Department has therefore, asked the regional chief executive of the authority to examine the matters raised by the Deputy and to respond to him directly.

Questions Nos. 213 and 214 answered with Question No. 93.

Driving Tests.

215. **Mr. Hogan** asked the Minister for Transport when a driving test will be arranged for a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [18566/04]

Minister for Transport (Mr. Brennan): The applicant has been placed on a cancellation list for a driving test at the Carlow driving test centre and a test and a test appointment will be arranged as soon as possible.

216. **Mr. Ring** asked the Minister for Transport the position regarding the intention to privatise driving testing; if legislation has been prepared to

progress this proposal; and if driving testers can be taken from the driving instructors register. [18273/04]

Minister for Transport (Mr. Brennan): The Government has approved the text of the driver testing and standards authority Bill which will enable the establishment of a public sector body to deliver, *inter alia*, the driver testing service. Arrangements are being made to publish the Bill shortly. Driver testers are recruited by open competition through the Civil Service and Local Appointments Commission.

Public Services Passenger Regulations.

217. **Mr. Gogarty** asked the Minister for Transport if there are plans to amend the rules for crew cab vehicles in the near future to enable these commercial vehicles to carry more than one passenger. [18281/04]

Minister of State at the Department of Transport (Dr. McDaid): Apart from public service vehicles, road traffic legislation does not regulate in a specific way for the number of passengers that may be carried in any particular type of mechanically propelled vehicle.

Light Rail Project.

218. **Ms O. Mitchell** asked the Minister for Transport the arrangements that have been entered into with the Luas operator in respect of income from fares over and above the level of the contract price; if such income accrues to the State, to the operator or will be shared; and if so, the relevant proportion. [18322/04]

Minister for Transport (Mr. Brennan): The Railway Procurement Agency, RPA, has entered into a five-year performance-based contract with Connex to operate and maintain Luas. Revenues from the service accrue to the RPA and in return Connex is paid a contract fee which is performance related. The main basis of payment under the contract is related to reliability of service, punctuality and condition of the assets. Connex is also incentivised to maximise patronage on the service and the contract, therefore, provides for a sharing of income as patronage exceeds particular threshold amounts.

Taxi Hardship Panel.

219. **Mr. Haughey** asked the Minister for Transport if he has satisfied himself with the operation of the taxi hardship payments scheme; if his attention has been drawn to the fact that payments will not be made in cases in which no loan was obtained to purchase a taxi licence plate; the person who imposed this condition; the reason for this; and if he will make a statement on the matter. [18349/04]

Minister for Transport (Mr. Brennan): The taxi hardship payments scheme is based on the recommendations and parameters set out in the taxi

[Mr. Brennan.] hardship panel report, as approved by Government. The taxi hardship panel was an independent three person panel established to report in general terms on the nature and extent of extreme personal financial hardship that may have been experienced by individual taxi licence holders arising from loss of income as a direct result of the liberalisation of the taxi licensing regime. The panel received and considered over 2,000 written submissions.

The report of the panel recommended the establishment of a scheme to provide payments to individual taxi licence holders who fall into one of six categories that the panel assessed as having suffered extreme personal financial hardship arising from taxi liberalisation. The payments range from €3,000 to €15,000 depending on the category of hardship involved.

The only category in which the panel recommended hardship payments related to loans was category five which concerns large loan repayments outstanding on loans obtained to purchase a taxi licence and secured against a family home.

Area Development Management Limited, ADM, has been engaged to administer and manage the implementation of the taxi hardship payments scheme and I am satisfied that it is operating the scheme in line with the recommendations of the taxi hardship panel report and the general and specific requirements for each category as outlined in the application form, which was the subject of consultation with taxi industry representatives.

State Airports.

220. **Mr. Haughey** asked the Minister for Transport the justification for the break up of Aer Rianta; and if he will make a statement on the matter. [18531/04]

223. **Mr. Haughey** asked the Minister for Transport the position on the provision of a second terminal at Dublin Airport; the reason Aer Rianta's own plans in this regard have been abandoned; and if he will make a statement on the matter. [18534/04]

Minister for Transport (Mr. Brennan): I propose to take Questions Nos. 220 and 223 together.

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

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

There has been a broad level of support at both national and regional level for the Government's decision to establish the three airports as fully

autonomous authorities under State ownership. Through more focused commercial operation, all three airports can perform better and each can play a greater role in stimulating and supporting regional and national economic activity to the benefit of their customers, both airlines and passengers, and of Irish tourism, trade and industry. I have also given repeated assurances to ICTU and the Aer Rianta unions that there will not be any diminution in the terms and conditions of employment of workers in the company on transfer to the new independent airport authorities.

The Government has approved the publication of the State Airports Bill 2004 to give effect to the restructuring of Aer Rianta and the Bill has been circulated to Deputies today. It remains my intention that this Bill can be enacted before the summer recess.

With regard to the provision of a second terminal at Dublin Airport, passenger traffic through Dublin Airport is expected to grow from last year's level of almost 16 million passengers to 30 million by around 2020. New infrastructure capacity and facilities, both airside and landside, will be needed to cater for this growth including further terminal capacity. With regard to the latter, the programme for Government includes a commitment to examine proposals for a new independent terminal at the airport and to progress such proposals if the evidence suggests that such a terminal will deliver significant benefits. The question currently at issue, therefore, is not whether new terminal capacity should be provided at Dublin Airport but rather who should provide the next tranche of capacity, the authority responsible for the airport as a whole or the private sector.

As the Deputy is aware, the report of last year by the panel of experts chaired by Mr. Paddy Mullarkey concluded that an independent terminal at Dublin Airport would be operationally and technically feasible and that such a terminal is a viable strategic option for the airport. I continue to give urgent attention to the independent terminal concept and I will bring proposals in the matter to the Government very shortly.

Public Transport.

221. **Mr. Haughey** asked the Minister for Transport his intentions in relation to the future of CIE; and if he will make a statement on the matter. [18532/04]

Minister for Transport (Mr. Brennan): In my statement to the public transport partnership forum in November, 2002 I set out my proposals for public transport reform, including the dissolution of CIE and the establishment of Bus Átha Cliath, Bus Éireann and Iarnród Éireann as independent commercial State companies. It is my intention to proceed to implement these proposals in line with the commitment in An Agreed Programme for Government.

I have no plans to privatise any of the three CIE operating companies. Instead, I propose to

dissolve CIE and establish Bus Átha Cliath, Bus Éireann and Iarnród Éireann as independent commercial State companies with strong commercially focused boards. I am convinced that the changes needed to achieve this objective can be obtained in a way which respects the legitimate interests of public transport workers.

The overall aim of my reform proposals and investment programme is to deliver more and better quality public transport at reasonable cost to the user and in a way that demonstrates value for money for the tax payer.

222. **Mr. Haughey** asked the Minister for Transport the rationale for privatising some bus routes in the Dublin area; and if he will make a statement on the matter. [18533/04]

Minister for Transport (Mr. Brennan): I set out my policy proposals for public transport reform in statements to the public transport partnership forum in November 2002 and the Joint Oireachtas Committee on Transport in June 2003. The principal elements of my proposals are the establishment of an independent procurement and regulatory authority for transport, on a national basis, and the introduction of controlled competition into the bus market in the Dublin area in the form of franchising as the primary means of procuring bus services. I have no plans to privatise Dublin Bus.

I am firmly of the view that franchising is the most effective means of achieving genuine market opening in the Dublin market. International experience in cities such as London, Copenhagen, Stockholm and Helsinki is that franchising brings cost savings to public transport provision, savings which can be invested in the public transport system to ensure a better service to public transport users. A number of major studies carried out by independent consultants have supported this, including the ISOTOPE report carried out for the European Commission which found that franchising generally resulted in savings of between 15% and 20% of the cost to the State of the provision of bus services; and the NERA-Tis report commissioned by the public transport partnership forum which recommended franchising for the Dublin bus market. Franchising will allow for genuine market opening, with operators other than the existing State owned companies having a role to play in the delivery of services.

While recent public discussion on public transport reform has focused almost exclusively on organisational issues and public monopoly provider concerns, the focus of my reforms is primarily on delivering a better service to the customer and greater value for money to the taxpayer. It remains my intention to proceed with legislation on public transport reform in 2004.

Question No. 223 answered with Question No. 220.

Transport Policy.

224. **Mr. Haughey** asked the Minister for Transport if his policies in relation to public transport will result in a lack of co-ordination and integration; and if he will make a statement on the matter. [18535/04]

Minister for Transport (Mr. Brennan): An Agreed Programme for Government contains a commitment to implement an integrated transport policy designed as far as possible to overcome existing bottlenecks and congestion and to provide alternative choice by alternative modes of transport. Significant progress is being made in delivering a sustainable, safe, appropriately regulated and integrated transport system.

This is being achieved through delivering major programmes of investment to increase the capacity of our public transport system, adoption of measures to reform the sector to achieve greater efficiency and value for money and measures to integrate all of these activities.

Under the national development plan, the capacity of our mainline and suburban rail system has been significantly expanded, the capacity of the bus fleets of Bus Éireann and Dublin Bus has been renewed and expanded significantly, the Luas system will become operational next week, and increased priority is being offered to buses through an expanded quality bus corridor network in Dublin and in other urban areas. Greater facility for interchanging between modes of public transport will be possible with the coming into service of Luas which connects Connolly Station, Busaras and Heuston Station while smart cards are being introduced to facilitate integrated ticketing.

These developments, together with my proposals to reform public transport over the coming period involving the establishment of an independent regulatory process, will I believe introduce a more integrated and efficient public transport system than we have seen previously, with greater travel options and choice available to the consumer. My proposals to establish an independent regulator for public transport will ensure continued co-ordination and integration in public transport.

Decentralisation Programme.

225. **Mr. J. Higgins** asked the Minister for Transport the number of jobs in Bus Éireann head office that have been marked for decentralisation to Mitchelstown. [18577/04]

226. **Mr. J. Higgins** asked the Minister for Transport the number of workers in Bus Éireann head office that have agreed to relocate to Mitchelstown. [18578/04]

227. **Mr. J. Higgins** asked the Minister for Transport the number of workers in Bus Éireann head office that would have to agree to relocate to Mitchelstown before this decentralisation could be viable. [18579/04]

228. **Mr. J. Higgins** asked the Minister for Transport if Bus Éireann workers who would not be in a position to relocate to Mitchelstown will maintain the same rights and promotion possibilities as before. [18580/04]

Minister for Transport (Mr. Brennan): I propose to take Questions Nos. 225 to 228, inclusive, together.

All of the posts in Bus Éireann headquarters are due to be decentralised to Mitchelstown. It is not possible to state the number of workers in Bus Éireann head office who have expressed an interest in relocation as results are not yet available from the Central applications Facility.

Implementation of decentralisation will have to be managed in a way which makes the process viable. With regard to rights and promotion possibilities, the Minister for Finance has indicated that decentralisation will inevitably change the way in which the public service will operate in the future. The present position in this regard is outlined in the reply of the Minister for Finance, Deputy McCreevy, to a parliamentary question answered on Tuesday, 17 February, 2004.

Rail Services.

229. **Mr. O'Dowd** asked the Minister for Transport his views on the dreadful situation as described in a recent newspaper report as the train journey from hell (details supplied). [18581/04]

Minister for Transport (Mr. Brennan): While problems on particular train services are an operational matter for Iarnród Éireann, I understand from the company that, on the service in question, a number of different situations led to the problems raised. First, the delayed departure of the train was caused by a points failure which occurred at Connolly Station. In addition, a technical problem occurred with the air-conditioning units on some of the individual carriages of this particular train, which compounded the discomfort experienced by Iarnród Éireann's customers on the delayed train on this particularly hot day.

Iarnród Éireann is conducting a full examination of all of the newly-acquired diesel railcars over the next few days to ensure that there is no recurrence of the problem. It apologised to its customers for the delays that evening and is working to ensure that such occurrences are avoided in the future.

European Refugee Fund.

230. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the percentage of money that went to non-governmental organisations, statutory services and ethnic minority-led organisations in the first two rounds of funding from the reception and integration agency in dis-

tributing the European Refugee Fund. [18289/04]

231. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the percentage of money that went into the reception, integration and repatriation for refugees and asylum seekers in the first two rounds of funding from the reception and integration agency in distributing the European Refugee Fund. [18290/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 230 and 231 together.

The European Refugee Fund 2000-2004, ERF, was established by way of a European Council decision of 28 September 2000. The responsible authority for the fund in Ireland is the reception and integration agency of my Department.

The percentage of available funds that was distributed to NGOs statutory services and ethnic minority-led organisations during the first two rounds of the ERF was as follows:

| | NGOs | Statutory Services | Ethnic Minority-Led Organisations |
|-----------|------|--------------------|-----------------------------------|
| | % | % | % |
| 2000/2001 | 89.1 | 10.9 | 0 |
| 2002 | 88.7 | 0 | 12.3 |

The selection of projects for the first two rounds of funding was carried out by selection committees comprising representatives from both governmental and non-governmental organisations on the basis of criteria specified in the European Council Decision 2000/596/EC which established the fund.

While not specifically "ethnic minority-led", many of the NGO projects which received funding in the first two rounds of the ERF employed the services of people from ethnic minorities, either on a voluntary basis or as salaried employees, to manage and carry out the proposed actions of those projects.

Distribution of the available funds across the three measures, reception, integration and voluntary return during the first two rounds of the ERF was as follows:

| | Reception | Integration | Voluntary Return * |
|------------|-----------|-------------|--------------------|
| | % | % | % |
| 2000/2001* | 45.7 | 54.3 | 0 |
| 2002 | 27.5 | 62.4 | 10.1 |

*As the fund was only established in the latter half of the first year that it covered, applications for funding for both 2000 and 2001 were taken together and are therefore regarded as a single round of funding.

Annual Reports.

232. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform if the reception and

integration agency has published and distributed an annual report. [18291/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Information on the operational activities of the reception and integration agency, which is non-statutory and operates as an executive office of my Department, is contained in the annual report of my Department.

Private Security Services Authority.

233. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform when the private security authority will be put in place and representatives appointed; and if he will make a statement on the matter. [18298/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Private Security Services Act 2004 was signed into law on 4 May of this year. The Act allows for, *inter alia*, the establishment of a private security authority to control and supervise persons providing security services and maintain and improve standards in the provision by them of those services.

The Act provides that the authority shall consist of not more than 11 members who will be appointed by me as Minister for Justice, Equality and Law Reform. The legislation is specific in terms of the background of those to be appointed as members, outlining that the members of the authority shall include the following: at least one person who is a practising barrister, or practising solicitor, of not less than five years' standing; two persons each of whom the Minister considers to be representative of private security employers; two persons each of whom the Minister considers to be representative of employees of such employers; the Commissioner of the Garda Síochána or such other member of the Garda Síochána not below the rank of assistant commissioner as the Commissioner may nominate in that behalf; an officer of the Minister; a representative of any other Minister of the Government who, in the opinion of the Minister, is directly concerned with or responsible for activities relevant to the functions of the authority; and one member of the staff of the authority.

I intend to invite nominations to establish the authority shortly. In the meantime the necessary preliminary arrangements are being made on staffing matters, including the arrangements necessary for the recruitment of a chief executive.

Child Care Services.

234. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform when an application for a capital equipment grant will be decided on for a project (details supplied) in Dublin 8; the reason for the delays in this decision being taken; and if he will make a statement on the matter. [18325/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I understand from inquiries I

have made that, in December 2003, the group submitted a further application for capital grant assistance under the EOCP towards the provision of equipment. The group in question was awarded capital grant assistance of more than €1.7 million in February 2002 under the equal opportunities child care programme 2000 — 2006. This funding enabled the group to construct a purpose built childcare facility. In addition, in October 2001, the group received a grant towards its staffing costs amounting to €361,875 over three years. It is now seeking further capital funding of about €250,000 for the purchase of equipment for the new service.

The day-to-day administration of the EOCP is undertaken by ADM Limited, which has been engaged by my Department to carry out thorough assessments against the programme criteria of all applications for grant assistance under the programme, on my behalf. On completion of the assessment process, applications are considered by the programme appraisal committee, chaired by my Department, which makes a funding recommendation to me before I make a final decision on the matter. I understand that this grant application is in the final stages of assessment and a decision will be made shortly. In the interim, it would be premature of me to comment further on this application for additional capital grant assistance.

Employment Support Services.

235. **Cecilia Keaveney** asked the Minister for Justice, Equality and Law Reform the opportunities available for persons (details supplied) in County Donegal with disabilities; and if he will make a statement on the matter. [18336/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The details supplied concern employment and therefore this question should be addressed to the Tánaiste and Minister for Enterprise, Trade and Employment.

Garda Deployment.

236. **Mr. O'Connor** asked the Minister for Justice, Equality and Law Reform if he will make special resources available to the gardaí in Tallaght, Dublin 24, to allow them deal with the serious problems of vandalism at a school (details supplied) in Tallaght, Dublin 24; if his attention has been drawn to the fact that this school has been attacked several times in recent weeks and is causing serious distress to the local community and to the need for action; and if he will make a statement on the matter. [18347/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities who are responsible for the detailed allocation of resources, including personnel, that gardaí at Tallaght are aware of a number of reported break-ins at the school in question. A number of steps have been taken to apprehend the offenders. The divisional crime prevention

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sergeant visited the school on 14 June 2004 and has forwarded a number of recommendations to the school principal concerning physical changes which may assist in preventing further attacks.

I am further informed that the personnel strength of Tallaght Garda station as at 17 June 2004 was 164, all ranks. The personnel strength of Tallaght Garda station as at 1 January 1998 was 133, all ranks. This represents an increase of 31, or 23.3%, in the number of personnel allocated to Tallaght Garda station since 1 January 1998.

The situation will be kept under review and when additional personnel next become available, the needs of the Tallaght area will be fully considered within the overall context of the needs of Garda stations throughout the country.

Irish Prison Service.

237. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform the steps he will take to ensure that the negotiated and agreed criteria for compassionate parole is fully adhered to when requests are received from the autonomous republic prisoners unit based on the two main landings at Portlaoise Prison; if confusion on this issue will be clarified with the prisoners concerned; and if he will make a statement on the matter. [18459/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Deputy's question contains a number of assumptions which are incorrect. For the purpose of clarity the factual position is as follows. No Irish Government has ever negotiated or agreed compassionate parole criteria with any group of prisoners or with representatives or emissaries acting on behalf of any group of prisoners. It is vital to stress that there has never been any automatic entitlement to temporary release for any prisoner for any reason, regardless of whether he or she belongs to a particular grouping of prisoners. The facts of the matter are that each application for temporary release on compassionate grounds is judged on its merits.

I am at a loss as to what the Deputy means by the phrase "autonomous republic prisoners unit". There are no autonomous units within Irish prisons. All prisons and places of detention managed by the Irish Prison Service are subject to the rules for the government of prisons.

238. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the details of the cost of affording telephone call facilities to prisoners in each place of detention in the year 1 January to 31 December 2003; and if he will make a statement on the matter. [18496/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The following is an estimate of the cost to the Irish Prison Service of telephone calls made by prisoners for the period January to

December 2003, to the nearest €1,000 and excluding VAT. A significant proportion of these calls relate to contact with prisoners legal advisers as they prepare to face upcoming criminal trials.

The importance of prisoners maintaining contact with family and friends in the community must also be taken into account. Telephone facilities for prisoners have been consistently recommended by experts as a measure to assist in rehabilitation and prevent suicide and self-injury generally.

| Prison | 2003 |
|--|---------|
| | € |
| Mountjoy Prison (Male) | 65,000 |
| Mountjoy Female Prison (Dóchas Centre) | 12,000 |
| St. Patrick's Institution | 29,000 |
| Training Unit Place of Detention | 12,000 |
| Cloverhill Prison | 102,000 |
| Wheatfield Prison | 102,000 |
| Cork Prison | 56,000 |
| Limerick Prison | 36,000 |
| Fort Mitchell Place of Detention | 17,000 |
| Midlands Prison | 123,000 |
| Curragh Place of Detention | 5,000 |
| Portlaoise Prison | 23,000 |
| Castlerea Prison | 16,000 |
| Loughan House Place of Detention | 6,000 |
| Shelton Abbey Place of Detention | 3,000 |
| Arbour Hill Prison | 3,000 |
| Total Estimated Cost (ex. VAT) | 610,000 |

Departmental Reports.

239. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the number of reports submitted to his Department to date since January 2001, which have not been published or laid before the Houses of the Oireachtas; the title of such reports; the reason publication has not taken place; and if he will make a statement on the matter. [18497/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In the time available for answering parliamentary questions it has not been possible to compile the detailed information requested by the Deputy. The information sought is being compiled at present and I will forward it to the Deputy shortly.

Liquor Licensing Laws.

240. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the amount expended on the enforcement of the Intoxicating Liquor Acts in 2004; and if he will make a statement on the matter. [18498/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the detailed breakdown requested on the amount expended on the

enforcement of the Intoxicating Liquor Acts in 2004 is not readily available. There is no specific budget allocation in the Garda Vote for the enforcement of these Acts. Such enforcement forms part of normal operational policing. The cost incurred could only be obtained by the expenditure of a disproportionate amount of Garda time and resources.

Proposed Legislation.

241. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if he will give consideration to publishing in draft form, the regulations he proposes to make under the Garda Bill upon its enactment; and if he will make a statement on the matter. [18499/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda Síochána Bill 2004 is on Committee Stage before the Seanad at present. It contains a large number of regulation-making provisions relating to, for example, management, discipline and security and it provides that, when enacted, different provisions may be brought into effect on different days. In that context it is premature, at this point, to consider the regulations that may be required to give effect to the various proposals contained in the Bill. Generally speaking, however, it is not the practice to publish proposed regulations in draft form but the matter can be considered further at the appropriate time.

Garda Recruitment.

242. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if the requirement for all Garda recruits to be competent in the Irish language is a necessary requirement for eligibility for consideration; if he has given consideration to relaxing this rule in general or limited circumstances; and if he will make a statement on the matter. [18500/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Entry to the Garda Síochána is governed by the Garda Síochána (Admissions and Appointments) Regulations 1988, as amended by the Garda Síochána (Admissions and Appointments) (Amendment) Regulations 1997.

The academic requirements, including Irish, for admission to the Garda Síochána are outlined in regulation 3 of the 1997 regulations which, *inter alia*, states:

the Commissioner shall not admit a person as a trainee unless the person has, before the 1st day of September in the year in which the said advertisement was so published, obtained:

(i) In the Leaving Certificate examination of the Department of Education and Science or the Leaving Certificate Vocational Programme Examination of that Department—

(1) A grade not lower than C3 at foundation level, or a grade not lower than D3 at a level other than foundation level, in Irish,

(2) A grade not lower than B3 at foundation level, or a grade not lower than D3 at a level other than foundation level, in Mathematics, and

(3) A grade not lower than D3 in at least three other subjects, (including English, or

(ii) A grade not lower than the merit grade in the Leaving Certificate Applied of the Department of Education and Science, or

(iii) Grades in at least five subjects (including Irish, Mathematics and English) in another examination of a kind that is in the opinion of the Minister, of a standard not lower than the standard of either of the examinations referred to in clause (i) of this subparagraph, the grades aforesaid being grades that are in the opinion of the Minister, equivalent to the grades specified in the said clause (i), or

(iv) A grade in another assessment of a kind that includes Irish, Mathematics and English and is, in the opinion of the Minister, of a standard not lower than the standard of the assessment referred to in clause (ii) of this subparagraph, the grade aforesaid being a grade that is, in the opinion of the Minister equivalent to the grade specified in the said clause (ii).

These are the statutory regulations and the Commissioner is precluded from admitting to the organisation a candidate who does not comply with the regulations.

While I have no general plans to alter the educational requirements for entry to the Garda Síochána, I will be keeping under review the case for changes to the required qualifications.

Garda Equipment.

243. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the information technology systems which are in use by the Garda Síochána; the extent to which they are in use; if these systems are used for operations; if he will report on the use and efficiency of the PULSE system; and if he will make a statement on the matter. [18501/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda Síochána makes use of a range of information technology systems to support operational and other functions. These include the PULSE system, the automated fingerprint investigation system, AFIS, and the Garda national immigration system which are used to support the day-to-day operations of the force. There are also some smaller niche systems, including support systems, in use in the force. Access to Garda IT systems and data are limited

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to those members of the Garda Síochána and civilian personnel who require access to discharge their particular duties.

The operation of the PULSE system has provided the Garda Síochána with unprecedented support in its operational and strategic roles. PULSE provides a co-ordinated system which replaced a range of older computer and paper-based systems to enable on-line access to information thereby maximising its use throughout the Garda organisation. The final release of the system has been rolled out to the Garda organisation over recent months and is now complete. This release provides new functionality in a number of areas, including warrants, driver licence and insurance production, bail sign-on, electoral register, crime victim notifications and domestic violence orders.

It is to be expected that there will be intermittent technical challenges to be addressed and resolved in an IT enabled change initiative on the scale of PULSE. That said, I am informed by the Garda authorities that nearly all the performance targets for the system have been met and that further improvements can be expected when a technology upgrade takes place later this year.

Consultancy Contracts.

244. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the details of information technology organisations or consultants which his Department has engaged on an ongoing basis; the number of staff in the Garda information technology unit or section; the amount which has been spent to date on each information technology system in use by the Garda Síochána; the cost of ownership of each system; and if he will make a statement on the matter. [18502/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I can inform the Deputy that details of the information technology organisations and consultants which have been engaged by my Department since 1 January 1997 are listed below. I should mention to the Deputy that consultants engaged on network security matters are omitted from the list for security reasons. The asterisk denotes those organisations or consultants which are currently engaged in providing services.

4 Corners Ltd
A & L Electrical Ltd
Accenture Access Media Ltd
Advanced Recognition Ltd
AllNet *
Auditware Systems Ltd
Baker Consultants Ltd *
Bearing Point (formally KPMG Consulting)
Bic Systems (Irl) Ltd
Big Picture Software
Biometrics Consultants

Blue Wave Technology *
BPRO Ltd
Calyx Training Ltd *
Campus IT
Cara Data Processing Ltd *
Citrix *
Clear System Solutions Ltd
Commercial Wireless *
Compaq (Ireland) Ltd
Computer Associates
Computer Learning Centre
Computer Media Products Ltd *
Computer Productivity (BS) Ltd *
Connect Business Solutions Ltd
Convention Organizing Office
Coopers and Lybrand
Core Computer Consultants Ltd
Cybernet Software Systems Inc *
Cynite Ltd *
Data Direct 2000 Limited
Dell Computers Irl Ltd
Digital Equipment Ireland Ltd
E P S Computer Systems e-blana *
Electronic Recycling Ltd Entropy *
EPS Computer Systems Ergoservices Ltd *
Everyman Computers Ltd *
Exselan
Eyecom Technologies
Fitzwilliam Computer Services
Flexitime Ltd *
Galaxy Computers Ltd *
Gartner Ireland Limited *
Gartner Group UK Ltd
Getronics Ireland Limited
Global Knowledge Network Ltd
Helm Corporation
Hewlett Packard Ireland Ltd
Horwath Clark Whitehill
IBM Ireland Ltd
Icl Computers (Irl) Ltd
Imecom U.K Limited *
International Technology Intertech Ireland Ltd *
Itelis Knowledge Pool Ltd.
LAN Communications Ltd
Learning tree international
Lendac Data Systems Ltd
Lotus Matrix Networking Ltd *
Microsoft *
Mount Pleasant Consultancies
Netiq Corporation *
Network International Cargo
Noetix Corporation UK
Novara Technology Group *
Ntl Business Ltd
Ontrack Data Recovery Europe Ltd
Open Interface
Oracle EMEA
Oracle Consulting
Parallell Information Technology

Parity Solutions (Dublin) Ltd
 Percussion Software Ltd *
 PostGem
 Pricewaterhouse Coopers LLP *
 Priority Data Systems
 Professional Development Associates
 Progressive Systems Enterprise Ltd
 Quest Software Ireland Ltd
 RITS Siemens Ltd *
 SIRSI SoftCo Ltd
 Softworks Computing Limited *
 Sphinx CST
 Suir Engineering Limited
 Sureskills. Com *
 System Dynamics Solutions Ltd *
 Systems & Software Training Ltd *
 Teamstudio Europe Ltd
 Terry Lawlor
 Thaddeus Computing Inc
 Trigraph
 Unipower Systems Limited
 Unitech Systems Ltd
 Wang Ireland Ltd
 Waterford Technologies *
 Work Stations Training
 Workplace technologies (Irl) Ltd

In the time available for answering parliamentary questions, it has not been possible to compile the detailed information requested by the Deputy in relation to the Garda Síochána as the information sought is not readily available. The information requested is still being sought and I will write to the Deputy on this matter in due course.

Garda Equipment.

245. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the details of areas of Garda Síochána activity which have not yet been information technology enabled; the reason he does not advocate the use of such systems; and if he will make a statement on the matter. [18503/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): With regard to the provision of information technology systems to the Garda organisation, in recent years the Garda authorities have concentrated their activities principally on implementing the PULSE system and, more recently, on the development of the fixed charge processing system, FCPS. Indeed the final phase of PULSE has recently been rolled out to the force and work is continuing on the FCPS to bring it into full operation.

The PULSE system is developed to meet the core operational requirements of the force. With the completion of the system, my Department has recently given sanction to the Garda authorities to carry out a new information and communications technology strategy to cover the period

2004 to 2009. This strategy will identify and prioritise the system areas which will build on the work already done and maximise the efficiency of the Garda organisation going forward.

Visa Applications.

246. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform the status of a visa application in the name of a person (details supplied); and if a decision in the case will be expedited. [18536/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The visa application in question relates to a six year old minor non-EEA national, to enable her to reside with her mother and step-father in the State. The application was refused because it had not been established that the child’s father had consented to her travelling to the State. It is open to the person in question to appeal against the refusal of the visa by writing to the visa appeals officer in my Department.

247. **Mr. Gilmore** asked the Minister for Justice, Equality and Law Reform if his Department has received an application from persons (details supplied) to travel here to be with their father; the date the application was received; the progress that has been made on the application; when a decision will be made on the application; and if he will make a statement on the matter. [18573/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Visa applications from the two persons in question, both 16 year old non-EEA nationals, were received in my Department on 27 May 2004. They named their father as their reference in Ireland and he submitted documentation in support of the applications. While the purpose of their journey to the State was stated as for studying in their applications, their father indicated that they would be coming to reside with him. Their father arrived in the State in February 1998 and made an unsuccessful asylum application. He subsequently applied for permission to remain on the basis of parentage of a child born in the State on 29 October 1999. This permission was granted in October 2000.

Following the decision of the Supreme Court in the cases of L&O, the separate procedure which then existed to enable persons to apply to reside in the State on the sole basis of parentage of an Irish-born child ended on 19 February 2003. The Government also decided that the general policy of allowing such parents to be joined in the State by other family members would no longer apply. Accordingly, the immigration division of my Department does not generally approve visas in respect of such visa applications.

Legal Aid Service.

248. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform the ratio of men to women receiving free legal aid in family law cases. [18621/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Legal Aid Board provided legal services to 8,565 persons in family law cases in 2003. Records are not maintained in a way which would readily identify the number of persons by reference to gender who availed of legal aid and that the information sought could be compiled only by the diversion of staff from other important work.

Visa Applications.

249. **Ms B. Moynihan-Cronin** asked the Minister for Justice, Equality and Law Reform the reason a holiday visa was refused to a person (details supplied); and if he will make a statement on the matter. [18651/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question, a 16 year old non-EEA national, made a visa application for the stated purpose of visiting his mother who is employed in the State under the work permit scheme. A worker employed under this scheme may be joined by his or her their spouse and minor children after the worker has been in the State for one year and has been offered a contract for a further year. The worker must also be able to fully support the family members in question without the need to have recourse to public funds.

It is noted that the applicant stated on his visa application form that his intention was to visit his mother. However, my Department's experience is that in many cases, although the person in question arrives in the State on a visit visa, they then seek to remain in the State.

The application in question was refused because it had not been established that the child's father had consented to him travelling to the State, and because the supporting documentation did not show that the worker was in a position to fully support her son. It is open to the applicant to appeal against the refusal by writing to the visa appeals officer in my Department, enclosing up-to-date pay slips or a P60 as evidence of the worker's income. A copy of his mother's passport should also be submitted in support of the appeal.

Departmental Funding.

250. **Ms B. Moynihan-Cronin** asked the Minister for Justice, Equality and Law Reform the reason funding was withdrawn from a group (details supplied) in County Kerry; and if he will make a statement on the matter. [18652/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In June 2001, the Castlecove women's group was awarded funding of approximately €173,000 under the equality for women measure of the national development plan. A year later, the project still had not commenced activity. In November 2002, due to ongoing difficulties with the management of the project, my Department directed that the group suspend activity pending a review to be carried out by the independent technical support service responsible for the management of the measure.

The technical support service submitted its report to my Department in December 2002. Having considered the report, I decided in March 2003 to scale back the group's original proposal to a budget of €51,883 for delivery within a six-month period.

Following discussions between my Department and the project promoters, a revised action plan was drawn up by the group and a supplementary agreement was signed by both parties, effective from 16 June 2003. The project concluded its activity on 15 December 2003 and a final report was submitted by the group in March 2004.

Registration of Title.

251. **Mr. Noonan** asked the Minister for Justice, Equality and Law Reform the status of the application to the Land Registry for the transfer of land to persons (details supplied) in County Limerick; and when the matter will be finalised. [18718/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is an application under section 49, that is, acquisition of title by virtue of long possession, of the Registration of Titles Act 1964 which was lodged on 28 January 2004. Dealing Number D2004PS001871Q refers.

I understand that due to their complicated nature, applications under section 49, which require detailed examination of claims for registration as owners, can take some time to process. Accordingly it is not possible to estimate a completion date at this stage.

I am further informed that queries issued on 18 June 2004 and that the application cannot proceed until these queries have been satisfactorily resolved. However, on receipt of a satisfactory reply, the matter will receive further attention in the Land Registry.

Visa Applications.

252. **Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform if his Department has received the supporting documentation requested for the visa applications of persons (details supplied); if further documentation will be required; and when a decision will be taken in the matter. [18722/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The immigration division of my Department has no record of any further documentation having been received to date in relation to the visa applications in question. Further documentation should be sent to the visa appeals officer in the immigration division of my Department, which is situated in 13-14 Burgh Quay, Dublin 2.

Vehicle Emissions.

253. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if he has received reports from the EPA or the various health boards regarding levels of air pollution in the greater Dublin area; the actions required arising from same; and if he will make a statement on the matter. [18635/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I refer to the reply to Questions Nos. 34, 45 and 73 of 2 June 2004.

All national monitoring data from EPA reports to date, and the latest data from Dublin City Council and Kildare County Council for their respective functional areas, indicate that ambient air quality is good, with emissions from road traffic being the main challenge to the maintenance and improvement of this situation in heavily trafficked urban areas. The previous reply sets out the relevant policies being pursued to reduce traffic-sourced air pollution.

Electoral Procedures.

254. **Mr. F. McGrath** asked the Minister for the Environment, Heritage and Local Government if persons with Down's syndrome aged 18 years and over are eligible to vote in all elections and referendums; and if he will make a statement on the matter. [18263/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Persons whose names are on the register of electors are generally entitled to vote at elections and at a referendum according to their citizenship. Detailed requirements in relation to registration, the right to vote and the procedure for voting are set out in electoral law. The implementation of these is a matter for local registration authorities and returning officers, as appropriate.

255. **Mr. F. McGrath** asked the Minister for the Environment, Heritage and Local Government if he will reconsider the way in which the word "Independent" is excluded from ballot papers in all elections; and if Independent candidates will be recognised as such in all elections. [18270/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Electoral law sets out a procedure for the nomination of candi-

dates including a provision enabling a candidate to include on his or her nomination paper, and which subsequently appears on the ballot paper, a reference to the registered political party of which he or she is a candidate. Persons who are not members of a political party may enter on the nomination paper the expression "Non-Party" or may leave the space on a ballot paper blank. Current legislation is based on the premise that the expression "Non-Party" indicates adequately that a person does not belong to a political party, and any change in this matter would require an amendment of the legislation.

Homeless Persons.

256. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government if, in view of the fact that there are an estimated 500 persons homeless in the Cork area, he will fund a plan (details supplied) to address the issue at a cost of €21 million; and if he will consent to a request for funding of €14 million. [18276/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): As part of the Government's integrated strategy on homelessness, local authorities, together with health boards and other statutory and voluntary bodies, were required to draw up local action plans to tackle homelessness in their areas. With regard to the action plan for Cork city, the plan for 2001-03 has been completed and I understand that the plan for 2004-06 is at present being finalised by the relevant agencies.

The Government is committed to continuing to support local statutory and voluntary bodies in tackling the issue of homelessness. I am satisfied that significant progress has been made in addressing the issue in Cork since the publication of the homeless strategies. My Department's provision for the recoupment to local authorities of 90% of the cost of providing accommodation and related services for homeless persons in 2004 is €51 million. This brings to €190.6 million the total provided for this purpose since 2000. Further funding is provided by the local authorities and, in the case of care related services, by the health boards. In 2003, the Simon Community in Cork received €861,300 for its accommodation related homeless services and I understand, €780,000 from the Southern Health Board for the care related costs of its projects.

Should the Cork Simon Community wish to seek additional funding for an extension of its activities under its community plan 2004-07, the application should, in the first instance, be made to the local statutory authorities. It is vital that all applications and proposals are considered and routed through the Cork City Homeless Forum to ensure that they are consistent with the homeless action plan, that optimum use is made of avail-

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able funding and to avoid unnecessary duplication of services.

257. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government if he will consider introducing tri-annual funding to agencies dealing with homelessness to ensure a continuity of funding and give more certainty to the agencies' plans. [18287/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): My Department recoups to local authorities 90% of expenditure incurred in the provision of accommodation and related services for homeless persons. It was not considered appropriate to initiate a system of multi-annual funding for this sector in view of the initial difficulties in establishing baseline expenditure figures when the integrated strategy on homelessness was launched in 2000. Since then, the requirements for these services have been assessed on an annual basis and funding has been allocated accordingly. This has resulted in funding for accommodation and related services increasing substantially from €12.5 million in 1999 to €50 million in 2003. This year, €51 million has been allocated for this purpose. This has ensured continued and sustained funding at local authority level of existing projects in addition to the establishment of new projects.

The need for greater security of funding on the part of service providers is, however, acknowledged and among the initiatives being taken in this context is the establishment, in the Dublin area, of a system of three-year contracts between the statutory and voluntary agencies. The possibility of introducing a similar system will be pursued with other local authorities and the issue of multi-annual funding will be kept under continuing review.

Register of Electors.

258. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the reason persons who were born in Northern Ireland and who are now resident here could not vote in the recent referendum to amend the Constitution despite the previous constitutional guarantees that persons from Northern Ireland would be considered to be citizens of the State. [18292/04]

266. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government if a person born in Northern Ireland who registers to vote in this State is entitled to vote in all elections and referenda; and if he will make a statement on the matter. [18537/04]

267. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government if

a person born in Northern Ireland who is registered to vote in the State should have a D before the name on the Register of Electors; and if he will make a statement on the matter. [18538/04]

268. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government if the letter D is placed before a person's name on the Register of Electors; if it can be clearly demonstrated that this is in error, if the matter can be rectified on the day of the voting on a referendum in order that the person can vote; and if he will make a statement on the matter. [18539/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I propose to take Questions Nos. 258 and 266 to 268, inclusive, together.

The compilation of a register of electors is a matter for the appropriate registration authority in accordance with electoral law. In order to vote, a person's name must be entered on the register for the locality in which the person ordinarily resides and the person's citizenship determines the polls at which he or she is entitled to vote. Irish citizens may vote at all polls, British citizens may vote at Dáil, European and local elections EU citizens, other than Irish and UK citizens, may vote at European and local elections and non-EU citizens may vote at local elections only. Electors are entered on the register according to their eligibility to vote based on information furnished by them to the registration authority; Irish citizens are shown on the register with no letter after their names; UK citizens have D after their names; EU citizens an E; and non-EU citizens have L after their names.

Members of the public are encouraged to examine the draft register of electors, which is published on 1 November annually, to ensure that their details are correctly entered on the register and to request their registration authority to rectify any errors, including inaccuracies in their voting entitlements. If a person is not included in the register, he or she may apply for entry in a supplement to the register which is published prior to polling day at each election and referendum. It would not be feasible to provide for a correction facility on polling day given the principal need to ensure the smooth running of the poll or polls. The compilation and maintenance of the register of elections is the responsibility of the registration authority while the responsibility for conducting a poll or polls rests with the relevant returning officer. Responsibility for ensuring that one's details are correctly entered in the register of electors rests with the individual.

Water and Sewerage Schemes.

259. **Mr. J. O'Keeffe** asked the Minister for the Environment, Heritage and Local Government if

the Innishannon water supply scheme (details supplied) can now proceed; and the estimated cost and commencement date. [18295/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The Innishannon water supply scheme has been approved for funding in my Department's water services investment programme 2004-06 under the rural towns and villages initiative, at an estimated cost of €6.4 million.

Additional information has been requested by my Department from Cork County Council to facilitate further consideration of the revised preliminary report, supplementary report and water pricing report for the scheme submitted by the council in April 2004.

Local Authority Staff.

260. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government if he will outline per local authority, the number of councillors who are full-time employees of the local authority in which they are members; the grades of those persons; if they complied with regulations under the Local Government Act 2001 when first becoming members of each authority; and if he will make a statement on the matter. [18316/04]

261. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government if he will detail, per local authority, the persons who are employees of the local authority for which they have been elected to that local authority; the grade of those employees; and if any special protocols or regulations will be required to ensure that senior officials of local authorities who are councillors in same act impartially. [18317/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I propose to take Questions Nos. 260 and 261 together.

I refer to the reply to Questions Nos. 355, 356 and 358 of 1 June 2004. Under the Local Government Act 2001 — section 161 — order 2004, more senior employees of local authorities may not become councillors, therefore, the need for special protocols for such employees, as referred to in Question No. 261, does not arise

Refuse Charges.

262. **Mr. J. O'Keeffe** asked the Minister for the Environment, Heritage and Local Government his views on whether there is an anomaly in that pensioners and others who would normally be entitled to either total or partial waiver in respect of refuse charges are unable to obtain same when the local authority has contracted out the collection system to a private operator; and if the regulations will be amended in order that this anomaly can be removed. [18318/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The provision by a local authority of a waiver in respect of all or part of a charge in respect of the provision of a waste service by, or on behalf of, that authority is solely a matter for the local authority concerned. Nevertheless, inconsistencies in the availability of waivers and related issues connected with waste charges have been brought to my attention in discussions with the social partners in the context of the Sustaining Progress special initiatives. I have indicated that the matter would be given further consideration, in conjunction with the Department of Social and Family Affairs, and an examination of the issues involved is now under way.

Rented Dwellings Register.

263. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government if he has had contact with local authorities regarding landlords complying with regulations regarding registration of rented dwellings; and if the numbers registered as rented dwellings with local authorities are in line with the number of rented dwellings as established by the last census. [18319/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): There has been regular contact between my Department and local authorities in relation to their functions under the regulations applying to the private rented sector. Local authorities have been urged in this connection to be proactive in carrying out their statutory obligation to enforce the regulations.

The current level of compliance by landlords with the registration regulations is low. This is evidenced by the fact that on 31 December 2003 there were 26,982 units registered by 17,445 landlords with local authorities, whereas the 2002 census indicates that there are 141,459 private rented dwellings in the State. I am confident that there will be a very significant improvement in enforcement under the new tenancy registration system provided for in the Residential Tenancies Bill 2003.

When the Private Residential Tenancies Bill is enacted, the 1996 registration regulations will be repealed and landlords will be required to register details of their tenancies with the Private Residential Tenancies Board, which will proactively pursue compliance. One way in which unregistered accommodation will come to the attention of the board will be if the tenants refer disputes pertaining to such tenancies to the board. Unlike tenants, landlords must be registered to avail of the board's dispute resolution service.

A double fee will apply to late registrations and penalties for convictions for non-registration are

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being increased. Conviction for an offence under the legislation, including contravention of the registration requirements, will carry a fine of up to €3,000 or imprisonment for a term not exceeding six months or both, along with a daily fine, of up to €250 for continuing non-compliance.

Water and Sewerage Schemes.

264. **Mr. Crowe** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the funding available to local residents, their representatives or South Dublin County Council for sewage or water schemes in the Brittas area of Dublin. [18328/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Details of approved water and sewerage schemes in the South Dublin County Council area are set out in my Department's Water Services Investment Programme 2004 — 2006 which was published in May and a copy of which is available in the Oireachtas Library. The schemes included in the programme are derived from the priorities identified by South Dublin County Council in response to my Department's request to all local authorities last year to undertake a fresh assessment of the need for capital water services works in their areas and to prioritise their proposals on the basis of the assessments. As proposals for the Brittas area were not put forward in this context, the investment programme does not include a rebate for this area.

Local Authority Housing.

265. **Mr. O'Connor** asked the Minister for the Environment, Heritage and Local Government his plans to provide additional local authority housing in Tallaght, Dublin 24; if he will discuss the needs with South Dublin County Council; and if he will make a statement on the matter. [18469/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): My Department has allocated €55 million to South Dublin County Council this year for its local authority housing programme. It is a matter for the county council to identify the individual locations for the construction-acquisition of housing on the basis of the particular needs of an area. It is the case that the council proposes to start in excess of 500 housing starts in its area in 2004. Officials of my Department are in regular contact with the authority in relation to its housing programme.

Since 2000 local authorities have operated their housing construction programmes on the basis of a four year multi-annual programme of house

starts for the period 2000-03. A new multi-annual programme is now being introduced for the period 2004-06 in the context of the preparation of action plans for social and affordable housing by local authorities. I consider that the preparation of these action plans will be beneficial to local authorities in identifying priorities over the coming years for the provision of local authority houses in areas where there are identified needs.

Questions Nos. 266 to 268, inclusive, answered with Question No. 258.

Water and Sewerage Schemes.

269. **Mr. McHugh** asked the Minister for the Environment, Heritage and Local Government if his Department has received the revised preliminary report for Gort regional water scheme from Galway County Council; and if he will make a statement on the matter. [18551/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The Gort regional water supply scheme is included in my Department's Water Services Investment Programme 2004 — 2006 to commence construction in 2005. In February 2004, I approved Galway County Council's tender recommendation in respect of an advance section of the scheme. My Department now awaits the submission by the council of a revised preliminary report for the main element of the scheme, estimated to cost €15.45 million.

Housing Grants.

270. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government further to Question No. 210 of 20 May 2004 the current status of this application; and if he will make a statement on the matter. [18567/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): A certificate of reasonable cost will issue as soon as possible.

Wastewater Treatment Systems.

271. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government if he has plans to introduce standards to replace the current non-mandatory recommendations to ensure effective compliance with building and other regulations for the design, construction or installation of septic tanks or wastewater treatment systems; and if he will set standards to control the quality of effluent discharges from septic tanks and wastewater treatment units with regard to nitrates, phosphates and other hazardous contaminants. [18619/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Septic tanks installed on or after 1 June 1992 must comply

with part H of the national building regulations. The relevant technical guidance document, TGD, H — Drainage and Waste Water Disposal — calls up the following standards: septic tanks serving single houses — Irish standard recommendations SR6 of 1991 for domestic effluent treatment and disposal from single dwellings, issued by the National Standards Authority of Ireland, NSAI; and septic tanks serving groups of houses — British standard BS 6297: 1983, incorporating amendment No. 1 of 1990, a code of practice for the design and installation of small sewage treatment works, issued by the British Standards Institution, BSI.

The Environmental Protection Agency, EPA, is developing a revised manual on wastewater treatment systems serving single houses. It is understood that the EPA manual will supersede SR6: 1991, which will be withdrawn by the NSAI. My Department plans to amend TGD-H to call up the EPA manual as soon as it is published.

Primary responsibility for protecting water against pollution caused by discharges from a septic tank rests with the owner and operator of a septic tank. The Water Services Bill will impose a duty of care on occupiers-owners of premises to ensure that septic tanks are kept so as not to cause nuisance or risk to human health or the environment.

Under the Local Government (Water) Pollution Acts, it is an offence for a person to cause or permit polluting matter to enter waters directly or indirectly. Enforcement of this legislation is a matter for the relevant local authority.

Fire Stations.

272. **Mr. Deasy** asked the Minister for the Environment, Heritage and Local Government when he expects work to commence on the provision of a new fire station at Ardmore, County Waterford. [18645/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): On 30 April 2004 my Department approved Waterford County Council's tender proposal for the construction of a new fire station at Ardmore at an estimated all-in cost of €780,000. I would hope that work can commence shortly, subject to completion of contract arrangements between the council and the recommended contractors.

Departmental Funding.

273. **Mr. Crowe** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to the dilemma of the management and staff of the Carmichael Centre (details supplied) in Dublin 7 which is due to be closed in early July 2004 for want of €300,000 to fund it for the next three years; if he will match the €150,000 which the Department of Health and Children appears to be seriously considering

providing; and if he will act upon this matter swiftly in view of the fact that the centre hosts a large number of very valuable projects, community employment schemes and so on which directly employ in the region of 55 workers, who all face unemployment in less than a month from now unless measures are taken to secure funding. [18734/04]

274. **Mr. O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs the proposals he has to provide €300,000 per annum on an ongoing basis for Carmichael Centre (details supplied); and if he will make a statement on the matter. [18945/04]

275. **Mr. O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs the proposals he has to prevent Carmichael Centre for Voluntary Groups closing on 9 July 2004 (details supplied); and if he will make a statement on the matter. [18944/04]

276. **Ms O. Mitchell** asked the Minister for Community, Rural and Gaeltacht Affairs if he will grant annual core funding for the operation of Carmichael House in Brunswick Street; and if he will make a statement on the matter. [18265/04]

278. **Mr. Kenny** asked the Minister for Community, Rural and Gaeltacht Affairs the funding which was given to the Carmichael Centre, North Brunswick Street, by his Department in 2003 and the allocations given for 2004; if his attention has been drawn to the current financial crisis facing the centre; if he intends to give funding to the centre to ensure its survival; and if he will make a statement on the matter. [18355/04]

279. **Mr. O'Dowd** asked the Minister for Community, Rural and Gaeltacht Affairs the funding which was given to the Carmichael Centre, North Brunswick Street by his Department in 2003 and the allocations given for 2004; if his attention has been drawn to the current financial crisis facing the centre; if he intends to give funding to the centre to ensure its survival; and if he will make a statement on the matter. [18356/04]

280. **Mr. Gregory** asked the Minister for Community, Rural and Gaeltacht Affairs his views on the funding crisis at the Carmichael Centre (details supplied) in Dublin 7; his further views on the services provided by the centre; the level of funding his Department can make available to help ensure that the centre does not close or the staff be let go; and if he will make a statement on the matter. [18464/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): I propose to take Questions Nos. 273 to 276, inclusive, and Questions Nos. 278 to 280, inclusive, together.

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The Carmichael Centre for Voluntary Groups is seeking State core-funding of €300,000 per annum to remain open. The centre has an annual income in excess of €600,000, not including the recent commitment of €150,000 from the Department of Health and Children, mainly coming from State sources.

The buildings used by the Carmichael Centre are provided rent and rates-free by the State to that organisation. The member groups or tenants of the Carmichael Centre enjoy rent-free accommodation in the buildings.

The demand from the centre that the State provide €300,000 per annum in core-funding appears to arise from the need to replace funds from philanthropic sources which ceased in September 2003. That such funding was finite and would cease on a given date could not have come as a surprise to the centre. Many organisations in the sector receive such funding from time to time but do not operate with a built-in assumption that the State will replace it when it runs out. State resources are limited and organisations in every sector must present a solid case for State support built on sound argument and prudent management. The Carmichael Centre must be subject to a critical appraisal of its activities in order that its income and expenditure be brought into a more realistic balance.

In consultation with the Minister for Health and Children, I will shortly invite representatives of the Carmichael Centre to discussions on this matter. We will be prepared, if necessary, to look at alternative arrangements to allow the buildings to continue to be available to the sector.

The Government will not allow the closure of the buildings as a resource for the sector and they will continue to be made available by the State to accommodate voluntary groups and organisations. Community employment/social economy jobs will continue to be an integral part of any future arrangements.

Funding provided by my Department to Carmichael Centre in 2003 was as follows: €75,000 to assist the centre with ongoing costs; and €5,500 under the scheme of grants for locally-based community and voluntary organisations in respect of refurbishment costs at the centre. In addition, an allocation of €120,000 — €40,000 per annum over three years — was approved in 2003 under the scheme of training and supports for the community and voluntary sector. The first tranche of €40,000 was paid earlier this year.

Community Employment Schemes.

277. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if a person has completed three years on a community employment scheme, if they qualify for inclusion

in the rural social scheme announced by his Department once they fill the criteria. [18303/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): To be eligible to apply to participate on the rural social scheme, subject to places being available, a person, including those who have completed three years in a community employment scheme, must be in receipt of one of the following payments, farm assist or have a herd number and be in receipt of one of the following long-term social welfare payments, unemployment assistance or unemployment benefit, if previously on community employment or disability allowance.

Questions Nos. 278 to 280, inclusive, answered with Question No. 273.

Departmental Programmes.

281. **Mr. O'Connor** asked the Minister for Community, Rural and Gaeltacht Affairs the position regarding the delivery of the RAPID programme in the Tallaght West area, Dublin 24; and if he will make a statement on the matter. [18466/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): As I stated previously, I envisage that in future the RAPID programme will operate on a number of levels in tandem. In the first instance there are many small-scale proposals from RAPID plans that could be dealt with more effectively at local level. In light of this, I have introduced a new delivery mechanism, supported by a dedicated fund of €4.5 million in 2004, to progress these proposals. These proposals will be co-funded by the relevant Department or local agency under a number of categories, with broad levels of funding agreed at national level.

A total of €2 million is being provided for the local authority housing estate enhancement scheme. This scheme will be operated by local authorities and will be funded on a euro by euro basis — €1 million from my Department and €1 million from the local authorities through the Department of the Environment, Heritage and Local Government. Each of the three RAPID areas in Tallaght received a total allocation of €60,000 under this scheme.

Funding of €3 million is being provided for the current year to support the development of playgrounds in RAPID areas, €1.5 million from my Department and €1.5 million from the Department of Health and Children. Each of the three RAPID areas in Tallaght received a total allocation of €72,000 under this scheme. For both of these schemes, the local authority, in consultation with the relevant area implementation team, AIT, will select projects to be supported.

I expect to announce the details of top-up funding under the sports capital programme shortly.

A total of €1.5 million has been set aside to top-up funding for successful projects from RAPID areas under this programme.

As regards the larger projects from RAPID plans that have already been submitted to Departments, these will continue to be considered for funding within existing funding streams in each Department. However, I expect that Departments will now be dealing with a smaller number of projects and will therefore be in a better position to prioritise projects and set out timescales for further actions. Work on improving integration and co-ordination of service delivery at local level will continue as this is a key component of the RAPID programme.

Security of the Elderly.

282. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs if assistance towards the annual personal alarm monitoring fee (details supplied) for the elderly can be approved; and if he will make a statement on the matter. [18473/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Under the terms of the scheme of community support for older people, grant aid is available towards the once-off costs of purchase and/or installation of small-scale physical security equipment, including window and door locks, door chains and security lighting, and socially-monitored alarm systems. Assistance with annual monitoring or maintenance fees associated with socially-monitored alarm systems is not provided under the scheme. Currently there are no plans to include such assistance.

Dormant Accounts Fund.

283. **Mr. Crowe** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to the application to the dormant accounts fund from a project (details supplied) to purchase a bus; if the required funding will be made available; and if so, if it will be procured in the near future before the bus has been sold. [18517/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): Decisions on the disbursement of funds from dormant accounts moneys are a matter for the Dormant Accounts Fund Disbursements Board, an independent body established under the Dormant Accounts Acts. The board has engaged Area Development Management Limited, ADM, to administer the initial round of funding on its behalf which will involve the disbursement of up to €30 million from the fund.

I understand that an application from the group concerned has been received by ADM. All applications received will be evaluated by ADM against the criteria set out in the published guide-

lines and recommendations made to the dormant accounts board for decision. The group concerned will be advised of the outcome in due course.

Grant Payments.

284. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if there is a grant aid available from his Department or State agencies dealing with Gaeltacht areas for the replacement of machinery for a business (details supplied); if such schemes have been run in the past for same and if so, the payments which were issued and the persons to whom they were issued. [18527/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): As the Deputy is aware, Údarás na Gaeltachta provides a range of financial incentives for new or existing businesses and industries in Gaeltacht areas, in line with European Union regional aid guidelines and training aid guidelines. I understand that Údarás has in the past assisted the type of activity referred to by the Deputy. However, the current European Union regional aid guidelines for initial investment specifically preclude state-aid for the replacement or upgrading of the type of machinery in question.

Information on relation to grant assistance made to persons or companies is published by Údarás in its annual reports, which are available in the Oireachtas Library. However, I understand from Údarás that the specific and detailed information requested by the Deputy would not be readily identifiable in such annual reports and that it would take an inordinate amount of time to extricate it from the records of grants paid that are held by Údarás. If, however, the Deputy has any particular cases in mind, I will be glad to request further information from Údarás on receipt of additional information from him.

285. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if there are grants available for businesses within Gaeltacht areas; and if there are grants available from Údarás or other State agencies dealing with Gaeltacht areas. [18528/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The primary responsibility to assist businesses and industries in Gaeltacht areas rests with Údarás na Gaeltachta. As the regional development agency charged with promoting the economic, social and cultural development of Gaeltacht regions, Údarás promotes productive schemes of employment through the development of local natural resources, skills and entrepreneurial abilities and the attraction of mobile investment to the Gaeltacht. In this context, Údarás provides a range of financial incentives for new or existing businesses

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and industries in Gaeltacht areas, in line with European Union regional aid guidelines and training aid guidelines. Full details in this regard are available directly from Údarás.

Small businesses in Gaeltacht areas may also apply for assistance to the relevant leader company, that is, Meitheal Forbartha na Gaeltachta, Comhar leader Iorrais Teoranta or, in the case of Gaeltacht islands, Comhdháil Oileáin na hÉireann. In addition, assistance for small-scale local initiatives which focus on social inclusion and equality may be available from Area Development Management Limited.

Dormant Accounts Fund.

286. **Mr. O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs the amount of money currently in the dormant accounts fund; the amount allocated from the fund; the amount paid out; and if he will make a statement on the matter. [18617/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The current value of the dormant accounts fund is in the region of €225 million. This figure includes amounts transferred to the fund in 2003, €196 million, and in 2004, €56 million. Since the fund was established in May 2003, approximately €31 million has been reclaimed and €4 million earned in interest. The total amount in the fund includes a reserve, which must be maintained to meet claims for repayment and various costs associated with administering the scheme.

Decisions on the disbursement of funds from dormant accounts moneys are currently a matter for the Dormant Accounts Fund Disbursements Board, an independent body established under the Dormant Accounts Acts. The board has engaged Area Development Management Limited, ADM, to administer the initial round of funding on its behalf which will involve the disbursement of up to €30 million from the fund.

To date, the board has approved 56 projects for funding totalling approximately €5.6 million. The drawdown of funding for the projects approved is subject to the satisfactory completion of legal contracts between the individual groups and the board. In this regard, contracts have been issued to 46 of the approved groups and as soon as these contracts are signed and returned, individual groups will be in a position to draw down funds. With regard to the remaining ten projects which were approved by the board at its meeting last Tuesday, 15 June 2004, contracts are currently being finalised and will issue within the next week.

Proposed Legislation.

287. **Mr. O'Shea** asked the Minister for Com-

munity, Rural and Gaeltacht Affairs the issues that will be addressed in the Udarás na Gaeltachta (Amendment) Bill; and if he will make a statement on the matter. [18618/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): My Department is considering the necessity for draft legislation to clarify and update issues relating to the functions of Údarás na Gaeltachta. These matters are currently under discussion between Údarás and officials from my Department and I will bring any proposals arising to Government at the appropriate time.

Decentralisation Programme.

288. **Mr. O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs further to Question No. 2 of 3 June 2004, the progress which has been made in the matter of securing the agreement of the North-South Ministerial Council for the proposed decentralisation of Foras na Gaeilge to Gaoth Dobhair, County Donegal. [18624/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): As the Deputy is aware, progress on the proposed decentralisation of staff of Foras na Gaeilge to Gaoth Dobhair, County Donegal, is subject to and awaits the agreement of the North-South Ministerial Council.

I met Minister Angela Smith, MP, who has co-responsibility for the North-South Language Body, on 12 May 2004. One of the matters discussed was the proposed decentralisation and it was agreed that the ongoing process of assessment in this regard should be brought forward by our respective Departments, in consultation with Foras na Gaeilge. Matters in this regard are ongoing. I met the board of Foras na Gaeilge yesterday to discuss a range of issues of current mutual interest, including decentralisation.

Social Welfare Fraud.

289. **Mr. J. Bruton** asked the Minister for Social and Family Affairs the action she is taking on foot of the recent Comptroller and Auditor General's report on control activity on fraud and other forms of wrong or mistaken claims against her Department; and if she will make a statement on the matter. [17508/04]

290. **Mr. J. Bruton** asked the Minister for Social and Family Affairs if, as recommended by the Comptroller and Auditor General, she will assess scheme risks of each scheme administered by her Department and the lessons to be learnt from over-payments detected, in regard to all new and existing schemes; and the steps she has taken in this matter since receipt of the Comptroller and Auditor General's report on the matter in February 2004. [17518/04]

Minister for Social and Family Affairs (Mary Coughlan): I propose to take Questions Nos. 289 and 290 together.

The report in question examined my Department's existing fraud and abuse control activity, and the extent to which that activity is related to an assessment of the risks of fraud and error attaching to the different schemes. It also looked at the effectiveness of performance in the control area generally.

One of the main lessons emerging from the report is the need for control activity to be based on a risk assessment and risk management approach and this is an area which my Department will be progressing in the period ahead. This approach was also recommended in the report of a working group on the accountability of Secretaries General and accounting officers published in 2003.

The Comptroller and Auditor General's report acknowledges the emphasis which my Department's revised control strategy places on risk analysis of schemes to identify and prioritise areas of the highest risk of fraud and abuse. The risk analysis process commenced in late 2003 and action plans are currently being prepared in the light of the findings.

As part of the review and in consultation with the Comptroller and Auditor General's office my Department carried out a survey of the unemployment and one-parent family payment schemes in an attempt to assess underlying levels of fraud and error. Surveys of this kind will in future form an integral part of my Department's control strategy, with one such survey having commenced in May 2004 in one scheme area and a further two planned for later this year.

The report also includes an examination of detected overpayments and found that fraud accounted for 48% of all overpayments detected. The report emphasises that analysis of detected overpayments and their cause is a valuable pointer to areas where action needs to be taken either to implement new controls or modify existing procedures so as to reduce the level and value of overpayments occurring.

Currently, plans are being put in place for a new computerised central overpayments and debt management system within my Department. When fully operational, this will provide a facility to enhance the targeting of control work, make overpayment recovery more effective and provide better and more up-to-date information on the main types of fraud and error occurring within schemes.

The report also emphasises the use of prosecutions as a deterrent against fraud. The Department's policy is to consider all cases of fraud and abuse for prosecution and revised prosecution guidelines issued to staff in February 2003. In this regard, 482 cases were sent to the Central Prosecutions Service within my Department in 2003

and of these 405 have been referred for prosecution.

The report also suggests that in addition to prosecutions, it may be worth considering a greater array of sanctions such as administrative penalties. My Department has already done some work in this area and is in consultation with the Attorney General's office in the matter.

Overall the Comptroller and Auditor General's report has provided a very worthwhile assessment of control activity in the Department and raised a number of issues which will be taken on board in the context of implementing my Department's control strategy. In 2003, my Department realised total savings of €306.16 million in combating fraud and abuse involving 320,000 claim reviews and 7,600 employer inspections.

Social Welfare Benefits.

291. **Mr. Andrews** asked the Minister for Social and Family Affairs the savings expected on foot of the decisions not to award child benefit to incoming asylum seekers as and from 1 May 2004. [18264/04]

Minister for Social and Family Affairs (Mary Coughlan): Since 1 May 2004 all new applicants for child benefit payments, irrespective of nationality, must satisfy the condition of being habitually resident in the State before payment can be made.

It is too early to make accurate estimates of savings in child benefit payments to asylum seekers arising from the introduction of a habitual residence condition. As the Deputy will be aware, the number of people claiming asylum in Ireland has fallen sharply over the last year and a half.

Furthermore, asylum seekers who are granted refugee status or humanitarian leave to remain in the State may qualify for child benefit as they are regarded as satisfying the habitual residence condition on being granted either refugee status or humanitarian leave to remain.

292. **Mr. Gilmore** asked the Minister for Social and Family Affairs the reason her Department claim that a person (details supplied) would not be eligible for the back to education allowance, when this person, an Irish citizen has been in receipt of a rent allowance for the past four years from their community welfare officer, holds a current medical card and has been accepted on a course of study by the Ballyfermot college for further education to complete a higher national diploma in professional traditional music; and if she will make a statement on the matter. [18575/04]

Minister for Social and Family Affairs (Mary Coughlan): Eligibility for back to education allowance is dependent on the claimant being in receipt of a qualifying social welfare payment. The person concerned is not currently in receipt

[Mary Coughlan.]
of a payment from my Department, or of rent supplement and he is not entitled to payment of back to education allowance under the rules of this scheme. As his means have not been reviewed for some time, however, I have

arranged for his circumstances to be examined to establish whether he would now be entitled to a payment from my Department which would count for qualification for back to education allowance.