



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

*Tuesday, 6 July 2004.*

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## DÁIL ÉIREANN

*Dé Máirt, 6 Iúil 2004.*  
*Tuesday, 6 July 2004.*

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

*Paidir.*  
*Prayer.*

### Ceisteanna — Questions.

#### Official Engagements.

1. **Mr. Kenny** asked the Taoiseach the agenda for the June 2004 meeting of the European Council in Brussels; and if he will make a statement on the matter. [17210/04]

2. **Mr. Kenny** asked the Taoiseach the bilateral meetings he held on the margins of the forthcoming European Council meeting in Brussels; and if he will make a statement on the matter. [17235/04]

3. **Mr. Kenny** asked the Taoiseach if he will report on the outcome of the June 2004 meeting of the European Council in Brussels; and if he will make a statement on the matter. [18246/04]

4. **Mr. Kenny** asked the Taoiseach the bilateral meetings he held on the margins of the recent European Council meeting; and if he will make a statement on the matter. [18247/04]

5. **Mr. J. Higgins** asked the Taoiseach the matters discussed and conclusions reached at the European Council on 17 and 18 June 2004; and if he will make a statement on the matter. [18254/04]

6. **Mr. J. Higgins** asked the Taoiseach the bilateral meetings he held on the fringes on the European Council on 17 and 18 June 2004; and if he will make a statement on the matter. [18255/04]

7. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of the EU summit in Brussels on 17 and 18 June 2004. [18306/04]

8. **Mr. Rabbitte** asked the Taoiseach the details of meetings he had in the margins of the EU summit in Brussels on 17 and 18 June, 2004; and if he will make a statement on the matter. [18307/04]

9. **Mr. J. Higgins** asked the Taoiseach if he will report on the discussions conducted and conclusions reached as regards the proposed EU con-

stitution at the European Council in June 2004. [18997/04]

10. **Mr. Kenny** asked the Taoiseach if he will report on the outcome of the June 2004 European Council meeting in Brussels; and if he will make a statement on the matter. [19001/04]

11. **Mr. Kenny** asked the Taoiseach if he will report on the bilateral meetings he held on the margins of the recent European Council meeting in Brussels; and if he will make a statement on the matter. [19002/04]

12. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on his participation in the negotiations to conclude an EU constitutional treaty; and if he will make a statement on the matter. [19281/04]

13. **Mr. Kenny** asked the Taoiseach if he will report on his recent meetings with other EU Heads of Government; and if he will make a statement on the matter. [17218/04]

14. **Mr. Kenny** asked the Taoiseach for the programme relating to the visit by the President of the United States of America; and if he will make a statement on the matter. [17230/04]

15. **Mr. Kenny** asked the Taoiseach if he will report on his recent meeting with the President of the French Republic, Mr. Chirac; and if he will make a statement on the matter. [17417/04]

16. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on his recent meetings with the Heads of Government of Germany, France and Britain; and if he will make a statement on the matter. [17418/04]

17. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his recent visit to the Netherlands and his discussions with political leaders there. [17473/04]

18. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his recent visit to Belgium and his discussions with political leaders there. [17474/04]

19. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his recent visit to Luxembourg and his discussions with political leaders there. [17475/04]

20. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his recent visit to Germany and his discussions with political leaders there. [17476/04]

21. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his recent visit to Denmark and his discussions with political leaders there. [17477/04]

22. **Mr. Rabbitte** asked the Taoiseach if his pre-summit visits to other European countries have now been completed; if, in view of his meetings with EU leaders, he will now give his assessments of the prospects for agreement on the proposed constitution at the forthcoming EU summit; and

[Mr. Rabbitte.]  
if he will make a statement on the matter.  
[17478/04]

23. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on his attendance as an observer at the G8 summit in the United States on 8 June 2004; and if he will make a statement on the matter. [17602/04]

24. **Mr. Sargent** asked the Taoiseach if he will report on his attendance at the G8 summit in Georgia, USA; and if he will make a statement on the matter. [17637/04]

25. **Mr. Sargent** asked the Taoiseach if he had bilateral meetings on the fringe of the G8 summit; and if he will make a statement on the matter. [17640/04]

26. **Mr. Sargent** asked the Taoiseach if he will report on his meeting with Prime Minister Juncker in Luxembourg in early June 2004; and if he will make a statement on the matter. [17641/04]

27. **Mr. Sargent** asked the Taoiseach if he will report on his meeting on 4 June 2004 with German Chancellor, Mr. Gerhard Schröder, in Berlin; and if he will make a statement on the matter. [17642/04]

28. **Mr. Sargent** asked the Taoiseach if he will report on his meeting with the French President, Mr. Jacques Chirac, on 2 June 2004; and if he will make a statement on the matter. [17643/04]

29. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on his attendance as EU observer at the G8 summit in the United States from 8 to 11 June 2004. [17644/04]

30. **Mr. Sargent** asked the Taoiseach the moneys allocated to his Department for expenditure connected with EU Presidency; the way in which these moneys have been spent and the amount which has been spent; and if he will make a statement on the matter. [17717/04]

31. **Mr. Kenny** asked the Taoiseach if he will report on his attendance at the recent G8 summit in the United States; and if he will make a statement on the matter. [18245/04]

32. **Mr. J. Higgins** asked the Taoiseach if he will report on his most recent contacts with the US Administration. [18250/04]

33. **Mr. J. Higgins** asked the Taoiseach if he will report on the matters discussed and conclusions reached at the recent G8 summit in Savannah, Georgia; and if he will make a statement on the matter. [18251/04]

34. **Mr. J. Higgins** asked the Taoiseach the bilateral meetings he held on the fringes of the G8 summit in Savannah, Georgia; and if he will make a statement on the matter. [18252/04]

35. **Mr. Rabbitte** asked the Taoiseach the total additional expenditure incurred by his Depart-

ment arising from the EU Presidency; and if he will make a statement on the matter. [18308/04]

36. **Mr. J. Higgins** asked the Taoiseach if he will report on his recent meeting with the President of France. [18993/04]

37. **Mr. J. Higgins** asked the Taoiseach if he will make a statement on his recent visits to Belgium, the Netherlands and Luxembourg. [18994/04]

38. **Mr. J. Higgins** asked the Taoiseach if he will report on his recent visit to Germany. [18995/04]

39. **Mr. J. Higgins** asked the Taoiseach if he will report on his recent visit to Denmark. [18996/04]

40. **Mr. Kenny** asked the Taoiseach if he will report on the recent visit of the US President, Mr. Bush; and if he will make a statement on the matter. [19003/04]

41. **Mr. Kenny** asked the Taoiseach if he will report on the outcome of the recent EU-US summit meeting which took place in County Clare in 2004; and if he will make a statement on the matter. [19004/04]

42. **Mr. Rabbitte** asked the Taoiseach the steps he intends to take to secure agreement on a new President of the EU Commission prior to the end of the Irish Presidency; and if he will make a statement on the matter. [19072/04]

43. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on his participation in the EU-Japan summit. [19073/04]

44. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on his discussions with political leaders during his visit to Japan. [19074/04]

45. **Mr. J. Higgins** asked the Taoiseach the matters discussed and conclusions reached at his meeting between 25 and 26 June 2004 with the President of the United States, George W. Bush; and if he will make a statement on the matter. [19177/04]

46. **Mr. J. Higgins** asked the Taoiseach when he next plans to meet the President of the United States; and if he will make a statement on the matter. [19178/04]

47. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on his meeting with US President, George Bush, in County Clare; and if he will make a statement on the matter. [19285/04]

48. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of the EU-US summit in County Clare on 26 June 2004. [19541/04]

49. **Mr. Rabbitte** asked the Taoiseach the matters discussed at his bilateral meeting with President Bush in County Clare on 26 June 2004; if he raised with the President concerns regarding the treatment of Iraqi prisoners by US forces; if he conveyed to the President the concerns of the Irish people regarding US policy in Iraq; and if he will make a statement on the matter. [19542/04]

50. **Mr. J. Higgins** asked the Taoiseach the matters discussed and conclusions reached at the recent Euro-Atlantic partnership council meeting in Istanbul; and if he will make a statement on the matter. [19963/04]

51. **Mr. Kenny** asked the Taoiseach if he will report on the special European Council meeting held in Brussels on 29 June 2004; and if he will make a statement on the matter. [20069/04]

52. **Mr. Kenny** asked the Taoiseach if he will report on his attendance at the recent meeting of the Partnership for Peace in Turkey; and if he will make a statement on the matter. [20070/04]

53. **Mr. Sargent** asked the Taoiseach if he will report on his meeting with President George Bush in Dromoland Castle; and if he will make a statement on the matter. [20232/04]

54. **Mr. Sargent** asked the Taoiseach if he will report on the outcome of the EU-US summit; and if he will make a statement on the matter. [20233/04]

**The Taoiseach:** I propose to take Questions Nos. 1 to 54, inclusive, together.

As President of the European Council, I chaired the meetings of the European Council and Intergovernmental Conference held in Brussels on 17 and 18 June. The Council conclusions and the text of the European constitution have been laid before the Houses of the Oireachtas. As Deputies are aware, I made a detailed statement to the House on the outcome of my meetings in Brussels last Wednesday. I will, therefore, be brief in my comments on these issues surrounding the European Council.

The European Council meeting was successful. We had a good discussion on the fight against terrorism, focusing in particular on the implementation of commitments in the Declaration on Combating Terrorism agreed at our last meeting in March. The European Council also adopted conclusions on a range of other issues including enlargement, economic and social issues, Iraq and the Middle East peace process.

Meeting in the Intergovernmental Conference, we succeeded in reaching agreement on the text of a new constitution. The agreement reached is good for Ireland and the European Union. There were 30 delegations at the IGC, if one includes member states, the applicant states which attended as observers, the European Parliament and the Commission. Each had their list of priority issues and bottom lines. I am sure the House will appreciate that it was not easy to reach consensus in such a context. However, the negotiations were conducted in a spirit of goodwill and mutual respect and we now have an agreement in which each member state sees its interests protected and which, I fully believe, should stand the test of time.

On the appointment of the President of the Commission, I undertook a round of telephone consultations with my colleagues the weekend before last to establish whether consensus

could be achieved on this issue. Following these discussions, the Heads of State or Government of the 25 member states met in Brussels last Tuesday evening. At that meeting, we agreed the appointment of Portuguese Prime Minister, José Manuel Durão Barroso, to the post of President of the European Commission. Prime Minister Barroso possesses a wealth of experience at the highest level which will be invaluable as he seeks to steer the Union's complex and wide-ranging agenda over the coming years.

We also agreed to reappoint Javier Solana as Secretary General of the Council and High Representative for the Common Foreign and Security Policy and Secretary General of the Council of the European Union and Pierre de Boissieu as Deputy Secretary General of the Council. Upon entry into force of the European constitution, Javier Solana will be appointed as the first Foreign Minister of the Union.

I have reported to the House in detail in recent weeks on the first three legs of my pre-European Council tour of capitals. Briefly again, I visited Sweden, Finland, Estonia, Latvia, Lithuania and Poland on the first leg from 5 to 7 May. The following week, from 12 to 14 May, I visited Cyprus, Greece, Malta, Italy, Portugal and Spain and, on 19 and 20 May, I visited Austria, Slovakia, Hungary, the Czech Republic and Slovenia. On 2 to 4 June last, I undertook the fourth and final phase of this programme, visiting France, the UK, the Netherlands, Belgium, Luxembourg, Germany and Denmark for discussions with President Chirac, Prime Minister Blair, Prime Minister Balkenende, Prime Minister Verhofstadt, Prime Minister Juncker, Chancellor Schröder and Prime Minister Rasmussen, respectively. I had a very productive series of meetings which focused on the agenda for the European Council held on 17 and 18 June. My meetings also provided an opportunity to discuss the IGC with key partners and were valuable in terms of our efforts to achieve a broad consensus on the main outstanding issues in the run-up to the European Council.

I attended the G8 summit in Sea Island, Georgia, USA, on 8 to 10 June. The EU is not a member of the G8 but, in my capacity as President of the European Council, I, along with European Commission President Prodi, was invited to attend as an observer. Discussions at the summit focused on current global challenges, including economic and trade issues, particularly the effects of the sharp increase in oil prices and the World Trade Organisation Doha development agenda negotiations; the Middle East peace process and north Africa; the fight against terrorism; Iraq; the fight against HIV-AIDS; and debt relief for the world's heavily indebted poor countries, HIPC. Key decisions from the summit include improved airline security measures; the extension by two years of the debt-relief programme for the world's poorest countries; agreement to pursue substantial relief of Iraq's \$120 billion in foreign debt; and agreement to accelerate the development of a HIV vaccine.

[The Taoiseach.]

I was pleased to announce at the summit that Ireland has joined the Global Partnership Against Weapons and Materials of Mass Destruction. Irish assistance will focus on the clean up of nuclear facilities in the former Soviet Union, as well as investment in a chemical weapons destruction programme. I had informal discussions on the margins of the summit with President Chirac, Chancellor Schröder, Prime Minister Berlusconi and Prime Minister Blair regarding the then forthcoming European Council meeting.

I attended the EU-Japan summit in Tokyo on 22 June. The EU and Japan enjoy good relations — both politically and economically — and this facilitated a very successful summit. Our talks covered combating terrorism, disarmament and the non-proliferation of weapons of mass destruction, the World Trade Organisation, environmental issues and ASEM. We also had the opportunity to discuss developments in Asia, particularly the Korean Peninsula and China, as well as a range of other international issues, including the ongoing situation in Iraq, the Middle East peace process, Afghanistan and the Western Balkans. Effective multilateralism was another key topic, as was the EU-Japan Year of People to People Exchanges in 2005.

The summit leaders reconfirmed the importance of forging a solid strategic partnership between them. In this regard, we agreed declarations on a number of issues where effective co-operation is of particular importance, including a Japan-EU joint declaration on disarmament and non-proliferation, a co-operation framework for the promotion of Japan-EU two-way investment, a Japan-EU joint initiative for the enforcement of intellectual property rights in Asia and a joint statement on co-operation on information and communication technology. The EU-Japan business dialogue round table highlighted the extensive trade and business links between the EU and Japan. Japan has very strong foreign direct investment and tourism policies that open up significant opportunities even for small countries.

I had a bilateral meeting with Prime Minister Koizumi prior to the summit. The Prime Minister and I reviewed the excellent bilateral relationship that exists between Ireland and Japan. We discussed trade and investment flows in both directions, together with the potential for increasing levels of tourism. The Prime Minister praised Ireland's success in attracting foreign direct investment and said he hoped to double the level of investment coming into Japan by 2007. He also said he wished to encourage more tourists to visit Japan and he would like to see greater contacts between our respective tourism organisations. I mentioned that a considerable number of Irish people had attended the World Cup in Japan and that it had been a positive experience in developing awareness of Japan in Ireland. We agreed to encourage airlines to consider the possibility of direct flights between Japan and Ireland. I outlined Ireland's interest in deepening

co-operation with Japan in information technology, education, research and development.

During my visit, I had the opportunity to meet representatives of Japanese companies who have business and partnership agreements with Irish companies. These include Oak Lawn Marketing, a Japanese direct marketing company which has signed a five year partnership agreement with Bio-Medical Research Limited, BMR, the Galway-based medical devices and fitness equipment manufacturer. I also met representatives of Hitachi Systems and Services, a leading systems integrator in the Japanese market. Hitachi SAS has signed an exclusive reseller agreement with the Dublin-based software company Polar Lake. It is targeting sales of €25 million over three years.

The EU-US summit took place on 26 June in Dromoland Castle. It was a very useful and productive occasion. We had a wide-ranging and fruitful discussion which focused on strengthening the EU-US economic partnership, the situation in Iraq, the efforts to achieve peace in the Middle East region and the Mediterranean, and the fight against terrorism. The summit saw the adoption of seven important joint declarations, addressing many of the key challenges that face the world today. These declarations were on supporting peace, progress and reform in the broader Middle East and in the Mediterranean, Sudan, support for the people of Iraq, combating terrorism, the non-proliferation of weapons of mass destruction, HIV-AIDS, malaria and tuberculosis and strengthening our economic partnership.

I also had a bilateral meeting with President Bush on the margins of the summit. We had a useful exchange of views on a number of issues, including the current situation in Northern Ireland and Iraq. On Northern Ireland, I acknowledged the welcome support of the US Administration in trying to move forward the peace process. With regard to the undocumented Irish citizens living in the US, the President and I share the view that there are many who are making a valuable contribution, posing no security threat. I informed the President that we appreciate the humane approach framed in the initiative he put forward in January, as well as the other helpful proposal from Ted Kennedy and Chuck Hagel. I have no plans for a further meeting with President Bush at this time.

With President Bush and the leaders of more than 40 countries, I attended the Euro-Atlantic Partnership Council meeting in Istanbul on 28 and 29 June. At the meeting, President Karzai presented a report on the current situation in Afghanistan and we had an exchange of views on the future of Partnership for Peace.

I met the President of Croatia, Stjepan Mesic, on the margins of the EAPC meeting in Istanbul. The President conveyed his appreciation for the Irish Presidency's efforts in regard to Croatia's application for membership. Our discussions focused on Croatia's candidature for EU membership and the current situation in the western Balkans.

The estimated cost to be borne by Ireland arising from the Presidency is €60.23 million. This is the amount that was required by all Departments and agencies and includes the cost of official meetings, travel abroad, hospitality in Ireland, security arrangements, cultural presentations in Ireland and Europe, information services and the Presidency website. The Presidency has been managed with a view to economy and efficiency, while fully meeting the expectations of partners. The Irish Presidency has gratefully accepted sponsorship from Irish and European companies to reduce overall costs.

In my Department, approximately €2 million will have been required to meet costs such as these, although it is not possible yet to indicate total costs or their final distribution between the various Departments.

The Presidency has also provided an opportunity to reinforce Ireland's image as a committed European partner, making a meaningful contribution to the Union's internal debate and external relations. Every opportunity has been taken to promote Ireland as a tourism and business location.

**Mr. Kenny:** Some 54 questions have been taken in one grouping, including questions on the European Council meeting, the European Union constitution, the European Commission Presidency, the G8 summit, meetings with EU member states' prime ministers and presidents, contact with the US Administration, the EU-US summit and the costs incurred in running Ireland's Presidency. These matters could have been separated.

I wish to raise a matter that has appeared in the national newspapers to put an end to it. The Taoiseach said he had a round of telephone conversations with the prime ministers and leaders of various governments about finding a suitable candidate as President of the Commission. I commend the Taoiseach on having found a very suitable candidate in José Manuel Durão Barroso from Portugal. Far be it from me to say that *The Irish Times* could ever be wrong or that somebody from the Department of the Taoiseach might have been a little loose with words. However, on 6 July *The Irish Times* clearly reported the Taoiseach's words that he was tempted, when 21 of his colleagues around the table said he could have had the job quite easily. Therefore only three leaders did not support the Taoiseach. Either I am dealing with a bunch of leaders who do not understand what the truth is or somebody has become very imaginative with words.

**An Ceann Comhairle:** The Deputy should ask a question.

**Mr. Kenny:** I attended a number of EPP meetings with 11 prime ministers and with the greatest of respect to the Taoiseach, at no stage was his name mentioned. These leaders were quite adamant—

**An Ceann Comhairle:** I ask the Deputy to ask a question. A number of Deputies are offering and time is limited. The purpose of Question Time is to elicit information from the Taoiseach or a Minister.

**Mr. McCormack:** The question was asked but the Taoiseach is not answering.

**The Taoiseach:** I would be delighted to give the information.

**Mr. Kenny:** These 11 prime ministers along with others were adamant that the candidate needed to come from the EPP to reflect the result of the European elections. Does the Taoiseach know the names of the three prime ministers who did not support him during the round of telephone calls and the other meetings he had?

**The Taoiseach:** May I answer that question first?

**Mr. Kenny:** The Taoiseach may take two questions together as I have another one for him. The Italian Prime Minister recently announced that the agreed EU constitution would be signed in Rome on 20 November. At the EU forum the other day, I said that in view of the work the Government did and in particular the work of the Taoiseach in leading it, this should be known as the treaty of Dublin. Is it a concession to the Italian EU Presidency, which failed to get agreement, or is it because of the first Treaty of Rome that the Taoiseach agreed it should be signed in Rome in November? As the Irish Presidency brought this matter to conclusion, it could have been known as the treaty of Dublin. The Taoiseach might answer those questions, after which I have another one on a much more serious matter.

**The Taoiseach:** If I had not taken all these questions together, they could not have been taken until the end of September or October. Normally I would separate them.

I had a round of consultations during the week before last. As Deputy Kenny knows, at that stage it was a matter of trying to convince people that José Manuel Durão Barroso would be accepted. As the Deputy will know from working with his group, the wheeling and dealing went on after the European Council meeting. The Deputy will also know from the meetings he attended that José Manuel Durão Barroso was not in the first six candidates of his own group. With one exception the EPP group favoured me, as the Deputy knows.

I had made my position clear to my colleagues before the European Council and during the round of meetings I had with them individually. It was there that they clearly stated their positions. The one person from the EPP group who did not support me did so for a different reason as he had strong views in supporting a present Commissioner, who, by the way, is not part of the EPP group. So none of the Deputy's people

[The Taoiseach.] pushed EPP members. The negotiator and leader of the Deputy's EPP group put considerable pressure on me, which I appreciated.

**Mr. McCormack:** It is nice to be talked about.

**The Taoiseach:** The Deputy is confusing this with the round of telephone conversations, when matters had moved on.

The Italian Prime Minister, Silvio Berlusconi, and his government and a number of others believe it would be a good gesture that Italy host the next meeting on the European Constitution in Rome as it falls close to the 50th anniversary of the Treaty of Rome. Hosting EU meeting involves a great deal of disruption and a high level of security and we have hosted meetings on a number of occasions in 2004. The people do not need another such occasion. The demands on the security forces are considerable. At the last such meeting in Italy, they had 24,000 security staff. It will have symbolic importance for the Italians to hold the meeting in Rome.

**Mr. Kenny:** I thank the Taoiseach for his reply on the persons who were privately supportive of his role as President of the European Parliament, but did not say so publicly. While it would have been——

**The Taoiseach:** They did.

**Mr. Kenny:** Not at the meetings.

**The Taoiseach:** They said it in press conferences in their own countries and they could not have been more supportive.

**Mr. Kenny:** It is a bit like what the former Deputy, the late Jim Kemmy stated about Deputy O'Dea, "Mighty mouse in Dublin and church mouse in Limerick."

**An Ceann Comhairle:** Will Deputy Kenny confine himself to questions? There are other Members who submitted questions and they are entitled to time.

**Mr. Kenny:** I appreciate that. I will be finished in a minute and the Chair will not have any trouble from me today.

**An Ceann Comhairle:** I am not having any trouble from the Deputy. However, he should confine himself to questions.

**Mr. Kenny:** It would have been a great honour for Ireland for an Irish person to be President of the Commission. I am glad the Taoiseach decided to stay at home, because——

**An Ceann Comhairle:** A question please, Deputy.

**Mr. Kenny:** ——we will have a hell of a battle in the next period of time.

On a serious note, a humanitarian disaster is looming in Africa, where 3.5 million in eastern Congo and 2.5 million in Darfur, western Sudan face starvation, violence and death. The chief executive of a major Irish charity, Mr. John O'Shea states that these people need military protection now more so than humanitarian aid. Was this matter discussed at the G8 meeting? I know there was a proposal from Georgia that a trained force of 75,000 person would be sent in there. What is the outcome of that? Are we to stand by and see an obscenity on humanity perpetrated in western Sudan, as happened in Rwanda a decade ago, where scenes of starvation and needless death inflicted on people were shown across the world? How soon will the proposal from the G8 be put in place? Are we as a Christian nation influencing and working with our colleagues in Europe to prevent that happening?

**The Taoiseach:** I assure Deputy Kenny that the issue has been discussed at all recent meetings of the United Nations and the European Union. Both are very involved, having directed aid and logistics. I too share the view that it has the potential to be a major calamity. Decisions have been effectively made but as the Deputy stated, it is their implementation on the ground that will make an impact. To the best of my knowledge the aid programme has been moved to Darfur. It is a matter of major discussion and the discussion has been continuing at various levels during the weekend just past.

We have not been asked to contribute to the forces in the area, but we have already given funding to the humanitarian agencies.

**Mr. J. Higgins:** How does the Taoiseach justify organising for Mr. José Manuel Durão Barroso to become President of the European Commission? He is an extreme right wing neo-liberal politician whose main distinction is to have led an attack of so-called austerity on the Portuguese working class over the past two years and who supported the Iraq invasion. In other words, he is at variance with the views of the vast majority of the peoples of Europe. Will the Taoiseach agree that of the €60 million he spent on the Presidency, perhaps up to €20 million was used for security? Does it not bespeak of a huge chasm between the elite of the European Union and the mass of the people he feels it must be defended from?

With regard to his discussions with President Bush in Dromoland when the Taoiseach said he was completely happy and satisfied with the answers the President gave about the prisoners being held by the United States in Guantanamo and various other prison camps, will he explain what he meant? Was he told that Guantanamo would be closed down or is the Taoiseach now happy with hundreds of prisoners being held without trial or charge or access to lawyers and

relatives and with conditions of psychological and other forms of torture being imposed? How can the Taoiseach, as President of the European Union, justify endorsing to President Bush the fraudulent so-called sovereignty the United States has imposed on Iraq, with a Government of hand-picked bureaucrats and CIA agents?

In 1920, for example, would the Irish people or indeed the Taoiseach's predecessors have been satisfied and termed it "sovereignty" if the imperial power of Britain had hand-picked some "castle Catholics" and a few spies from around the empire, called them a government and put them in charge here with the Black and Tans and the Auxiliaries—

**An Ceann Comhairle:** That question does not arise out of Questions Nos. 1 to 54, inclusive.

**Mr. J. Higgins:** The question does arise. I am finished the question, anyway, so the Taoiseach will get the point. Has the Taoiseach seen the film, "Fahrenheit 9/11" by the film maker, Michael Moore? If not, will he see it? Will he agree that it might point up the calculated deception of the Bush Administration, justifying its criminal invasion of Iraq and the corporate — criminal, indeed — interests that drove that particular initiative? In easy lessons it might educate the Taoiseach as to what he has refused to accept or perhaps did not want to believe up to now.

**Mr. Rabbitte:** The film would have been shown in the Government jet on one of the long trips.

**The Taoiseach:** I was thinking to myself that when the House comes back for the winter and if a Kerry-Edwards team emerges victorious in the US presidential election, Members will hear the same thing again about them. It does not change, no matter who is in power. I answered the same questions when President Clinton and Vice-President Gore were in office in the United States.

**Mr. J. Higgins:** It depends on their policies.

**The Taoiseach:** Deputy Higgins is against them all. Once they move or speak he is opposed. The Deputy will tell the House some day what he is for and give Members a shock.

**Mr. M. Smith:** The Deputy can then go easy for a while.

**The Taoiseach:** I will seriously try to answer some of the questions. Mr. José Manuel Durão Barroso was, finally, a unanimous choice of the entire European Council, including Ireland, after a process that has been well-documented. He has been involved in many posts over the years. Some of the issues he has been involved in have been mentioned by the Deputy. However, he left out some of those that he is known internationally for having been involved in, his work in Africa on which much of the consensus about his suitability for this job is based, his involvement in the East

Timor peace process and his work in his own country to overcome the difficult economic circumstances that obtained there in recent years. These are all-important issues of Mr. Barroso's credibility.

I replied last week to questions from Deputy Ó Caoláin about my meeting with President Bush. As I said then, the EU-US summit gave us an opportunity for an exchange of views on a range of important issues of international concern. We did not agree on some of the issues, obviously, but it is important that we had an open and honest dialogue. We discussed many issues at the summit, including Guantanamo Bay and the general handling of prisoners by the United States. We were pleased and satisfied that the President said he would continue and escalate the release of people from Guantanamo, which is important.

The President said he was taking into account the concern expressed by Ireland and most countries about the handling of prisoners. He condemned, as wholeheartedly as the President of any country will ever do, the practices, methods and procedures of some of his security forces in their handling of prisoners at Abu Ghraib. He said that it was a disgrace and that he was ashamed. We were happy, as people generally were, to hear him acknowledge such issues. It was helpful that he did so in this country. It has been noted in *The New York Times*, the *Chicago Sun-Times* and other newspapers in the United States that the President's comments in Ireland were far stronger and far clearer than those made on previous occasions. That was useful as well.

**Mr. J. Higgins:** What about sovereignty?

**The Taoiseach:** I would understand the Deputy arguing a case in respect of sovereignty if the coalition forces had taken it from a regime that had the wholehearted support of the people of Iraq, but that was not the case. Regardless of what one says about what happened, one cannot deny that the coalition fought a dictator who caused his people to suffer. That is the past, however. We have welcomed the transfer of sovereignty to the interim Iraqi Government. Ireland and its EU partners wish the new Government every success in its mission to govern Iraq. Mr. Allawi said free and fair elections should take place next January and that he is committed to ensuring that they proceed. That is important because people will not be happy until free and fair elections take place. I agree with such people. It is obvious that there has to be an interim period. The interim Government will cease to exist when the new Government is elected.

We have condemned the ongoing terrorist attacks in Iraq, which are prolonging the suffering of the Iraqi people. The European Union has finalised a medium-term strategy for Iraq that sets out the terms of engagement. All of these things must be followed through.



[The Taoiseach.]

In response to the Deputy, by unanimously adopting UN Security Council resolution 1546 the international community has demonstrated clear support for the political transition to a secure, stable, united, prosperous and democratic Iraq. I hope we will see such a transition in the months directly ahead.

**Mr. Rabbitte:** I did not mean to return to the issue raised by Deputy Kenny. The Taoiseach went on air on Sunday to speak about it. I am somewhat shocked by the behaviour of many members of the EPP. I thought the Taoiseach was a socialist — I thought he was one of us. I thought the PES would support the Taoiseach. Like Deputy Kenny, I could not find much of a trace of that at the meetings. It is obvious that there must be some prime ministerial protocol that says they should not report it back to their groups. That must be the basis of it.

**Mr. J. Higgins:** Europe is full of closet “Fianna Fáilers”, obviously.

**Mr. Rabbitte:** I disagree with the Taoiseach’s backbenchers because I think he would have made a great President of the Commission.

Will the Taoiseach say when he thinks there might be a constitutional referendum? What plans does the Taoiseach have for such a referendum in terms of an information and education campaign on the issues? We have already had an opportunity in the House on two occasions to express our congratulations to the Taoiseach in terms of the achievement of the Constitution. Against that background he will agree that the hard work, in a fashion, starts now in terms of bringing it through the disparate mechanisms of 25 different countries in that merely a single country defaulting would have the most serious implications. Will the Taoiseach indicate if thought is being given to the public education and information programmes the Government would sponsor or cause to be run, and is there is an approximate date when this member state would be likely to have the matter put to the people?

**The Taoiseach:** On the first question, November 2006 is the final date. It appears that some time next year will be the appropriate date. I do not like to compare campaigns but we learned from the first Nice treaty campaign, and even those on the Maastricht and Amsterdam treaties and the Single European Act, that a period of work, information and education in terms of the issues is required. People make up their own minds but we must ensure that takes place. We have already turned our attention to ensuring we get information to public libraries, schools and community bodies and groups in September. We will work closely with the National Forum on Europe in that regard but it is important that we set out the position. We have already put the full constitutional treaty on the website. I am aware

that is already being downloaded and used by many groups but we must run a concerted campaign to ensure that what is contained in the constitution is broadly known. We will undertake that from now but particularly from the early autumn.

Particularly useful in the second Nice treaty campaign was the public debate and forum meetings held throughout the country which were facilitated by the chairman of the group, Senator Maurice Hayes. We should carry out all the good suggestions we picked up from that process but it will take some months. My view is that will need to run for some time. It appears some countries will move quickly in this regard. Spain has already indicated that it will go for an autumn or early winter campaign prior to Christmas, while other countries will start the parliamentary procedure directly after Christmas. Regardless of what they do, we need to move on the issues and the campaign immediately.

**Mr. Rabbitte:** Is the Taoiseach satisfied about the capacity of the Portuguese Prime Minister, Mr. Barroso, to carry the nomination in the European Parliament, given the particular requirements there and some reservations expressed by the Party of European Socialists about the method of nomination of the president? Is the Taoiseach aware of the serious concerns expressed by the European Parliament about the decision of both the Council and the Commission to accede to demands from the United States for the provision, without any safeguards, of data on travelling passengers, the concerns expressed about that matter by the legal affairs committee and other organs, and whether it was raised during the EU-US Summit?

**The Taoiseach:** The US proposal on air passenger data was raised and the previous President of the European Parliament, Mr. Cox, made it clear that further discussions were required as the European Parliament would not agree to its ratification in its present form. Further discussions will have to take place.

This week Mr. José Manuel Durão Barroso will meet the parliamentary groups and the President and members of the European Council. He has not taken his ratification for the post for granted. He will have to work to convince the Council members. He must also satisfy a number of questions raised by the European Parliament groupings, particularly by the socialist grouping. We must wait until 22 July to see the outcome. Mr. Barroso understands it is not a given appointment.

**Mr. Rabbitte:** I did not understand the answer to the question on air passengers’ data.

**The Taoiseach:** The president of the European Parliament, Mr. Cox, presented a document at the EU-US Summit that the Parliament would not accept the US proposals in their present form.

I reported that changes would have to be made——

**Mr. Rabbitte:** Does it carry on into the Dutch EU Presidency?

**The Taoiseach:** ——or otherwise it will not go through the European Parliament.

**Caoimhghín Ó Caoláin:** Two weeks ago, the Tánaiste indicated to the House that the Government was not likely to succeed in achieving full working and official language status for the Irish language in the EU. This is at variance with previous responses given by the Government, including the Taoiseach. Will the Taoiseach advise the House as to which, if any, of the EU member state governments that he has met with over the past six months has objected to full status for the Irish language? Did any of the governments raise objections with the Taoiseach? Did the Government even seek full official and working status for the Irish language during the six months of the Irish Presidency?

The Taoiseach led the House to believe that the Government was not seeking full recognition but some non-existent halfway house solution. Is the Taoiseach conscious of the procedures that must be employed for recognition? First, the Council of Ministers must be informed that the Government wishes the Irish language to be an official working language of the EU. Then it must request the European Commission to put the appropriate amendment to regulation one of the 1958 treaty. Will the Taoiseach follow this proposed course and acknowledge that there is no halfway house?

**Mr. Sargent:** Tá suim mhór agam sa cheist seo ach tá ceann eile agamsa. Reports state that security costs for President Bush's recent visit ran severely over budget, ranging from between €270 to €1,000 for every hour of the visit. Will this have implications for future moneys available to the Garda Síochána for the rest of the year? The Taoiseach stated that the issue of the use of Shannon Airport by US troops is now dead and only for historians. Will he clarify that US troops still pass through the airport? Will he clarify that prisoners on route to Guantanamo Bay also pass through Shannon Airport? Are those prisoners held in violation of the Geneva Convention? If so, does it not mean that he is obliged to stop that practice?

**The Taoiseach:** What I stated was that Resolution 1546 now holds that countries must cooperate and support the actions——

**Mr. Sargent:** Regardless of the Geneva Convention.

**The Taoiseach:** No, obviously not. The UN would not tell anyone to disregard the Geneva Convention. The argument was there and the

Deputy knows my position on it. The situation has changed after Resolution 1546.

With regard to Deputy Ó Caoláin's point, provision is already made in the treaties for Irish. Irish is already listed in the treaties as one of the languages in which the text is authentic. In the case of the EU constitution there was not an issue. In our discussions on the constitutional issue there was not a difficulty. The Deputy is correct in saying that when we joined the European Union there was a Regulation No. 1 of 1958 which broadly speaking governs the EU's translation system. We would need to gain unanimous support from the member states for a change in the status of Irish.

All these issues require careful consideration. It is one thing to ask people if they support something in a particular form, but there are practical considerations. The issue of Maltese was raised in this House by Deputy Kenny many months ago. In Malta all of the parliamentary and legal work is carried out in Maltese. The position is not the same as it is here. A group has been working on the Irish language issue and support will be forthcoming for the changes envisaged.

**Caoimhghín Ó Caoláin:** The Government has not asked for the changes.

**The Taoiseach:** We must first decide what we are asking for.

**Caoimhghín Ó Caoláin:** The situation is in clear contravention of what was agreed.

**An Ceann Comhairle:** Allow the Taoiseach to speak without interruption.

**The Taoiseach:** It is not in contravention, because to set up a translation unit with many staff takes time. When some countries sought staff to translate into German, French, Spanish and their native languages, they were not able to find sufficient people to do it. We must be careful how we proceed. One has to consider how we might have provided a translation service for European Council meetings over the past seven or eight years, and to what extent we might use it. The practical matter of what we need has to be considered in advance. Straight away it opens up problems. It was noted for example that while the Catalan language is spoken by nine million people daily, it is not an official EU language and they do not have a translation service. There are other groups of people in the same situation, groups proportionately larger than the numbers using Irish here.

We have been enhancing Irish language usage over the past 25 years and will continue to do so. People can write official letters in Irish and get replies in Irish. Movement and enhancement is going on all the time. There is support for that in Europe but we must be realistic regarding the usefulness of what we seek.

**Caoimhghín Ó Caoláin:** It is a question of full recognition for the Irish language.

### Priority Questions.

#### Nitrates Directive.

88. **Mr. Timmins** asked the Minister for Agriculture and Food the process whereby a person can apply for a derogation under the proposed nitrates action programme; and if he will make a statement on the matter. [20271/04]

**Minister for Agriculture and Food (Mr. Walsh):** The implementation of the nitrates directive is, in the first instance, a matter for the Minister for the Environment, Heritage and Local Government. He and I met the farming organisations on 30 June and again outlined the approach to be taken in implementing the directive. An action programme will be submitted to the European Commission meeting Ireland's legal obligations under the directive and there will be proposals for arrangements under which farmers may operate above the general limit of 170 kg of organic nitrogen which the directive lays down.

A revised draft action programme is now being made available for farmers and other interested parties to offer their views. This document, like the earlier version published in December 2003, includes an outline of the proposed conditions under which farmers may obtain derogations from the limit of 170 kg. It will of course be open to the stakeholders to give their views on these conditions during the consultation process.

The conditions for derogations, like all other aspects of Ireland's plans to implement the directive, will ultimately require the approval of the European Commission. However, it is my objective, shared by the Minister for the Environment, Heritage and Local Government, to minimise the burden of compliance on farmers generally and to ensure that the future of the commercial agriculture sector is safeguarded.

**Mr. Timmins:** While I recognise that this is, in the first instance, the responsibility of the Minister for the Environment, Heritage and Local Government, proposals were expected to be published by the end of June, prior to the second draft action programme being completed by the end of July. Will the Minister indicate when the proposals will be published? Evidence produced by Teagasc clearly indicates that a case can be made for 250 kg of organic nitrogen per hectare. We should return to the Commission to consider whether a 170 kg approach to the whole country is essential. Perhaps there is room for manoeuvre based on scientific evidence with which we could go for a 210 kg approach.

How will individual derogations be applied for? Will individual farmers have to prepare a plan and make an application for a derogation.

Assuming a whole country approach and that Ireland achieves certain derogations, where will the single farm payment stand next January in view of the fact that our action programme may not be accepted with the derogations included. My understanding is that nothing will be accepted from Ireland until everything is accepted.

**Mr. Walsh:** The Minister for the Environment, Heritage and Local Government and I, our senior officials and representatives of Teagasc met the stakeholders last week. It was a positive and constructive meeting at which the Government side put forward its position. This is that, legally, because of European Court rulings, we must address the directive, which lays down a general limit of 170 kg. However, parallel to submitting an action plan to address the directive, we will submit a case for a derogation to have limits up to 250 kg of organic nitrogen per hectare. Teagasc, as the chief scientific advisory body to the Government, has been extremely helpful in putting together documentation and a comprehensive case. I believe we will be successful in this matter. We need to be because approximately 10,000 of our most intensive and commercial farmers would be considerably impeded if we did not get a derogation of up to 250 kg.

With regard to the sequence and timescale, publication of the current draft should be with the farming organisations and stakeholders within the next day or so, perhaps later this evening. They will consider it and give their views. An independent adviser, Mr. Denis Brosnan, will help to facilitate consensus so that we can then submit that action plan to Brussels, hopefully, by the end of this month. Parallel to this, we will seek a derogation. We will have considerably more time to make the case for a derogation — I would expect six or seven months. The Commission has told us that once we are serious about addressing this directive, which has been in place since 1991, it will deal sympathetically with us. I do not envisage any penalty or fines in regard to the implementation of the single farm payment from 1 January next.

**Mr. Timmins:** Will the Minister indicate how the derogation will be applied for? Must individual farmers make applications?

**Mr. Walsh:** That is subject to negotiations. We have a good track record in negotiations and generally good relations with the Commission. As with decoupling and the farm payment on which we were able to fine tune the regulations and schemes to suit Irish conditions, we can do the same in this regard. It has been intimated to us that the Commission will work with us to get a workable solution to the matter with minimal encumbrances and minimal red tape and bureaucracy. It should be noted that the directive applies not only to organic nitrogen per hectare but also to a range of matters such as the times for the spreading of nitrogen and storage

capacity. All such matters will be subject to negotiations and I believe we will achieve a deal which will suit Ireland and Irish commercial farmers in the long run.

### **Food Labelling.**

89. **Dr. Upton** asked the Minister for Agriculture and Food when he expects country of origin labelling to be introduced for the catering trade for beef; his plans to introduce similar labelling requirements for other meat products; and if he will make a statement on the matter. [20273/04]

**Mr. Walsh:** I recently announced my intention to proceed with a legal requirement on the restaurant and catering sector to display country of origin in respect of beef served on their premises. This measure will come into effect once the necessary control and implementation arrangements are in place. I made arrangements for this matter to be discussed in the Council of Agriculture Ministers during the Irish Presidency as it is my view that there is a gap in the overall beef labelling regulations that ought to be filled. This was also the view of the food labelling group which I established to examine the whole area of food labelling and the Department's consumer liaison panel.

In the Council discussions, there was little willingness on the part of the European Commission or other member states to extend the scope of the EU regulations to address this issue. However, the Commission confirmed that member states may adopt national compulsory measures under the labelling directive. I have formally notified the Commission of my intention to proceed in this area and my Department is making the necessary arrangements for the early introduction of this measure. When I have evaluated its effect, I will consider the question of extending the scope of the regulations to other products. The general labelling requirements set out in EU and national law apply to all food products sold at retail level.

**Dr. Upton:** I thank the Minister for his reply and welcome his decision to introduce country of origin labelling for beef. Will the Minister indicate what he means by early introduction and what timeframe he envisages? More importantly, why is beef set aside as one type of meat for which we have this regulation whereas other meat products are not treated in the same way?

**Mr. Walsh:** Ireland is particularly advanced in regard to labelling and considerable progress has been made in including accurate, concise and precise information on labels for the general benefit of the consumer. With regard to extending the scope of the present EU directive to restaurants, I sought consensus from colleagues in other member states and the Commission. Regrettably, they did not see the value of this. However, I expect I will be able, in the next few months, to go ahead

with this extension of the directive on the labelling of beef in restaurants and the catering sector.

We are obliged to officially notify the Commission and did so on Monday, 20 June last. The detailed examination of that notification by the Commission will be complete by 27 September. At that stage, I can sign the statutory instrument bringing it into effect. In the meantime, I will consult the Restaurants Association of Ireland and the various interested groups to make sure they have the wherewithal to implement this regulation and are in a position to put the country of origin on menus. I will also have to talk with the Food Safety Authority because it will be responsible for control, inspection and so forth. Even if the next couple of months are holiday months, I expect to get this up and running by September.

**Dr. Upton:** The second part of my question is, perhaps, even more significant. I accept that the legislation will be implemented with regard to beef. However, there are serious inadequacies with regard to pork and bacon, in particular, and the consumer is being duped. One hears statements that include phrases such as "substantially transform" and "unless it misleads the consumer to a material degree" but none of these is defined. I cannot see what is the difficulty. If the legislation can be introduced with regard to beef, why can the same legislation not be introduced with regard to poultry, which generated a knee-jerk reaction last year following the outbreak of avian flu, and pork and bacon?

**Mr. Walsh:** I concur with the sentiments expressed by Deputy Upton. She has been to the forefront in seeking the maximum information for consumers. I introduced a number of measures to ensure that customers are given such information in terms of labelling and with regard to traceability generally. That applies as far as retail level. It is only relatively recently that the inclusion of a country of origin designation on menus and in the catering sector has arisen. I am introducing this for beef in the first instance but I give a commitment that, once the teething problems with this are out of the way and the Food Safety Authority has a control mechanism and structures in place, I will follow it through for the other food products, namely, poultry and pork.

### **Farm Household Incomes.**

90. **Mr. Ferris** asked the Minister for Agriculture and Food if he will make a statement on the impact of rising input prices, particularly fuel and energy costs, on farm incomes. [20550/04]

**Mr. Walsh:** The cost of fuel and energy is an issue for all parts of the economy, not just the farming sector. Nevertheless, it is an issue of particular concern as I am conscious of its possible implications for the agriculture sector. In this regard, under this Government inflation and interest rates have been maintained at historically low levels.

[Mr. Walsh.]

The recent increase in fuel prices contributed toward the recent marginal increase in inflation. Fuel and lubricants, which include petrol, diesel and motor oil, account for approximately 3% of the total basket of goods used in the compilation of the consumer price index. The ESRI, in its recent summer bulletin, has indicated that there are several other issues at work in the general economy, such as exchange rate changes, which are also affecting inflation.

The CSO publishes the output, input and income in agriculture at an aggregate level on an annual basis. The 2003 results have been recently released. The CSO revised the methodology in the 2003 report and this resulted in the value of energy and lubricant inputs decreasing from the previous value of €301 million to €222 million in 2002 and from €317 million to €228 million in 2003. These results show that spending on energy and lubricants increased by 2.9% in 2003 following a decrease of 8.8% in 2002. The spending on energy and lubricants of €228 million in 2003 constitutes 10.5% of operating surplus or farm income. This proportion is unchanged from 2002 and slightly down from the value of 10.7% in 2001.

Average farm incomes are contained in the national farm survey produced by Teagasc. This is an in-depth survey, which measures farm incomes across the main farming systems on an annual basis. In 2002, the latest year in which data are available, 1,176 farms were surveyed, representing 116,400 farms. The survey found that in 2002, overall direct costs or inputs increased by 5% on all systems. The average farm income calculated on this basis for full-time farmers is €27,758 in 2002 and is not affected by the CSO aggregate changes.

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

The Central Statistics Office measures the changes in agricultural inputs in the agricultural input price index on a monthly basis. The costs of all agricultural inputs as measured by this index increased by 2.5% during 2003. The latest available data for April 2004 show that input prices have increased by 3.7% over April 2003. During 2003, all energy costs increased by 5.9% while fuel costs have increased by 4.6%. However, fuel cost increases are below that of the total input increases from 2000 to present and stand at 4.4% compared to the total increase for all inputs of 8.8%.

The fact that input prices tend to rise annually underlines the importance of ensuring that all inputs are used efficiently. It is important that all types of farms pay attention to the issue of productivity. It is also important to note that the figures I have cited tend to be averages over a large sector. While many farms are operating at an impressive level of efficiency, there are many others where there is considerable room for improved productivity and efficiency. When we

move to the new single farm payment the increased focus on market returns will underline these facts and will increase the focus on efficient use of inputs. It will be increasingly obvious that wasteful use of resources is not an option.

**Mr. Ferris:** Fuel diesel now costs 50% more than it cost in 1995 and overall energy costs are 43% greater. Nine months ago, a farmer or fisherman who depended on fuel to do his or her work paid 34 cent per litre; the price is now 42 cent per litre. In the past nine years there has been a decline of 25% in farm incomes and, at present, the farming sector owes approximately €1.1 billion, which is 40% of farm income. At the same time, the retail sector is charging more. Take the example of apple producers. In nine years, the price has fallen by €100 per tonne, yet the retail sector continues inflating its prices and passing that on to the consumer even though the producer is earning less.

Does the Minister agree that farmers are paying a price for the fact that large multiple retailers can dictate prices to the disadvantage of farmers? Does he agree that the Department and, perhaps, the Competition Authority should investigate this?

**Mr. Walsh:** General costs continue to increase and that is the case with regard to input costs for farmers, as I outlined earlier. However, the fact that inflation and interest rates are at low single figures is vital for farmers. Some of us remember when inflation and interest rates during the late 1980s were more than 20%. That was a far more serious problem for farmers. With regard to the multiple retailers, it is a problem that there are now three or four major multiples in this country that dictate, to a large degree, the margins for individual producers at farm level. Thankfully, however, there are some retailers still based in country towns who take produce from local suppliers so there is a degree of competition. Some of the new member states of the European Union, however, did not have that structure under the old communist regime so they are in a difficult situation. There were no shops in rural towns as the economy was centrally structured.

The farming organisations and stakeholders are conscious of this problem. There was what was called the "trolleycade" earlier this year to insist on reasonable margins in, for example, the liquid milk sector. There will continue to be such campaigns. The Competition Authority is keeping an eye on this, as it should. The primary producers are entitled to a fair income and a reasonable margin but they are getting the least of the price for any product or range of products at present, and that is not how it should be.

**Single Payment Scheme.**

91. **Mr. Hayes** asked the Minister for Agriculture and Food his plans to simplify on-farm inspections. [20272/04]

**Mr. Walsh:** I am conscious of the need to simplify the on-farm checks to the greatest extent possible consistent with a system that will be acceptable to the European Commission. In this context, consultation will take place with all interested parties before 1 January 2005. In addition, it is my intention that individual farmers will be informed about the minimum standards that they will be expected to meet under the various directives, including the requirement to keep land in good agricultural and environmental condition.

Under EU regulations governing the single payment scheme, farmers are obliged to observe good farming practice and environmental conditions. A single inspection will replace the multiplicity of inspections to check compliance with the various premium schemes currently in place, such as suckler cow, special beef, ewe premium and so forth. A minimum of 5% of farmers will be subject to on-farm checks for the eligibility of the land declared. The inspection approach in these checks will be similar to the annual area aid inspections carried out up to now and some of these checks will be carried out by way of remote sensing.

Farmers in receipt of the single payment scheme are also obliged to comply with the statutory management requirements in environment, identification and registration of animals, public, animal and plant health and animal welfare. It will be necessary to inspect 1% of farmers for compliance with statutory management requirements, with the exception of identification and registration of animals where 5% of applicants must be inspected.

**Mr. Hayes:** I thank the Minister for his detailed response which I welcome. Farmers and farmers' organisations will also welcome his response. There is major concern among the farming community regarding the amount of red tape. One of the reasons farmers supported the Fischler proposals was that they believed they would cut through the red tape and allow them to farm as they were trained to do rather than wasting time getting tied up in inspections, cross-checking, double-checking and so on.

What organisations will the Minister consult? Will he consult the ICSA as well as the IFA and the ICMSA? The ICSA was the first organisation to come out in support of a once-off yearly payment. Will the Minister consult everybody in the process he is about to undertake?

**Mr. Walsh:** The answer to the latter part of the Deputy's question is "Yes". I will consult the general farming organisations, including the ICSA. It is my intention to introduce an inspection system which will meet the obligations of audit, accountability and value for money. There will be a single yearly farm payment of the order of €1.7 billion. We must ensure value for money and payments must meet the requirements of the various schemes. At the same time, it must be user-

friendly and should not terrorise farmers because of undue bureaucracy in delivering schemes. I would also like to see a few days' notice being given. Many farmers have off-farm jobs and a few days' notice would facilitate them in preparing for the visit of the inspector while adhering to the spirit of the scheme.

I am examining these issues intensively. As the Deputy rightly said, farmers opted in large numbers for a single farm payment and full decoupling. However, the main reason for doing so was to move away from red tape and bureaucracy. If that is not achieved, we will have let the farmers down.

**Mr. Hayes:** I agree wholeheartedly with the Minister. Is there an appeals mechanism available to farmers if their figures are found not to be correct? Are there any proposals to simplify procedures or allow farmers to use an intermediary to help them? These payments will be important to people to enable them to make payments to financial institutions and other agencies. There is much concern among farmers, bank managers and so on that the payment might not come through in the event of a mix-up. Is there any user-friendly way in which decisions can be appealed?

**Mr. Walsh:** Penalties will be proportionate to the scheme involved. In the context of livestock schemes, cattle may lose one ear tag, and sometimes a second one, through nobody's fault. If that were to happen and there is subsequently an on-the-spot inspection, it would be unfair to reduce the farmer's payment and put him through the full rigours of an appeal system. There must be fairness and proportion in operating the system. A year or so ago, as a result of demands from this House and elsewhere, we set up an appeals system in Portlaoise. I accepted amendments from all sides of the House to provide that farmers would be entitled to an oral hearing and could be accompanied by their Teagasc adviser or another adviser. That appeals system is independent, unlike the old system under which a farmer could be turned down by a local officer and the appeal was to his senior officer and had similar results. A total of 38% of appeals in 2003 were successful. That is what I want to see. I want the system to operate with the minimum of problems for farmers.

#### **World Trade Negotiations.**

92. **Dr. Twomey** asked the Minister for Agriculture and Food the position regarding discussions with the United States Department of Agriculture and the US Minister for Agriculture on all agricultural products that may be subjected to tariffs and imposed by the US Government; and if progress was made by the EU-US summit. [20579/04]

**Mr. Walsh:** The application of tariffs is governed by the World Trade Organisation rules. I

[Mr. Walsh.]

assume, therefore, that the Deputy is referring to the ongoing negotiations on the next WTO agreement under the Doha development agenda in which the European Commission negotiates on behalf of the EU on the basis of a mandate agreed by the Council of Ministers. The position is that the negotiations are proceeding in Geneva with a view to reaching agreement on a framework for modalities, or the broad general outline of a new WTO agreement, by the end of July. Negotiations on the details of a new agreement would follow any agreement on the framework and these further negotiations are likely to continue for several months and probably into 2005.

The EU-US declaration on strengthening our economic partnership, which was agreed at the recent EU-US Summit, commits both sides to advancing multilateral trade liberalisation, to strengthening the rules embodied in the WTO Doha development agenda negotiations and to co-operating to reach a successful conclusion to the negotiations as soon as possible. The declaration also committed the EU and US to consider how the existing strong economic ties might be enhanced and agreed that senior officials from the EU and US would be asked to explore means to eliminate trade, regulatory and investment impediments to further economic integration.

**Dr. Twomey:** I thank the Minister for his reply. This question arose from discussions we had with a congressional delegation in Leinster House last week. Members of the delegation were divided in their views on the Iraq war but were unanimous regarding the new legislation going through Congress imposing tariffs on agricultural products, especially casein and dairy products. It appears there is growing support within the US Congress for the proposal to impose tariffs on agricultural produce. Has the Minister had any discussions with the US Department of Agriculture on this issue? Does he see these tariffs having any effect on Irish agriculture? Does he believe there is a potential threat of an agricultural trade war with the US if support for such legislation gathers momentum within the US House of Representatives and a majority of congressmen approve the legislation?

Irish exports to the United States, half of which are alcohol-based drinks, are valued at €400 million. Is there ongoing review of our marketing of agricultural products in the US? The implementation of the US Bioterrorism Act of 2002 seeks more information, which will involve more paperwork and bureaucracy, from people exporting to the United States. Does the Minister believe this could have ongoing effects on Irish as well as EU exports?

**Mr. Walsh:** I agree that this is important to Ireland. We have substantial exports, especially of dairy products, to the US which are valued at approximately €400 million. I have periodic contact and negotiations with senior US officials up

to secretary of state level regarding those exports. In recent years we have smoothed difficulties that have arisen periodically. Nonetheless, in the overall context, the US is becoming more parochial and nationalistic regarding protecting their own industry.

I am watching that matter very closely, not least because the Irish dairy industry is very broadly based. There is hardly any county or corner of the country without a milk plant or facility, or dairy farmers. In west Cork in particular, in Ballineen, there is an outstanding and sophisticated milk processing plant that exports a substantial part of its output to the United States. I am watching and monitoring this closely, and it is a matter of some anxiety. However, the relations and we have built up have stood us in good stead. We have been able to iron out our difficulties up to now, and I hope and expect that to continue.

### Other Questions.

#### Animal Carcase Disposal.

93. **Mr. Timmins** asked the Minister for Agriculture and Food the amount of meat and bone-meal generated each week; and if he will make a statement on the matter. [20187/04]

**Mr. Walsh:** Each year the meat sector in Ireland generates 550,000 tonnes of animal by-products, which in turn are rendered into meat and bonemeal, MBM. A total of 138,453 tonnes of MBM were produced in Ireland in 2003, which represents a weekly average production of just over 2,662 tonnes.

The production of animal by-products and, in turn, of meat and bonemeal is a necessary part of a livestock and meat processing industry. In the absence of any domestic facility for using the product, either in industry or energy production, it must be exported for incineration to other EU countries.

**Mr. Hayes:** Is there any other way the Minister can envisage getting rid of the product? Incineration is obviously not available, but is there any other way that it might be dealt with? It is a significant problem and is obviously costing the country a great deal of money. That weekly tonnage represents a vast volume. Is there any other system we might use rather than incineration?

**Mr. Walsh:** As Deputy Hayes has said, this is a major and expensive problem. In 2002, I established an interdepartmental group to examine ways and means of disposing of and utilising that very large amount of meat and bonemeal. The committee recommended that it could be used for co-incineration in the manufacture of cement, as happens in other EU countries to which we export it for that use. Our difficulty is the cost of that transportation and export. The use of meat and bonemeal as a substitute fuel for energy pro-

duction is another possibility and we are considering landfill, incorporation into fertiliser and alkaline hydrolysis. We are keeping the matter under review.

That report was sent to the industry. We talked to people in the cement and energy industries to see if we could encourage them to use the product. All the risk material has been taken out of it. It is treated to international standards for time and temperature combinations which render it totally inert, and it is an entirely safe product. The Food Safety Authority was involved in the interdepartmental committee as an agency. However, it is regrettable that to date we have not been able to get any industry or part thereof to take an interest in meat and bonemeal as an energy or fuel source. We have been left with no option but to store and export it for use in the very same industries in other countries around Europe. We are finding a European solution to an Irish problem.

**Dr. Upton:** Does the Minister see any possibility of reducing the amount? Will it stabilise, or is it likely to increase? What options are there? He mentioned the task force and the group set up to examine it. Have there been any significant developments in international research that might suggest a way forward apart from incineration?

**Mr. Walsh:** Following the total ban on using meat and bonemeal in feed, the volume naturally increased, as did the risk material. A few years ago the brains and spinal cord were removed, but now larger amounts of risk material are extracted. As far as I can see, the volume will remain considerable. The question is therefore how we dispose of it. We will examine best practice in other countries, particularly in Europe, in that regard. We will keep in touch with the scientific bodies in other countries too. However, we are still left with a large problem in that several hundred thousand tonnes of meat and bonemeal must be disposed of. In the Irish situation, we cannot use thermal treatment; nor can we utilise it for animal feed because of the ban. The only alternative is to pay for the cost of storage and transport subject to industries in other countries paying a knock-down price since one has no alternative but to get rid of it.

**Mr. Hayes:** The Minister mentioned alternatives. Alkaline hydrolysis has been mooted several times, and I am delighted to hear that the committee examined that proposal. Might it be possible to pursue that, perhaps encouraging companies to take that route, which seems the environmentally friendly alternative to incineration among the options the Minister listed?

**Mr. J. Brady:** Is it difficult to get suitable storage facilities for meat and bonemeal? There was a great deal of talk about incinerators being built in this country for that purpose. Has there been progress in that area?

**Mr. Crawford:** How much is it costing per tonne to export it? What is done with it in Germany or wherever it goes?

**Mr. Walsh:** We have examined every possible way of disposing of and utilising meat and bonemeal, several of which I mentioned. Deputy Hayes asked about alkaline hydrolysis. We need the European Commission to approve that method and validate the process. We hope that that will happen very shortly. However, there is a shortcoming since with alkaline hydrolysis one must use a very considerable amount of water, and one produces a significant amount of sludge as a result. For a relatively small operation such as a farm or a butcher's shop, it would be a suitable way to dispose of the product. However, for larger processing plants, it would have limitations. Nonetheless, in following up such matters we must examine every possibility.

Regarding storage, one will get it if one pays for it, and it is costly. We are fortunate there is currently no beef intervention store, meaning that storage facilities are fairly readily available. Planning permission is a difficult matter at any time for a private house, never mind incineration, as I am sure Members are aware. I wish anyone applying for an incinerator the very best of luck. Nonetheless, we have made some progress in that area in that at least outline permission has been granted in one case. However, another element follows. The Environmental Protection Agency must give permission too and the detailed rules governing the procedure must be observed.

The net position is that we do not have thermal treatment facilities and that will continue to be so for some time. I do not know the cost per tonne but will communicate that directly to Deputy Crawford.

**Mr. Crawford:** What happens in Germany?

**Mr. Treacy:** Combined heating power.

**Mr. Walsh:** Combined heating power is used, as for industry in other countries.

#### **On-Farm Checks.**

94. **Mr. Perry** asked the Minister for Agriculture and Food his plans to streamline farm inspections; and if he will make a statement on the matter. [20175/04]

**Mr. Walsh:** It is necessary to simplify the on-farm checks as much as possible, consistent with a system that will be acceptable to the European Commission. Consultation will take place on this with all interested parties before 1 January 2005. I intend that individual farmers will be informed about the minimum standards they will be expected to meet under the various directives, including the requirement to keep land in good agricultural and environmental condition. Under EU regulations governing the single payment scheme farmers are obliged to observe good



[Mr. Walsh.] farming practice and environmental conditions. A single inspection will replace the inspections to check compliance with the various premium schemes in place. A minimum of 5% of farmers will be subject to on-farm checks for eligibility of the land declared. The inspection approach to these checks will be similar to the annual area aid inspections carried out hitherto and some of these will be carried out by remote sensing.

Farmers in receipt of the single payment scheme are also obliged to comply with the statutory management requirements in environment, identification and registration of animals, public, animal and plant health and animal welfare. It will be necessary to inspect 1% of farmers for compliance with statutory management requirements, except for identification and registration of animals where 5% of applicants must be inspected. My Department is drawing up an integrated control system for cross-compliance. My policy is to limit the number of on-farm checks to the minimum while ensuring that the interests of the EU taxpayer are protected. It is difficult to estimate the precise number of inspections overall but there will be a significant reduction in the number of on-farm checks.

**Mr. Crawford:** The Minister has already dealt with this issue but when does he expect that an inspector would furnish a report or make a decision after an on-farm inspection? Is it fair that someone should wait for several months without receiving the result of an inspection? What is the Minister's attitude to that sort of laxity?

**Mr. Walsh:** I want a simple system consistent with audit requirements and by which people would if possible receive a few days' notice of the inspector's call. The result of the inspection should be furnished as quickly as possible thereafter. If there is a problem caused by a deliberate action a penalty would be imposed but an innocent error such as the loss of a tag should be rectified as soon as possible. The independent appeals office deals expeditiously and humanely with farmers at oral hearings where it provides them with assistance. I expect that to continue as part of a sensible approach to the matter.

**Dr. Upton:** How will the 5% to be inspected be nominated? Does a system exist? Will the selection be made on a county by county basis? Will a person inspected this year be taken out of the loop for a certain number of years or what process will apply?

**Mr. Walsh:** It is a fairly arbitrary process and would be difficult to organise scientifically. If a person who has been inspected became complacent for three or four years it would not be very effective but equally it is not desirable to carry out frequent re-inspections. We need to approach the matter sensibly. A sample check

with a reasonable geographic spread should continue to be the basis for the selection. The criterion should be that the EU auditors, the Joint Oireachtas Committee for Public Accounts and the Comptroller and Auditor General are satisfied with the system.

#### **Long-term Land Leasing.**

95. **Mr. Deenihan** asked the Minister for Agriculture and Food his proposals to facilitate long-term land leasing; and if he will make a statement on the matter. [20182/04]

**Mr. Walsh:** The rapid economic growth since the early 1990s and the small amount of land for sale have contributed to significant increases in the price of land. Non-farmers competing with farmers for the limited amount of agricultural land that becomes available can make the cost prohibitive for many farmers. Land sales are at an exceptionally low level — less than 0.2% of agriculture area — and leasing is the only alternative for farmers wishing to develop the necessary scale for improved viability.

In November 2003 I made a submission to my colleague, the Minister for Finance, seeking an extension of the rental income exemption for long-term leases then available only to farmers over 55 years. On budget day 2004 the Minister for Finance announced that the age limit for qualifying lessors was being reduced from 55 to 40 years and the annual exemption thresholds were being increased from €5,079 to €7,500 for leases of five to seven years, and from €7,618 to €10,000 for leases of seven years or more. These changes were made effective from 1 January 2004.

**Mr. Deenihan:** Is the Minister aware that there are approximately 30,000 farmers aged 66 or over who receive non-contributory pensions? Would he agree that penalising them if they lease their land, by reducing their pensions, is a disincentive to them? Will he examine the social welfare code and the possibility of a greater exemption for people on non-contributory pensions and other social welfare payments?

An exemption introduced in the 1990s for REPS was a major incentive to encourage people in the west of Ireland in particular to enter that scheme. More land is available for leasing and will come up because of de-coupling but there are too few incentives to take it up. Will the Minister consider lowering the age limit of 40 years to 30 years to encourage and enable young farmers to lease land?

**Mr. Walsh:** I agree that farmers are constrained if they must buy farmland. The recent budget reduction of the age limit and the increase in the tax exemption for leasing land were welcome moves. I will discuss the matter of the non-contributory payments with the Minister for Social and Family Affairs because I sympathise with people receiving these payments. It was the sys-

tem for many years when there was no PRSI. In the past seven or eight years people have made RSI payments and are entitled to a full contributory pension. Those caught in the previous system are on a low threshold when the pension is reduced. I would like that to be taken into account. Although it is not my direct responsibility I will discuss it with the Minister for Social and Family Affairs.

The price of land is prohibitive. Most people agree that income from general farming would scarcely meet the repayments on the cost of land. Nevertheless a difficult hilly farm in West Cork, with approximately 62 acres of arable land, sold a couple of weeks ago for €1.3 million to a local farmer. One needs only read today's *Farming Independent* to see similar stories.

**Mr. Hayes:** Was it Paddy Sheehan?

**Mr. Walsh:** I could not advise any farmer on this because he or she would get a very poor return on the outlay as only 0.2% of land becomes available at any time, making it a very restricted market. The vendors do extremely well. I met the farmer who said that selling the farm was the first bit of ease he had got and he can look forward to a decent lifestyle in retirement.

#### Disadvantaged Areas Scheme.

96. **Mr. Crawford** asked the Minister for Agriculture and Food the position regarding his negotiations to have the remaining part of County Monaghan reclassified as severely handicapped; his views on whether this area has been seriously discriminated against over a long number of years; if or when it will be reclassified; and if he will make a statement on the matter. [20246/04]

**Minister of State at the Department of Agriculture and Food (Mr. Treacy):** On a number of occasions during the past two years our Department raised the issues of extension and reclassification of Ireland's disadvantaged areas at meetings with the European Commission. On all occasions, the Commission services strongly made the point that a review request for reclassification of any area could lead to a demand for justification of the current designation and classification of all Ireland's existing disadvantaged areas.

On the most recent occasion when our Department endeavoured to progress this matter — at a meeting with the Commission on 9 December last — we were again advised to be well aware of the risk associated with an examination of any formal request for reclassification. In light of the Commission's attitude, which has its basis in negative comments by the European Court of Auditors, our Department is examining at present how best it can progress this matter further.

**Mr. Crawford:** Does the Minister of State realise that what has been done to farmers in the area of County Monaghan to which the question

refers is totally illegal, immoral and unjust? The census carried out by officials of the Department clearly showed that vast areas which have been left out of the scheme are much more entitled to be included than areas which were included on previous occasions. The Minister, Deputy Walsh, laughs about this matter but this is the only portion of Connacht-Ulster that has been left out. The latter was done for political reasons.

I ask again that the Minister put the proposal to Brussels because I do not believe it will be refused. His predecessor put the other half of the remainder of Monaghan to Brussels through the STAR committee and this was accepted. It was only when this happened that it emerged, on foot of ministerial replies, that certain areas had unjustifiably been left out. When will the remainder of County Monaghan be included?

**Mr. Treacy:** I listened with interest to Deputy Crawford who has been on both sides of this issue for a long period. I recall his making representations on behalf of a particular organisation about it in the past.

**Mr. Crawford:** It was the Minister's fellow countyman who shafted us on that occasion.

**Mr. Treacy:** My countyman did a great job.

**Mr. Crawford:** Yes, because all of the Minister of State's county was included while a portion of mine was not.

**Mr. Treacy:** Is the Deputy stating that it was his decision?

**Mr. Crawford:** We certainly have a problem.

**Mr. Treacy:** I did not realise he was a politician.

**Mr. Crawford:** He was not a politician.

**Mr. Treacy:** Then that contradicts the Deputy's earlier assertion that this was a political decision and that the area in question was left out for political purposes. One cannot give credit to somebody for making a decision that had positive benefits for one part of the country and then claim that political negativity applied to another. That argument does not stand up and is not sustainable.

**Mr. Crawford:** The Minister of State should tell that to the people of Monaghan.

**Mr. Treacy:** This matter has been reviewed and considered in great detail and changes and progress have been made in County Monaghan. The Minister and his team, our colleagues, the Ceann Comhairle and I have made serious and strenuous representations about this matter. We would like to be able to ensure that a positive conclusion will be reached in the near future. That is what we want. However, we have come up against a stone wall. Professor Seamus Sheehy chaired a

[Mr. Treacy.] committee which examined this matter and concluded that the deal we had obtained was the best available. Perhaps as we go forward with great optimism into the future there may be one or two great Irish people who will have a key role to play which might ensure that there will be a positive conclusion to the Monaghan symphony.

**Mr. Crawford:** Professor Sheehy was not allowed to visit Monaghan.

*Written Answers follow Adjournment Debate.*

### Adjournment Debate Matters.

**An Ceann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Cowley — to ask the Minister whether he feels that the decision not to renew the licence of North West Radio by the Broadcasting Commission of Ireland is a travesty of justice; (2) Deputy Burton — the proposed examination by the Office of Public Works of the proposed Liffey Valley national park; (3) Deputy Eamon Ryan — if an application has been made for the funding of a new pool in a centre (details supplied); (4) Deputy Pat Breen — why Kilrush, County Clare, has not been identified in the first round of towns under the broadband action plan for 2005; (5) Deputy Seán Ryan — the need to significantly increase both the income eligibility limits and the maximum loan availability for the local authority shared ownership and affordable housing schemes; (6) Deputy Ó Fearghaíl — to ask the Minister to intervene in the situation in which IDA Ireland has lodged an objection with An Bord Pleanála (details supplied); and (7) Deputy Deenihan — the crisis facing community organisations throughout the country following the scrapping of the social economy scheme.

The matters raised by Deputies Ó Fearghaíl, Deenihan, Eamon Ryan and Seán Ryan have been selected for discussion.

### Leaders' Questions.

**Mr. Kenny:** I note the Taoiseach's comments to the Fianna Fáil Parliamentary Party about the recent election results which he described as devastating. In recent weeks, the Standards in Public Office Commission reprimanded two Ministers for not abiding by the code of conduct for office-holders. In particular, the Ministers in question did not observe the code that stipulates that official facilities should be used only for official purposes.

On a number of occasions during the past 15 to 18 months, I have raised the issue of the communications unit in his Department with the Taoiseach. The unit employs six staff and costs approximately €300,000 to run. The Taoiseach has consistently portrayed this unit as being non-political and has stated that it merely collects

information in a factual manner and provides, without comment, a synopsis of the main news bulletins and major newspaper headlines. He stated, "There is no political comment on what I, other Ministers or Opposition spokespersons said."

How does this fit with the description of the functions of the media monitoring staff, annexed to a Department circular seeking staff for a post in the unit, which states that the principle function of the unit is to act as an early warning system to Government about critical and negative media coverage? The official circular states that the unit will be responsible for ensuring that relevant Departments are in a position to respond quickly to such negative media coverage. It further states that staff will need to maintain a constant watching brief on political issues.

There is clearly a conflict between what the Taoiseach has been telling the House and what the circular to staff actually says. This leads one to believe that this is another case of €300,000 being spent for political purposes. Will the Taoiseach agree to an independent assessment of the work of the communications unit, either by the Standards in Public Office Commission or the Comptroller and Auditor General?

**The Taoiseach:** I would have no problem if the Standards in Public Office Commission wanted to investigate the activities of the media monitoring unit. If it has nothing else to do, I would be delighted to facilitate it in this regard. If the Comptroller and Auditor General has nothing better to do, he can also investigate the unit.

**Mr. Kenny:** The Taoiseach has stated that this unit does no political work at all. However, the circular to which I refer and which is publicly available states that in many ways the unit will be modelled on the British Labour Party's quick response unit based in Millbank, London. Is the Taoiseach confirming that he has no objection to an independent assessment of this unit and its work, which is clearly political? There is quite a difference between what the Taoiseach has been telling the House for the past 18 months and what is contained in the official circular in which staff are requested for what are clearly political positions.

**The Taoiseach:** I have no difficulty with the Deputy's suggestion. As far as I am concerned, he can carry out the independent inquiry himself. The staff of the unit are civil servants and they play no political role. They carry out assessments of media reports in the morning and throughout the day. As I have said on the record of the House, they go to Ministers, Ministers of State and departmental officials. They also make transcripts of media interviews requested by Departments, which up to then were done by commercial organisations, thus saving a considerable amount of money. They do not make any political assessments and they are not involved in any par-

icipation or scripting of advice on how to respond to a headline or other media issue. They do not participate in any of that. As far as them being in the same business as Millbank, an operation with which I am reasonably familiar, they would not do 0.001% of what Millbank does.

**Mr. Allen:** The Taoiseach is getting bad value for money.

**The Taoiseach:** It is a different job.

**Mr. Rabbitte:** Since the announcement by the Minister for Transport last July, the Labour Party has indicated it would oppose the break-up of Aer Rianta unless the business case is clearly established in advance.

I have available to me the legal advice furnished last week to the company from Arthur Cox solicitors which appears to confirm the fears I raised by letter with the Minister for Transport on 27 July last year. In essence, the Arthur Cox advice appears to conclude that, at its mildest, it is problematic whether the Minister can proceed as outlined in the Bill and certainly not without securing express waivers from the company's bankers and bond holders. Otherwise, the restructuring would constitute an event of default and the banks would be entitled to accelerate and demand immediate repayment of the loans.

In the opinion of the company's legal advisers, the bank terms do not permit Aer Rianta "to cease to carry on any part, or in some case, any substantial part, of its business" or "Aer Rianta ceasing to retain ownership of, and to conduct operations from Cork and Shannon without an express waiver" or it would constitute an event of default. The advice also states:

The Bonds contain a cross-acceleration Clause pursuant to which if any indebtedness of Aer Rianta ... of more than 32 million were declared due prematurely by reason of an event of default this will constitute an event of default under the Bonds.

Has the Minister or the company been in contact with any of the company's lenders or the bond trustee to seek such a waiver? What is the view of the Minister for Finance? How much are the fees referred to by the legal advisers for securing such a waiver?

According to the advice from Arthur Cox:

It appears therefore that waivers will be required from some lenders under the Bilateral Facilities and possibly from the bond trustee to avoid defaults arising in connection with the proposed restructuring. These lenders may balk at issuing a general waiver in connection with the restructuring and may wish to limit the scope of any such waiver, adopting a 'wait and see' approach.

**The Taoiseach:** The bondholders' issue is being dealt with by the Department of Transport. The maintenance of good communications between

Aer Rianta and all its funders, including the bondholders, is an important but normal part of the process upon which the Government has embarked in restructuring Aer Rianta. The company is handling the funder relationships in a professional and business-like way. The appropriate initial communications were made by the company in July of last year on the announcement of the Government's decision to restructure Aer Rianta and more recently on the publication of the Bill. That has been accompanied by appropriate communications between the company and its funders. The communication process will continue in the coming weeks and months.

While the handling of this important aspect of the restructuring process is a matter for the company, both the Department of Transport and the Department of Finance are involved and continue to offer whatever advice or assistance the company may seek from the handling of these communications. The Department of Finance is fully involved in this matter. If necessary, senior officials from both Departments will participate appropriately in such communications. The issue is being dealt with and has been dealt with for the past 12 months and this will continue to be the case.

**Mr. Rabbitte:** I asked the Taoiseach to clarify whether the matter is being dealt with or as he said, has been dealt with. It is important that we are precise. We have been going on with this for a year. The Government is proceeding to break up a company and then to give the justification for breaking it up afterwards. The advice I partially put on the record of the House is dated 30 June and states:

The purpose of this letter is to confirm the current status of our analysis in relation to the implications that enactment of the Bill may have for the Aer Rianta group's funding arrangements.

Has the Taoiseach provided for that? There is no point telling me that it is being provided for, as this has been going on for a year. I wrote to the Minister on 27 July last year and raised this very particular point about the indebtedness denominated in bonds at that time. I explained my advice in terms of the implications for funding of the dismantling of the company in terms of company law and so on and so forth. In response, the Minister said he did not know but he was having it examined. The Taoiseach appears to be saying now in one breath that it is being examined and in another that it has been examined.

Has the waiver been sought from the bankers and the bond trustee, has it been received and is there a clear position on this in terms of Aer Rianta itself? Why would the company be seeking legal advice if the matter were secured and approved by Government.

**The Taoiseach:** I will repeat what I said. The initial communications on this matter were made

[The Taoiseach.]  
 a year ago when the Government announced the decision to restructure Aer Rianta. More recently, the discussions have continued by the appropriate communications between the company and its funders. It is an ongoing issue. The funders must be involved and the bondholders must be informed. As I said, this is an important but normal part of the process upon which the Government has embarked in the restructuring of Aer Rianta. That process will continue in the coming weeks and months. The process to be followed between now and next April has been set out in—

**Mr. S. Ryan:** The Bill will be enacted tonight.

**The Taoiseach:** — a Bill that is before the House.

**Mr. S. Ryan:** That is a damning report from Arthur Cox.

**An Ceann Comhairle:** Deputy Seán Ryan should be silent and allow the Taoiseach to answer the question without interruption. It is not Deputy Ryan's question; it is his leader's question and Deputy Rabbitte is entitled to hear the answer.

**Mr. S. Ryan:** I cannot keep quiet and listen to the Taoiseach coddling people.

**An Ceann Comhairle:** The Deputy should be quiet.

**The Taoiseach:** Both the Department of Transport and the Department of Finance are involved in the handling of this important aspect of the restructuring process of the company. There is no ongoing difficulty with this issue. The matter is being handled. The Department of Finance is involved in the issue and any matters arising will be dealt with between the two Departments.

**Mr. Rabbitte:** Why would the legal advisers say there are difficulties? That is a ridiculous answer.

**Mr. Sargent:** On a related matter but a different company, the news of the management buy-out proposal from Aer Lingus management is of immense interest and not a little concern to the 4,100 remaining Aer Lingus employees, given that 3,000 have already been sacrificed following the downturn after 11 September 2001. Given that the airline stands to make profits of €90 million this year, will the Taoiseach indicate to the House when he or the Minister for Transport became aware of this proposal? There is a widely held view that the Government was aware of this going back some time and that it only came into the public domain at the weekend.

Can the Taoiseach confirm that a management buy-out proposal would usually come about when a company was in some trouble and needed radical or emergency action to be taken? Where does

that sit in regard to Aer Lingus which we all thought was doing very well? Is the Taoiseach considering the ethical issue of management putting forward a buy-out proposal having been the same people that have engaged in so many of the cuts? Is there not a case to be answered ethically as to whether those people should then, effectively, benefit from having made those cuts themselves?

Many people also want to know about the pension arrangements. When it considers this matter, will the Government honour the Pensions Act, considering the €120 million shortfall from the superannuation scheme? In other words, is the taxpayer to take on that matter outside the management buy-out terms?

**An Ceann Comhairle:** The Deputy's two minutes has concluded.

**Mr. Sargent:** Despite the fact that British Airways is experiencing a fall in share price due to fuel costs, there is no reference to this with regard to Aer Lingus. It seems strange that this matter would not be taken into account when the Government is considering it. When did the Government know about the management buy-out proposal and is it as recent as the newspapers indicate?

**The Taoiseach:** The Deputy has raised a number of points. The Government discussed this matter today and will respond in due course to the request in the context of the ongoing consideration of the ownership issue, which has been under way for several months. It will not be considered separately. A Cabinet sub-committee which consists of myself, the Tánaiste, the Ministers for Finance, Transport, and Arts, Sport and Tourism is examining all the issues on this matter and will report back to Government. We have advised Aer Lingus senior management that in the interim there was to be no further activity as regards the requests for consent to develop a proposal until the Government has had time to consider the matter in detail. So it cannot proceed any further with its proposal.

We will also consider the request in the context of the point the Deputy made on the need for openness and transparency, and avoidance of conflict of interest in consultation with the stakeholders. This is an important point as these people form the company's management and as the Deputy said, the governance issue is important in this matter and must be protected. Legal advice on that issue was sought. The new interim chairman, Mr. John Sharman, as an existing director acting in that position, has sought legal advice on the roles and corporate governance arrangements they need to put in place for the specific and unique circumstances that have arisen, where management has requested permission to develop a proposal but no such proposal currently exists or has been tabled, which is the position.

On 2 July, the chief executive formally wrote to the Minister and the company's secretary advising of the request and submitting a briefing document. The Department of Transport immediately requested that no further activity take place on the proposal until that matter had been considered from a corporate governance process and policy perspective. The appropriate legal and financial advice was then sought and the Government reiterated that today.

As I understand the Deputy's first question, Aer Lingus senior management has requested permission to develop investment proposals for the company and in the absence of a company chairman, the chief executive advised the Secretary General of this request at a meeting on 24 June. This was the first time the matter was raised and it was followed by a letter on 2 July.

**Mr. Sargent:** The Taoiseach said this was raised for the first time on 24 June. However, my question was whether this matter was discussed at Cabinet prior to that? Is there truth in the reports I have heard that the Cabinet was thinking along these lines and that effectively the management has been acting on what was unofficial Cabinet policy? The Taoiseach did not answer my final question about fuel costs. I have raised this issue in the House before and will continue to do so because fuel reserves here are limited to about three days. I understand that most of our fuel reserves are in the UK. If British Airways is concerned about this matter, I would be surprised if a company like Aer Lingus is not concerned.

The Retired Aviation Staff Association is certainly very concerned about this proposal. I did not get an answer to my question about the Pensions Act and honouring the superannuation scheme, which is at a cost of approximately €120 million as far as I am aware. Will this be honoured by the taxpayer or what will happen to the retired staff who are concerned about their pensions?

**The Taoiseach:** No management buy-out proposal was put on the table in any form. As the Deputy knows, for some time the Government has been considering the future ownership of the airports. That process has been under way and that matter has been in the public domain for a long time. However, this was a new proposal that was not discussed and the Government was not aware of it. Today was the first time the Government discussed it. Most Ministers would have heard nothing of this until 2 July because the other meeting was with the Secretary General of the Department. It was only when the letter came in that the matter was made public.

Obviously if there is a change in the future, issues concerning pensions, governance etc. would have to be examined in detail. At this stage it is preliminary to say that. The ownership issue and the ongoing consideration of these issues are at an early enough stage.

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

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

**Ms O. Mitchell:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the need for clear direction to hospitals and hospital managers in respect of the European Working Time Directive and specifically to clarify if the directive is still to be implemented in spite of the absence of any planned implementation plan and the proliferation of tales from hospitals around the country of the planned reduction in services, shorter clinic times, ward closures and the planned referral of emergencies to hospitals outside of the jurisdiction.

**Mr. Allen:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the pressure imposed on the Heritage Council by the Minister for the Environment, Heritage and Local Government, Deputy Cullen, to set up a biological records centre in the Waterford Institute of Technology without advertising it for tender.

**Mr. J. Higgins:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the initiative by the chief executive officer of Aer Lingus and other executives to privatise the national airline by leading a move to have the company purchased by private interests; the massive conflict of interest on many levels of executives of a semi-State company seeking to privatise the company; the need to dismiss from his the position the chief executive officer because of an irreconcilable conflict of interest and elect a board committed to the development of Aer Lingus in public ownership from among the airline staff and users of the service; and the need for the Minister for Transport to make a clear statement on the Government's approach to this issue.

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

### **Order of Business.**

**The Taoiseach:** The Order of Business today shall be as follows: No. 18, State Airports Bill 2004 — Order for Report, Report and Final Stages; No. 19, Maternity Protection (Amendment) Bill 2003 [*Seanad*] — Order for Report, Report and Final Stages; and No. 20, International Development Association (Amendment) Bill 2003 — Order for Report, Report and Final Stages

[The Taoiseach.]

It is proposed, notwithstanding anything in Standing Orders, that (1) the Dáil shall sit later than 8.30 p.m. and business shall be interrupted not later than 10.30 p.m.; (2) Report and Final Stages of No. 18 shall be taken today and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 7.00 p.m. by one Question which shall be put from the Chair and which shall, with regard to amendments, include only those set down or accepted by the Minister for Transport; (3) Report and Final Stages of No. 19 shall be taken today and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 10.30 p.m. by one Question which shall be put from the Chair and which shall, with regard to amendments, include only those set down or accepted by the Minister for Justice, Equality and Law Reform; (4) Private Members' business shall be 33, Sustainable Communities Bill 2004 — Second Stage and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 8.30 p.m. on Wednesday, 7 July.

**An Ceann Comhairle:** There are four proposals to put to the House.

Is the proposal for dealing with No. 18, conclusion of Report and Final Stages of the State Airports Bill 2004 agreed?

**Mr. Kenny:** No, I object to this. As has been pointed out on many occasions, the Government has put the cart before the horse and we are being asked to consent to a Bill that will break up the State airports without business plans being produced and no solutions being offered as to what will happen if the business plans do not stand up. The debate will be guillotined at 7 p.m. and I object to that.

**Mr. Rabbitte:** I object also to the Bill being railroaded through the House in this fashion. It is clear from the documents I have read on the current legal advice to the company that the waters are as muddy now as they were 12 months and the view of Government is no clearer as to what is driving this and why than it was then. No business plan has been made out and yet the Government will proceed to go ahead from the date of enactment and then ask the new companies to come forward with a business plan. I am aware this is causing as much concern on the benches behind the Taoiseach as it on these benches. Why are we proceeding?

One of my Labour Party colleagues in the Seanad has given me a transcript from today's debate where the Leader of the House stated:

It would not be possible to give due consideration to any Bill in the time available. We have much work to do this week and I am conscious not alone on the calls upon spokespersons in the House, but also of the pressures on the staff.

It is clear that there is no imperative for us to rush this Bill through the House. I must oppose the legislation. The company has indebtedness of

€482 million which is not particularly unusual, given the scale of its operations. However, the fact that the Government seeks to dismantle it by taking a most unusual approach and, as Deputy Kenny states, putting the cart before the horse is a serious matter.

I appeal to the Taoiseach, even at this late stage, to reconsider. Whatever is going on at Dublin Airport? The break-up of Aer Rianta, the provision of a second terminal and the privatisation of Aer Lingus is all supposed to be one big coincidence. That is the suggestion. We need time to consider this serious step before it costs the taxpayer dearly, as for example the cocked-up privatisation of Telecom Éireann for which the taxpayer paid dearly, not to mention the number of people who lost money. Does anybody think we have cheaper tariffs, which was the promise? We are repeating the error here.

**Mr. Sargent:** The State Airports Bill 2004 is being commented on widely and the more it is commented on, the more reckless it is being found to be and the more wasteful in terms of resources. In effect, it is creating a runaway aeroplane which perhaps the Minister for Finance will stop. It is an impossible scenario.

The Government needs to think long and hard and realise that it is on a dangerous course of action. To try to dispose of the Bill by guillotining the debate is the ultimate recklessness and will come back to haunt the Government. The Green Party believes that not only is more time necessary to debate the Bill, it should be thrown out. Private Members' business begins at 7 p.m. and it would be an insult if the vote were to eat into that time. Will the Chair clarify that Private Members' Business will begin at 7 p.m.? We will oppose the guillotine as well as opposing the Bill.

**Caoimhghín Ó Caoláin:** The Government is disgracefully proposing to guillotine the Report Stage debate of the State Airports Bill 2004, which in effect is a wreckers' charter for Aer Rianta. This Bill has serious implications for thousands of jobs, for the livelihoods of workers and for many families. It is unacceptable that the Government is proposing to break up Aer Rianta and, after the fact, business plans will be produced to justify what it will have already done. This is an outrageous approach. It is unprecedented and is legislative madness. There is no other way to describe it.

**An Ceann Comhairle:** We are not discussing the legislation.

**Caoimhghín Ó Caoláin:** We are being asked to pass the Report and Final Stages of the Bill in the next hour and a half. I noted the Chief Whip indicating disagreement with Deputy Sargent which clearly means there will be an intrusion into Private Members' Business. This is unacceptable and I appeal to the Taoiseach to act responsibly on this serious matter that needs careful consideration, something it will not get on the basis of what is proposed. We not only oppose the guillotine but also the Bill.

**The Taoiseach:** As far as acting responsibly on this issue, the business plans must be prepared and presented before 30 April next, so that process —

**The Taoiseach:** —continues after the passing of the Bill.

**Caoimhghín Ó Caoláin:** That is after the event.

Question put: “That the proposal for dealing with No. 18 be agreed.”

**Ms Shortall:** After the event.

The Dáil divided: Tá, 61; Níl, 53.

Tá

Ahern, Bertie.  
Ahern, Dermot.  
Ahern, Michael.  
Ahern, Noel.  
Andrews, Barry.  
Brady, Johnny.  
Brady, Martin.  
Browne, John.  
Callanan, Joe.  
Carey, Pat.  
Carty, John.  
Cullen, Martin.  
Curran, John.  
Davern, Noel.  
de Valera, Síle.  
Dempsey, Tony.  
Dennehy, John.  
Devins, Jimmy.  
Fitzpatrick, Dermot.  
Gallagher, Pat The Cope.  
Glennon, Jim.  
Grealish, Noel.  
Hanafin, Mary.  
Haughey, Seán.  
Hoctor, Máire.  
Jacob, Joe.  
Keaveney, Cecilia.  
Kelleher, Billy.  
Kelly, Peter.  
Killeen, Tony.  
Kitt, Tom.

Lenihan, Brian.  
McCreevy, Charlie.  
McDaid, James.  
McDowell, Michael.  
McGuinness, John.  
Martin, Micheál.  
Moloney, John.  
Moynihan, Donal.  
Moynihan, Michael.  
Mulcahy, Michael.  
Ó Cuív, Éamon.  
Ó Feargháil, Seán.  
O'Connor, Charlie.  
O'Dea, Willie.  
O'Donnell, Liz.  
O'Keeffe, Batt.  
O'Keeffe, Ned.  
O'Malley, Fiona.  
O'Malley, Tim.  
Parlon, Tom.  
Power, Peter.  
Power, Seán.  
Sexton, Mae.  
Smith, Brendan.  
Smith, Michael.  
Treacy, Noel.  
Wallace, Mary.  
Walsh, Joe.  
Woods, Michael.  
Wright, G. V.

Níl

Allen, Bernard.  
Boyle, Dan.  
Broughan, Thomas P.  
Bruton, Richard.  
Burton, Joan.  
Connolly, Paudge.  
Costello, Joe.  
Crawford, Seymour.  
Crowe, Seán.  
Cuffe, Ciarán.  
Deenihan, Jimmy.  
Durkan, Bernard J.  
English, Damien.  
Enright, Olwyn.  
Ferris, Martin.  
Gregory, Tony.  
Harkin, Marian.  
Hayes, Tom.  
Healy, Seamus.  
Higgins, Joe.  
Hogan, Phil.  
Howlin, Brendan.  
Kehoe, Paul.  
Kenny, Enda.  
Lynch, Kathleen.  
McCormack, Padraic.  
McGrath, Finian.

McGrath, Paul.  
McHugh, Paddy.  
McManus, Liz.  
Mitchell, Olivia.  
Morgan, Arthur.  
Moynihan-Cronin, Breeda.  
Naughten, Denis.  
Neville, Dan.  
Ó Caoláin, Caoimhghín.  
Ó Snodaigh, Aengus.  
O'Dowd, Fergus.  
O'Keeffe, Jim.  
O'Shea, Brian.  
O'Sullivan, Jan.  
Pattison, Seamus.  
Quinn, Ruairí.  
Rabbitte, Pat.  
Ryan, Eamon.  
Ryan, Seán.  
Sargent, Trevor.  
Shortall, Róisín.  
Stagg, Emmet.  
Stanton, David.  
Twomey, Liam.  
Upton, Mary.  
Wall, Jack.

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



Question declared carried.

**An Ceann Comhairle:** Is the proposal for dealing with No. 19, the conclusion of Report and Final Stages of the Maternity Protection (Amendment) Bill 2003 [*Seanad*] agreed?

**Mr. Kenny:** I object to this proposal on the same basis. This is another guillotine by the Government, and on that basis and in accordance with the practice in the House, I object to it.

**Mr. Stagg:** Given the number of amendments which are tabled, there is absolutely no need for a guillotine on the Maternity Protection (Amendment) Bill 2003. If we need to sit until 10.30 p.m., we should do so, but I believe we will finish the Bill before that time. I ask the Government to withdraw the guillotine because there is no need for it.

**Mr. Sargent:** When one considers what has been said and the number of amendments which have been tabled, it is obvious what we should do. The Government argues that it uses the guillotine only when necessary, but it has not made a case for it on this occasion. We oppose the proposal.

**Caoimhghín Ó Caoláin:** I concur with Deputy Stagg. When one examines what has to be addressed, it is clear that the guillotine is unnecessary in this case. It shows the habit-forming aspect of the Government. After it started to employ the guillotine, it applied it right across the board without an assessment of need, if need ever arose. There is certainly no need for a guillotine in this case and I urge the Taoiseach to withdraw it.

**The Taoiseach:** If Deputy Stagg's proposal that the guillotine be removed and we finish the Bill at 10.30 p.m. is agreed by everyone in the House——

**Mr. Stagg:** We will probably finish before then.

**The Taoiseach:** If that is his proposal, I agree. Does everyone in the House agree?

**Deputies:** Agreed.

**The Taoiseach:** Otherwise, we will bring it back in tomorrow morning.

**Mr. Rabbitte:** Twenty-one of us out of 24 agree.

**An Ceann Comhairle:** Is the proposal relating to No. 19, conclusion of Report and Final Stages of the Maternity Protection (Amendment) Bill 2003, agreed?

**Ms Hanafin:** It has been withdrawn.

**An Ceann Comhairle:** The proposal on No. 19 has been withdrawn. There will be no guillotine.

**Mr. Boyle:** Regarding No. 20, I ask for an assurance——

**An Ceann Comhairle:** No. 19 has been withdrawn.

**Mr. Boyle:** I am asking about the fourth proposal.

**An Ceann Comhairle:** Is the fourth proposal, which relates to Private Members' business tomorrow, agreed?

**Mr. Boyle:** It is likely that a vote will be called on the State Airports Bill 2004 at 7 p.m. I ask that we be accommodated by being given a guarantee that Private Members' time will continue for an hour and a half after the vote. That has been the practice in respect of Private Members' time on previous occasions. I do not want to lose time.

**The Taoiseach:** We cannot do that because it is proposed already to sit until 10.30 p.m., and people have to sleep.

**An Ceann Comhairle:** Is the proposal for dealing with Private Members' business tomorrow agreed?

**Mr. Sargent:** The Taoiseach's sleep pattern——

**Mr. B. Lenihan:** It is an admirable sleep pattern.

**Mr. Sargent:** ——does not dictate the pattern of the House.

**An Ceann Comhairle:** Sorry, we have had a comment from your colleague.

**Mr. Sargent:** If the Taoiseach has to sleep, that is his own business.

**An Ceann Comhairle:** If the Green Party Members wish to vote on their own Private Members' business, we will put the question. Is the question agreed?

**Mr. Boyle:** It cannot be agreed if we are not getting one and a half hours.

Question, "That the proposal for dealing with Private Members' business tomorrow be agreed", put and declared carried.

**An Ceann Comhairle:** I call Deputy Kenny on the Order of Business.

**Mr. Davern:** The Statue of Liberty is up behind him.

**Mr. Kenny:** I wish to ask the Taoiseach two questions. Will he indicate when he expects to appoint Ireland's next European Commissioner?

Legislation that was passed by the House recently means that members of the select committee dealing with the Judge Curtin case are

entitled, by exclusion, to examine material of a pornographic nature on a PC. I have been advised by Deputy Jim O’Keeffe that the legislation may have consequences for an employer who suspects that an employee may have breached ethical standards or regulations by viewing pornographic material on a PC. It seems that such an employer would be unable to view the material to ascertain whether such a breach took place without being in breach of the legislation.

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

**Mr. Kenny:** Will the Government and the Department of Justice, Equality and Law Reform examine the excluding legislation that was recently passed from that perspective?

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

**Mr. Kenny:** Such an examination is necessary to ensure that those who use PCs to acquire pornographic material are subject to legal constraint.

**An Ceann Comhairle:** I suggest that the Deputy should submit a question to the Minister for Justice, Equality and Law Reform.

**Mr. Durkan:** When?

**The Taoiseach:** I note Deputy Kenny’s comments. I will ensure that the matter is checked immediately.

**Mr. Rabbitte:** I remind the Taoiseach that Deputy Kenny’s first question asked him when he intends to appoint a Commissioner. Does he intend to reshuffle the Cabinet before the House rises for the summer recess?

**The Taoiseach:** The answer to both questions is “No”.

**Mr. Howlin:** The first question asked when a Commissioner will be appointed.

**Mr. McCormack:** You are safe, Joe.

**Mr. F. McGrath:** We are in the silly season.

**Mr. Durkan:** Many of them will be on the detour again.

**Mr. F. McGrath:** Deputy Davern will be a Minister soon.

**Mr. Sargent:** I have raised on many occasions the issues of under age drinking and drinking in open spaces and ditches. It is obvious that the alcohol products Bill, which relates to the control of advertising, sponsorship, marketing practices and sales promotion will not come to the House

before the autumn. Will the Taoiseach offer the Opposition parties a briefing on measures in this regard? This is a serious matter in many communities. Off-licences need to be accountable for the alcohol that is getting into the hands of under age drinkers. It is important that we consider it as a matter of urgency.

**The Taoiseach:** I understand that the heads of the Bill, which will be passed later this year, have been published to facilitate consultation and comment on it. I am sure a briefing can be arranged for Deputy Sargent or another member of his party.

**Mr. Deenihan:** The Taoiseach has said on a number of occasions that he will introduce the health and social care professionals Bill. In June and December 2003 and February 2004, he said that the Bill will be brought forward in the next session. When does the Taoiseach envisage that it will be introduced?

**The Taoiseach:** The heads of the Bill have been approved for some time. It would have been considered by the House in the normal course of events, but we have had to consider a great deal of other legislation. It is listed for the autumn session.

**Mr. Broughan:** We are facing industrial action in the ESB when the Dáil rises. Does the Taoiseach believe that a factor in the uncertainty that workers—

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

**Mr. Broughan:** I am asking about legislation, that is exactly the point.

**An Ceann Comhairle:** I ask the Deputy to come to the legislation.

**Mr. Broughan:** The uncertainty faced by the workforce of the ESB relates to the failure of the Minister, Deputy Dermot Ahern, to bring forward major legislative matters, especially the electricity Bill, which has been promised on many occasions, and the energy Bill. Will the Taoiseach give us a timeframe for the Bills? Will the electricity Bill be brought to the House at some stage?

**The Taoiseach:** The Bill in question relates to the remaining regulatory and restructuring issues facing the electricity industry. The ESB will become a PLC under the Companies Acts and the existing electricity legislation will be consolidated. The heads of the Bill were approved some time ago and the legislation has been drafted. It is expected that the legislation will be ready near the end of the year and will be considered early next year.

**Caoimhghín Ó Caoláin:** During statements on the Dublin and Monaghan bombings in the House last week, the Minister for Justice, Equality and Law Reform stated that the Government is considering the Oireachtas sub-committee's report, which was published last March.

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

**Caoimhghín Ó Caoláin:** Yes. Will the Taoiseach tell the House if the Government has concluded its deliberations? Will the Government bring a motion or legislation to the House?

**The Taoiseach:** There was an agreement some years ago to commence an inquiry, chaired by the late Mr. Justice Hamilton. Work has been ongoing for a number of years in that regard. It was agreed that the reports were to be sent to the relevant Oireachtas committee after they were completed. They would then be dealt with by the House before being considered by the Government. That is exactly what is happening. Given that the report was discussed in the House just last week, it is obvious that the Government has not concluded its deliberations.

**Mr. Crawford:** The Minister for Agriculture and Food, Deputy Walsh, has admitted that he failed to get agreement at EU level on the issue of live animal transport. When will the animal health Bill be brought to the House? Will we be given another means of discussing the future of agriculture?

**The Taoiseach:** The Bill is due in the middle of next year.

**Mr. Crawford:** It will be too late then.

**Mr. Howlin:** The Tánaiste recently indicated to me that she has taken on board some of the proposals I made about the work permits Bill. Has the Bill been considered by the Cabinet? Have the heads of the Bill been approved?

**The Taoiseach:** It has not been considered by the Cabinet yet. It will be brought forward in the autumn.

**Mr. J. Higgins:** If the Government accedes to the request of the chief executive of Aer Lingus to lead the privatisation of the company, will new legislation be required?

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

**Mr. J. Higgins:** May I finish my question please? Will he give us an opportunity this week before the Dáil adjourns for the summer recess to discuss this issue?

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

**Mr. J. Higgins:** It is breathtaking that those entrusted with our national airline should be plotting its privatisation——

**An Ceann Comhairle:** Deputy, there are other ways of raising that matter.

**Mr. J. Higgins:** ——a process that would enormously enrich them, and the national Parliament does not even get an opportunity to discuss it. That is incredible.

**An Ceann Comhairle:** Standing Order 26 is specific. There is a lot of legislation before the House, Deputy. You will have to find another way of raising the matter.

**Ms Lynch:** He does not know. He is asking the question.

**Mr. J. Higgins:** A Cheann Comhairle, I asked a legitimate question.

**Mr. Rabbitte:** Is legislation necessary?

**Mr. J. Higgins:** The Stalinist bureaucrats in Russia acted like this in the 1990s.

**An Ceann Comhairle:** The Deputy must ask a question on promised legislation.

**Mr. J. Higgins:** They pillaged the public sector to enrich themselves.

**An Ceann Comhairle:** I call Deputy McManus.

**Mr. J. Higgins:** Will you allow me to put the question to the Taoiseach that is in order, a Cheann Comhairle?

**An Ceann Comhairle:** Standing Order 26 is specific.

**Mr. Davern:** A Cheann Comhairle, can I take Deputy Higgins's comment as a denunciation of his former colleagues?

**An Ceann Comhairle:** That does not arise on the Order of Business. Does Deputy Higgins have a question appropriate to the Order of Business?

**Mr. J. Higgins:** Will the Taoiseach indicate, following the discussion at today's Cabinet meeting on the request by the chief executive of Aer Lingus to privatise the company, if that requires new legislation and, if so, when does he propose to bring it before the Dáil?

**The Taoiseach:** The Aer Lingus Act was enacted some time ago but the proposal presented to the Government last week will now be taken as part of the examination already under way of the future of Aer Lingus. In the short term there will be no processing of what was put forward last week, as I said in reply to Deputy Rabbitte earlier. If, in the overall restructuring of Aer

Lingus, we come to the decision, that probably would require legislation if it is not covered under the recent Act.

**Mr. J. Higgins:** Is it the case that nothing will happen before the autumn?

**The Taoiseach:** That is the case.

**Ms McManus:** First, since the health and social care professionals Bill is delayed again, does the Taoiseach intend to publish the heads of the Bill? Second, on the promised major health reform legislation, the precursor for that legislation will be the publication of the second Hanly report, which is promised for this July. Will the second Hanly report be published this month?

**The Taoiseach:** Deputy McManus can take up the second question with the Minister, Deputy Martin. I am not aware of a second report.

On the first question, the heads of the health and social care professionals Bill have been approved by Government. I do not know if they have been circulated but I will ask the Minister for Health and Children because they were approved some time ago.

**Ms Shortall:** In light of the comments of the Leader of the Seanad this morning that the Seanad schedule is full, will the Taoiseach indicate the Government's proposals on the timescale for the passage of the State Airports Bill?

**An Ceann Comhairle:** Deputy, this House has just decided that the Bill will pass here at 7 o'clock this evening.

**Ms Shortall:** I am asking about the proposal for the passage of the Bill in the Seanad.

**An Ceann Comhairle:** This House has no responsibility for the Seanad. They are separate, independent Houses.

**Mr. Naughten:** When will that Bill be enacted?

**Ms Shortall:** When will it be enacted?

**The Taoiseach:** As soon as it is passed by both Houses, and I hope that is soon.

**Ms Shortall:** When does the Taoiseach expect it to be taken?

**The Taoiseach:** Very shortly, this week or next.

#### **State Airports Bill 2004: Motion to Recommit.**

**Ms Shortall:** I move:

That Dáil Éireann, pursuant to Standing Order 128(1) of the Standing Orders Relative to Public Business, directs that the State Airports Bill 2004 in whole be recommitted to a Committee of the whole House.

**An Ceann Comhairle:** Does the Minister oppose the motion?

**Minister for Transport (Mr. Brennan):** Yes.

**An Ceann Comhairle:** I will put the question.

**Ms Shortall:** I wish to comment on the motion. This is a lengthy and complex Bill, which is technical in nature. It was published early last week and the House was expected to take it within 48 hours of its publication. That was unfair to Members of the House. This is an important Bill which has serious implications for the taxpayer but also for the future viability of our three airports. Many thousands of families rely on our three airports for their livelihoods.

Committee Stage of the Bill was taken over ten hours last Thursday, with a number of amendments tabled. The transcripts of that debate are still not available and will not be available until later this evening. In fairness to Members of this House who are trying to do their business properly, it is only right that we should have an opportunity to read through the transcripts of Committee Stage before considering the amendments to be tabled for Report Stage. I am also concerned about the fact that additional amendments from the Minister were circulated at lunch time today which Members have not had an opportunity to consider. In view of the fact that the Bill is not scheduled to be taken in the Seanad this week, and the Leader has said that time will not be available because the schedule is full, there is no reason we should rush the Bill through this House tonight.

My principal reason for proposing recommitment of the Bill is the information that has been brought to the attention of the House today by the Labour Party leader, Deputy Rabbitte, in respect of the legal advice to the board of Aer Rianta on the likely implications for the bond holders of any move by the Government to enact this legislation and commence the break-up of the company. There are serious implications in respect of the bond holders and a strong possibility that as soon as action is taken by Government, the bond holders would move to call in their loans. That raises major issues for the solvency of the company. For these substantial reasons, I strongly urge the House to support this motion to recommit the Bill.

**Mr. Naughten:** I support Deputy Shortall in the points she raised. She is correct. We spent ten hours debating Committee Stage of the Bill last week and we received no answers from the Minister in regard to the detail of his proposals. The Government members of the committee were dumb-struck last week. There was not a word from them in respect of amendments put forward or concerns raised on any section of the Bill, with the exception of the final section when an issue regarding property was raised.

[Mr. Naughten.]

Serious concerns have been raised by the bond holders with the board of Aer Rianta. Deputy Rabbitte also raised a critical point about the viability of the future of the three airports, which will be in State ownership and could give rise to a significant liability on behalf of the State if this legislation is enacted without these concerns being addressed. The Minister has not provided us with information to support the case he is putting forward, and no one supported him on that in committee.

This legislation is being rammed through the House. It was published the week before last and the House took Second Stage. Committee Stage was taken last Thursday. We do not have the transcripts of that to allow us put forward reasoned amendments on Report Stage. Key questions have been raised but no one appears to be able to answer them, including the Minister. The practice in the past has been that the detail of a Bill would be discussed on Committee Stage. That did not happen last Thursday and the transcripts, when they are available, will highlight that answers or additional information were not provided on Committee Stage. For that reason, Deputy Shortall is correct in moving a motion to recommit the Bill and giving the Minister an opportunity to record some detail regarding his proposals.

**Mr. Boyle:** The Green Party supports Deputy Shortall's proposal and believes that much of what has been said is self-evident. This is yet another legislative measure that is being rushed through the House without proper consideration by Members. Of all such legislative measures, this is probably the one which has the greatest ramification in terms of how the State agency concerned is likely to provide a service for the State in the future and the way taxpayers' money will be used to the best possible effect.

Issues concerning procedures must also be addressed. For smaller political parties, particularly those without direct membership of the Select Committee on Transport, to be expected to contribute on Report Stage while the Committee Stage transcripts are not yet available is a further imposition. The Minister for Transport has tabled 21 amendments on Report Stage, which comes to one quarter of the total. The majority of those 21 amendments are towards the end of the Bill. There will be 100 minutes devoted to Report Stage which represents one minute for every tabled amendment. On each of these grounds, it is unacceptable that such a Bill be presented without the House's ability to give it due consideration. Deputy Shortall's motion must be supported by the House.

**Mr. Crowe:** I support Deputy Shortall's motion to recommit the Bill. The Minister for Transport did not answer many of the questions raised because he does not have the answers. He is rushing this Bill for his own particular reasons while no rationale or business plan has been presented. Sinn Féin has made clear its opposition to the Bill through previous interventions in this Chamber and on Committee Stage. The Minister's plans to privatise public transport must be resisted at every turn. There will no lengthy debate on these Report Stage amendments and most will not even be reached. The argument is also made that the Seanad will not have time to deal with the Bill. However, the core issue is that the questions raised by Members have not been answered by the Minister. He has had many an opportunity to answer them yet it seems he does not have the answers.

For ideological reasons and without proper planning, the Minister for Transport proposes the breaking-up of the national airports. He is also proposing the privatisation of CIE and Aer Lingus. With tunnel vision, he is set to ignore the needs of the people—

**An Ceann Comhairle:** Will the Deputy speak to the motion?

**Mr. Crowe:** I am speaking to the motion.

**An Ceann Comhairle:** The Deputy is not. This motion has nothing to do with CIE.

**Mr. Crowe:** I am speaking to a motion to recommit the Bill. I am speaking to the legislation itself. There are a variety of reasons the Minister for Transport has not answered the questions raised by Members. However, no rationale has been outlined for this Bill. I support Deputy Shortall's proposal. I have no doubt that the Government will proceed with the legislation. However, no answers will be given by the Minister because he does not have them.

**Mr. Brennan:** I endeavoured to answer all questions as best I could over ten hours on Committee Stage and the five hours on Second Stage. Many of the amendments tabled on Report Stage are variations of Committee Stage ones. Some are even identical. There is not much new material in these Report Stage amendments.

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

**Aengus Ó Snodaigh:** The Minister did not endeavour to answer questions.

Question put.

## The Dáil divided: Tá, 50; Níl, 60.

## Tá

Allen, Bernard.  
Boyle, Dan.  
Broughan, Thomas P.  
Bruton, Richard.  
Burton, Joan.  
Connolly, Paudge.  
Costello, Joe.  
Crawford, Seymour.  
Crowe, Seán.  
Cuffe, Ciarán.  
Deenihan, Jimmy.  
Durkan, Bernard J.  
English, Damien.  
Enright, Olwyn.  
Ferris, Martin.  
Gregory, Tony.  
Harkin, Marian.  
Hayes, Tom.  
Healy, Seamus.  
Higgins, Joe.  
Hogan, Phil.  
Howlin, Brendan.  
Kehoe, Paul.  
Lynch, Kathleen.  
McCormack, Padraic.

McGrath, Finian.  
McGrath, Paul.  
McManus, Liz.  
Mitchell, Olivia.  
Morgan, Arthur.  
Moynihan-Cronin, Breeda.  
Naughten, Denis.  
Neville, Dan.  
Ó Caoláin, Caoimhghín.  
Ó Snodaigh, Aengus.  
O'Keeffe, Jim.  
O'Shea, Brian.  
O'Sullivan, Jan.  
Pattison, Seamus.  
Perry, John.  
Quinn, Ruairí.  
Rabbitte, Pat.  
Ryan, Seán.  
Sargent, Trevor.  
Shortall, Róisín.  
Stagg, Emmet.  
Stanton, David.  
Twomey, Liam.  
Upton, Mary.  
Wall, Jack.

## Níl

Ahern, Dermot.  
Ahern, Michael.  
Ahern, Noel.  
Andrews, Barry.  
Brady, Martin.  
Brennan, Seamus.  
Browne, John.  
Callanan, Joe.  
Carey, Pat.  
Carty, John.  
Cassidy, Donie.  
Coughlan, Mary.  
Cullen, Martin.  
Curran, John.  
Davern, Noel.  
Dempsey, Tony.  
Dennehy, John.  
Devins, Jimmy.  
Fitzpatrick, Dermot.  
Gallagher, Pat The Cope.  
Glennon, Jim.  
Grealish, Noel.  
Hanafin, Mary.  
Haughey, Seán.  
Hoctor, Máire.  
Jacob, Joe.  
Keaveney, Cecilia.  
Kelleher, Billy.  
Kelly, Peter.  
Killeen, Tony.

Kitt, Tom.  
Lenihan, Brian.  
McCreevy, Charlie.  
McDaid, James.  
McDowell, Michael.  
McGuinness, John.  
Martin, Micheál.  
Moloney, John.  
Moynihan, Donal.  
Moynihan, Michael.  
Mulcahy, Michael.  
Ó Cuív, Éamon.  
Ó Fearghail, Seán.  
O'Connor, Charlie.  
O'Dea, Willie.  
O'Donnell, Liz.  
O'Keeffe, Batt.  
O'Keeffe, Ned.  
O'Malley, Fiona.  
O'Malley, Tim.  
Parlon, Tom.  
Power, Peter.  
Power, Seán.  
Sexton, Mae.  
Smith, Brendan.  
Treacy, Noel.  
Wallace, Mary.  
Walsh, Joe.  
Woods, Michael.  
Wright, G.V.

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

Question declared lost.

**State Airports Bill 2004: Report and Final Stages.**

**An Ceann Comhairle:** Amendments Nos. 14, 15, 18 and 19 are related to amendment No. 1. Amendment No. 15 is an alternative to amendment No. 14. Amendments Nos. 1, 14, 15, 18 and 19 may be taken together.

**Mr. Crowe:** I move amendment No. 1:

In page 5, line 10, after "AS" to insert "UD-ÁRÁS AERFORT BHAILE ÁTHA CLIATH, OR IN THE ENGLISH LANGUAGE".

Given all the obvious negatives surrounding this break-up proposal it is difficult to settle for amendments at all. The entire Bill is ridden with

[Mr. Crowe.]

flaws. I propose to amend the Long Title of the Bill by way of prioritising the Irish version. I move to have the title *Údarás Aerfort Bhaile Átha Cliath* inserted into line 10, page 5. This may seem of little consequence considering the urgent issues to be addressed in this Bill yet it needs to be looked at because there seems to be a trend whereby legislation is emerging in the English format. It is bad enough to see the company gradually being privatised without also having it anglicised. I propose that, where the English version of the title appears before the Irish version throughout the Bill, the order be reversed.

**Aengus Ó Snodaigh:** Seo ceann des na rudaí atá ag tarlú go rialta anois i reacthaíocht an Rialtais. Tá teidil Béarla á gcur ar gach sort bord agus údarás Stáit atá á bhunú. Tá an Rialtas ag tabhairt tús áite i gcónaí don mBéarla agus an tarna háit don Ghaeilge, in ainneoin gurb í an Ghaeilge an teanga náisiúnta. Ní teidil Béarla Aer Rianta nó Aer Lingus. Ní tugtar “the fleet of the air” ar an aer líne. Is trua go bhfuil an Rialtas ag dul sa treo seo.

Má fhéactar ar na boird a bhfuil an Rialtas tar éis bunú le déanaí feictear teidil Béarla go mór chun tosaigh orthu. Níl teidil Gaeilge ar an NRA nó ar an PIAB, mar shampla. Sa chás seo tá an Rialtas ag iarraidh go mbeadh teideal Béarla chun tosaigh arís. Sin meon an Rialtais i leith na Gaeilge.

**Ms Shortall:** Amendment No. 15 proposes the insertion of, “after the Cork and Shannon appointed days”. While I oppose the entire Bill, if the Minister goes ahead with it, to change the name of Aer Rianta to the Dublin Airport Authority prior to the setting up of the Cork and Shannon authorities does not make sense and leads to ambiguity. I suggest that the changes to the status and the name would not occur until the bigger issues are dealt with, namely, the Minister’s problems with how to effect the de-merger and the critical financial problems associated with this. Therefore, I suggest that Aer Rianta would remain intact and maintain its existing status and name until such time as the Minister is in a position to effect the full break-up.

**Mr. Naughten:** On amendment No. 15, it makes sense to leave the title in place. Many of the Minister’s colleagues and many Members on this side of the House are concerned with the fact that the Dublin Airport Authority will be in control of the management and operation of both Shannon and Cork airports for the next eight to nine months. This is especially so given the structure the Minister now proposes, whereby a board will be established in Dublin, the responsibility of which is for the operation, management and development of Dublin Airport. While nobody disagrees in principle with having a board dedicated solely to the development of Dublin Airport, it gives rise to significant concern that a board which is

appointed to do one job will also be in charge in the short term of the management and operation of both Cork and Shannon airports. It is within the capability of the board to impede any development that could take place at both Cork and Shannon airports in the intervening period.

These points were discussed at length on Committee Stage. I have put down similar amendments, amendments Nos. 16 and 20, and why they have not been grouped with these amendments, I do not know. However, we should be discussing an overall authority which will own and control the assets while the day-to-day management is carried out by three independent boards. The board of Aer Rianta put forward similar proposals to the Minister in this regard and it would be an eminently sensible approach at this time, given that the Minister cannot or will not bring forward any case to support the Bill.

As Deputy Kenny, the leader of Fine Gael, stated earlier, it is to put the cart before the horse. The Minister is trying to bring forward the legislation and then support the argument at a later date. We are engaged in a pointless exercise. I ask the Minister to accept Deputy Shortall’s amendment No. 15.

I do not know why there would be any difficulty in regard to amendment No. 1 tabled by Sinn Féin. It is mainly a technical issue and I do not foresee any difficulty in including the Irish language.

However, the key issue is the fact that Dublin Airport will operate Cork and Shannon airports. This situation could last a considerable time if we do not have the Cork and Shannon appointed days next May, which is not guaranteed under the Bill and about which concerns have been raised. What would happen next June or July if reports are submitted by the boards of Cork and Shannon airports stating they do not want to go it alone? There is no detail on this issue and the Minister has not commented on it to date.

**Minister for Transport (Mr. Brennan):** Ní aontaím leis na leasaithe seo. Aontaím go bhfuil an Ghaeilge thar a bheith tábhachtach agus gur fearr, de ghnáth, teidil agus ainmneacha a bheith i nGaeilge. Ach go praiticiúil, is é an t-ainm Béarla a úsáidtear de ghnáth agus cuirtear an t-ainm a úsáidtear de ghnáth chun tosaigh. Sin an caighdeán i gcúrsaí dlí. Ach, is féidir an dá theideal a chur isteach, mar a tharlaíonn i logainmneacha ar fud na tíre.

I am greatly supportive of the concept of using Irish titles. The Long Title refers to the Dublin Airport Authority. If this was translated as *Údarás Aerfort Bhaile Átha Cliath*, it would make the title more difficult to deal with in international circumstances. However, in so far as I have the authority, I am prepared to instruct the authorities that where the Dublin Airport Authority is mentioned, *Údarás Aerfort Bhaile Átha Cliath* would also be shown prominently in the same way place names are shown on signs throughout the country. I am prepared to lay this

down, in so far as I have the authority, because I am very sympathetic to this cause.

With regard to Deputy Shortall's point on the commencement, amendment No. 15 would seek to delay the renaming of Aer Rianta until after the Cork and Shannon appointed days. This is contrary to the policy objectives of the Bill in that it changes the sequence that is a critical part of the legislation. I would not agree to change the sequence given that it is so finely balanced.

**Aengus Ó Snodaigh:** Da mba mhian leis an Aire d'fhéadfadh sé an t-ainm ar fad a fhágáil mar Aer Rianta. Ní gá teideal eile a úsáid. Níl deacracht ar bith i Moscó nó in aon áit eile ar domhain na focail "Aer Rianta" a úsáid.

Chomh maith leis sin, tá ainm branda ann agus tá an t-Aire chun é a athrú. Cén fáth nach Aer Rianta Baile Átha Cliath, Aer Rianta Corcaigh agus Aer Rianta Sionna a bheadh mar ainm ar na comhluchtaí. Is léiriú meoin é seo. Tá an Rialtas ag tabhairt an tarna háit don Ghaeilge.

De réir dlí, beidh ar an Aire an Ghaeilge a cur chun cinn agus ag an am gcéanna tá sé ag cur an Bhéarla chun tosaigh. Má astrítear an reachtaíocht seo beidh Dublin Airport Authority plc mar ainm an chomhluchta ins na leagain Béarla agus Gaeilge mar an gcéana. Fiú ins an aistriúchán Gaeilge beidh an tarna háit ag an nGaeilge. Suas go dtí le déanaí ba é an gnáth cleachtadh gur tugadh tús áite don nGaeilge i dteidil chomhluchtaí Stáit.

**Mr. Naughten:** It is humorous to hear the Minister talk about putting finger post signs as Gaeilge for the three authorities. The Minister appears to think he can move the assets among the three companies like he can move finger post signs. However, even something as simple as moving such signs has huge ramifications for the people driving along the roads.

Again, I have raised a question and the Minister has not been prepared to answer it, as happened on Second and Committee Stages. He has ignored any questions raised about the detail of this Bill and has not been prepared to answer them. That is the reason many Members have major difficulties with what the Minister proposes. He brings forward legislation but is unable to give basic and simple answers to questions put by Members. What happens after 30 April if the boards say they do not wish to go it alone? It is a simple question and it should be considered in the context of this legislation. What will happen? There is nothing in the legislation to address it, which clearly highlights the fact that this legislation has been rushed and has not been considered fully. Although it is 12 months since the Minister's announcement, he still has no idea where he is going with this.

Amendment put and declared lost.

**An Leas-Cheann Comhairle:** Amendments Nos. 3, 5, 6, 7, 9, 35, 36 and 39 are related to

amendment No. 2. Is it agreed that amendments Nos. 2, 3, 5, 6, 7, 9, 35, 36 and 39 be discussed together? Agreed.

**Mr. Crowe:** I move amendment No. 2:

In page 5, between lines 32 and 33, to insert the following:

"1.—Prior to the commencement of any provision of this Act a detailed business plan incorporating long term projections and setting out the business case for the commencement of the relevant provision shall be approved by both Houses of the Oireachtas."

As many people have argued last week and over recent months, a serious flaw exists in the Bill, namely, the want of a fully worked out strategic business plan which could cultivate some degree of confidence in the Minister's proposal to break up Aer Rianta. There has been much talk about the necessity for the Cork and Shannon airport authorities to submit business plans. The proposed timeframe for the presentation of these plans is loose. What is even more incredible is the fact that the Minister appears to have no plan and certainly none that has secured credibility either among the trade union officials, employees or the various consultants that were charged with overseeing the financial aspects of the project. My colleague, Deputy Ó Caoláin, made this point strongly on Committee Stage last week.

The report from Farrell Grant Sparks and Mazars consultants is not reassuring. This company was commissioned by SIPTU and the ICTU to examine the information provided by the Department. Its report makes interesting reading. It says with regard to independent financial analysis that no business plans have been produced to date to support the restructuring decision. In the opinion of the consultants it is unusual and imprudent to proceed to such a decision in the absence of the outline business plans. There are no long-term projections, it says, and projections are only provided up to 2008. In the view of the consultants, it is imprudent to base any decision on restructuring Aer Rianta on information that does not address the period after 2008.

The report discusses the position regarding capital expenditure requirements which, it says, are subject to such uncertainties and caveats as to limit their usefulness for realistic evaluation. It also points out that the situation regarding borrowing requirements and availability is uncertain. In the opinion of the consultants, the decision to proceed with the break-up was imprudent, especially given the lack of a solid business plan. There are also no solid long-term plans or financial projections. Whatever projections exist relate only until 2008. SIPTU has opposed the break-up from the beginning and the consultancy report reinforces that opposition, given the serious issues identified by the consultants.

I ask that the amendment be accepted. With regard to Dublin Airport, the second terminal is



[Mr. Crowe.]  
of major importance for the future of the airport. As the Farrell, Grant, Sparks and Mazars report outlines, any discussion of projections for Dublin Airport without reference to the second terminal is rendered partial at best and potentially lacks relevance. It goes on to point out that there is simply no way of assessing the potential impact of a second terminal and, therefore, no way of assessing the future of Dublin Airport. There is no clarity in this affair and the process is taking place in a vacuum. That just about sums up the Minister's performance on this issue.

There is no strategic business plan, no long-term projections beyond 2005 and no vision for the future of the national aviation service. Lack of projection leads to uncertainty at all levels, not least on the financial level. Based on any assessment of how matters are proceeding on this issue so far, Aer Rianta's assets look set to reduce drastically in value for all manner of reasons and this is as a result of the Minister's failure to produce a clear, well worked and thorough strategy for the future of aviation.

There is no aviation plan and there is a need for a White Paper on the issue. A business plan does not exist. A previous speaker spoke about putting the cart before the horse. The way forward is through having a business plan but there is no such plan in the proposal before the House.

**Ms Shortall:** This group of amendments go to the heart of this legislation and what is wrong with it. There is no case for the break-up of Aer Rianta. In spite of the Minister's protestations over the past year, he has never had a case for it and has never had any expert advice which supported what he proposes to do. All members of the Opposition and, increasingly, members of the Minister's party are becoming very nervous about the course of action on which he is about to embark.

The Minister is about to embark on a wrecking exercise in respect of most of the commercial semi-State bodies. He and his Progressive Democrats colleagues in Cabinet have won the day. Despite the concerns expressed by the Minister for Finance and his gut feeling that this is not a prudent thing to do, despite the Taoiseach's natural inclination with regard to the public service and in spite of the poor European and local elections results for the Government in recent weeks, the Minister is intent on pressing forward with this proposal to break up and wreck a successful semi-State company. There is no plan to do anything else. There is no basis for the breaking up the company and there are serious concerns in Dublin, Cork and Shannon about what is likely to happen when the three airports are cut adrift.

It is not just Aer Rianta that will be affected. We now see, not coincidentally, that within a matter of days of moving this legislation the Minister was being supportive of the quite outrageous proposal from the chief executive of Aer Lingus to

privatise that company. As with the Minister, the notion of public service seems to have gone out the window when it comes to senior management in Aer Lingus.

Over the past two years the Minister has attempted to break up CIE as well, to destroy a very good bus company, Dublin Bus, which has been extremely successful in recent years, because he is anti-public service and wants to open up Dublin Bus to enable friends and others who want to get in on the action to do so. He is destroying something that is good and is working well. The Minister is embarking on a convoluted operation, setting up all kinds of expensive regulations in order to get his way.

The difficulty with the wrecking exercise in which the Minister is engaged is that once the damage is done there is no going back. Once the semi-State companies are destroyed and privatised they are gone for ever. We may well find ourselves in seven or eight years' time, as happened in London after Margaret Thatcher destroyed so many of the public services, trying to turn the clock back and re-establish semi-State services. That is precisely what is being done in respect of transport in the London area. What the Minister is doing is an extremely expensive exercise. It is also very damaging in terms of what is done to public services in the interim.

The Minister is doing this because naturally and ideologically he is fundamentally opposed to the notion of public service and finds it impossible to accept that public servants can provide good quality services. He has shirked his responsibility to ensure that we have bright and vibrant public service companies. He should emphasise the need to cut costs, to streamline companies as much as possible, to reduce their cost base, to modernise them and make them competitive. There is no doubt that much improvement is required. However, rather than standing by public service and ensuring good quality services the Ministers is bowing to the demands of his PD colleagues in Cabinet to wreck the public service, to flog off the profitable aspects of it to various private interests, and to hell with the interests of the taxpayer and the travelling public. That is what the Minister is intent on doing in respect of Aer Rianta. We know from all of the expert reports that there is no case and that this does not make sense. Nowhere within the Department or within Aer Rianta is there a business plan for the break-up. Over the past year the Minister went through the charade of claiming there was information, that PwC had prepared a report. However, when the trade union nominated consultants examined those papers they found they were not about the break-up but were simply a review of the forecasts for Aer Rianta, outside of any consideration of a proposed break-up, and meaningless in respect of what is being proposed by the Minister. Bringing in the various consultants over the past year to say what people on this side of the House have been saying from the start, that there is no

case, was an expensive and worthless exercise. Now the Minister has come up with the nonsensical proposal to break-up the company, have each of the two new companies draw up a business plan, and see whether they cut the mustard with the Minister for Finance. It is a ridiculous way for the Minister to go about his business. It does not make any business sense. It is poor politics. I do not know how the Minister's Cabinet colleagues can let him get away with it or what kind of deal the Minister has done behind the scenes. Fianna Fáil backbenchers are getting grief from their constituents about this, but the rumours of uproar and revolt on the back benches have been greatly exaggerated and have come to nothing. The Fianna Fáil backbenchers, who were so concerned about Aer Rianta, did not open their mouths last Thursday when they had the opportunity. They have been spinning to the papers about their concern and how they would kick up within the parliamentary party, but when they had the opportunity to say something, they sang dumb. Is it any wonder the electorate gave them the answer it did on 11 June?

The Minister is about to embark on a very dangerous exercise that will result in huge costs for the taxpayer and huge damage to public services, not to mention the considerable number of jobs that will be lost in the process. The reason the Minister is destroying Aer Rianta is to deal with the issue of the second terminal. Various private interests are trying to get in and make money out of the second terminal, and the Minister is determined to facilitate them. His restructuring plan will lead to massive redundancy programmes for both Dublin and Shannon, and the taxpayer will end up paying for those, purely to facilitate private interests about which the Minister is more concerned than he is about members of the public.

I strongly urge Members to support these amendments.

**Mr. Naughten:** Amendments Nos. 35, 36 and 39 in my name relate to the financial viability of the Minister's proposals. I said on Second Stage and on many other occasions that I and Fine Gael have no difficulty with the Minister's proposal, that if it was of benefit to the consumer, the country, and the efficient operation of the three airports we would support it, but that it was up to the Minister to make a case and bring it forward. He has failed to do that. What concerns me most is not that the Minister has failed to do that but that he has failed to address any of the questions raised by Members on this side of the House and has failed to enter into any debate on the issues. There has been complete silence from the Minister. On Committee Stage the Minister's colleagues on the back benches, who professed to be so concerned about the Minister's proposal, could not bring themselves to raise any concerns about this Bill. That the Minister has not been prepared to engage with Members on this side of the House and has chosen to sing dumb on the issues

we raised gives rise to serious concern regarding his proposals and the legislation he is attempting to force through the House. The Government has a majority and can force the legislation through. However, that does not make it good legislation.

There is serious concern regarding bonds and bond holders. These concerns have been raised with the board of Aer Rianta and with the Departments of Transport and Finance. Deputy Rabbitte raised the question of the waiver of rights which was sought from both the bankers and the bond holders. We received no response from the Minister. None of the Government or union consultants who have reported on this have endorsed the Minister's proposals. There is no documentary evidence and the Minister has not been prepared to respond on critical issues for the future of the three airports, for example, the need for significant capital investment at Cork Airport.

We have no detail on where that investment is to come from or how those capital loans are to be secured. There is a physical restriction on the development of Cork Airport which will have an impact on its future growth and its ability to attract new investment, especially from North America, which the Cork board will be considering very seriously. Some of the physical constraints in Cork can be overcome, but some cannot. However, none of them has been addressed by the Minister in any way.

What impact will the open skies policy have on Shannon? Negotiations are ongoing directly between the Department of Transport and its counterpart in the United States, as well as between the EU and the US. What impact will that have on Shannon Airport? None of that has been addressed. There is also an infrastructural issue at Shannon, mainly regarding the need to upgrade existing facilities. Significant capital investment is required for the runway. None of that has been addressed.

The single biggest issue for Shannon is the significant need for major infrastructural investment in access to the airport from outside the mid-west region. If Shannon is to gain a sound financial footing, it requires significant capital to attract business from beyond its own hinterland. The Minister is looking sympathetically at proposals for a rail link to Shannon Airport, just as he does with many other issues. That will require capital investment, either from the State or from the board of Shannon Airport, which is severely restricted in the debt that it may raise for that purpose, which is capped at €20 million in this legislation.

Another critical issue is that if this legislation is enacted as proposed, the only significant competition will be between the airports at Cork and Shannon. There will be no significant competition between Dublin and the other two; there may be a little, but it will be very limited. However, there will be significant competition between Cork and Shannon, which will have an impact on both airports. The Minister has raised concerns about

[Mr. Naughten.]

Shannon and been critical of our raising concerns in that regard. He has it in black and white in the Schedule to the Bill, in which the cap on the debt that may be raised for capital investment at Dublin Airport is €700 million, at Cork €100 million and at Shannon only €20 million. Those issues regarding Cork and Shannon have not been addressed by the Minister at any stage in this debate.

Let us turn to Dublin Airport. The impact of a second terminal will be critical to its future development in light of the fact that the company will be burdened by an additional €700 million debt. The Minister will make the point, as he has in the past, that the debt is there currently and that it has to be serviced by Dublin. However, it has significant capital reserves which will not be available to it if this legislation is enacted next year.

There is a significant need for future development at Dublin Airport in terms of physical access from the city and the regions. The facilities within the structure itself must also be upgraded. The new pier which is required has been shelved. Investment will be critical to Dublin Airport being able to compete with an independent terminal at the site, yet we do not know the implications of those proposals which have been left in the air without any detail being provided or answers given to any of those questions.

There is also the question of the future of Aer Rianta International, the jewel in the crown of Aer Rianta. Where will it be based? Will it remain under the control of the Dublin Airport Authority? It has been suggested that it will be under the control of the Shannon Airport Authority, which will have implications for the value of Aer Rianta International and Dublin Airport's ability to repay its debt and compete with an independent terminal.

The Minister is also establishing three State competitors for Aer Rianta International. Cork, Dublin and Shannon airports can now set up their own operations of a type similar to Aer Rianta International and compete for the same type of business. There is nothing to restrict their doing so. That will have implications for the future financial viability of Aer Rianta International, as well as for its paper value.

The final piece of the jigsaw has been the Great Southern Hotels group. Where will that be after this break-up has been completed?

**Mr. S. Ryan:** Sold in six months.

**Mr. Naughten:** What of the Minister's commitment to job security? That commitment will have critical implications for the financial viability of all those operations. The key one in the short term concerns Shannon Airport, but it will also have implications for Cork and Dublin, Aer Rianta International, and the Great Southern Hotels group.

Another important issue — which I will once again raise, though I know that I will get no answer — is what happens if the board of Cork or Shannon decides that it does not want to go it alone, instead wishing to stay under the existing umbrella. What happens then and what are the implications under the legislation? If in nine months the board of either Cork or Shannon makes such a decision, how will the Minister rejig the Dublin board to ensure critical representation for them? Should Dublin control and be responsible for the management of Cork and Shannon in the long term? The reason that this legislation was originally mooted was that the independence needed at Cork and Shannon was not provided for. They could not develop their own operations and were restricted by the board of Aer Rianta. However, this legislation copper-fastens that in the short term and could do the same in the long term if those recommendations come back. The difficulty is that the boards of Cork and Shannon, based on the structure of the legislation before us, have no choice but to go it alone, regardless of whether they agree with that. They cannot tolerate a situation where the Dublin Airport Authority controls every move that they might make in the medium to long term.

The Minister said on Committee Stage that the PricewaterhouseCoopers report had stated that a clearly defined capital pool would be critical to the future operations of the three boards. Currently no such pool exists. The Minister has provided no evidence to support the case that he makes in this legislation, something that gives rise to significant concern. My colleagues in Sinn Féin have endorsed the proposal that I made to the Minister almost 12 months ago when I suggested there was an urgent need for a White Paper on the aviation sector.

We have no details on the critically important implications of the independent terminal at Dublin Airport, the proposed privatisation of Aer Lingus, the independent operation of the three airports and the possible break-up of Aer Rianta when this Bill is enacted. The Minister's colleague, the Tánaiste, could explain that if air access to and from this State is not available, international investors will not come here to create the type of employment growth projected by the Government. We could severely hamper the development of the economy unless the issue is treated as a whole rather than in this piecemeal manner. We are enacting legislation without knowing its implications. The Minister is not willing to provide any information or offer an argument to support his case. That is the dangerous issue to be addressed by these proposals.

The Minister lacks the support of his back bench colleagues. On Committee Stage last week silent members from the Fianna Fáil backbenches drifted in and out but did not come to the Minister's rescue. They share our concerns on this but do not have enough spine to ensure they are addressed. We all want a strong aviation sector

for the future but the Minister is not prepared to support that case.

**Mr. Eamon Ryan:** I support several of these amendments. We have before us probably the most cumbersome Bill I have seen in my time as a Deputy. I cannot understand what set the Minister on this path but he has spent the past year assembling a house of cards. For him to accept any amendment will have the effect of removing a card and bringing the Bill down. In response to the previous question he said that he could not interfere with the sequence of events occurring.

Has the Minister ever asked himself why such an awkward and unprecedented sequence of events is required if this is a good idea? It is not because of the difficult technical and legal requirements regarding transfer of capital but because it makes so little sense and there is so little political support for it now that its enactment is imminent. To cover this the Minister has built a house of cards that will collapse some time at great cost to the State. It may collapse after the Bill is passed and the three separate airports are set up or, hopefully, before then to minimise the damage, perhaps not to political reputations, but to the State. If we build this house of cards, legislate for it and the airport structure collapses, there will be a serious cost.

Amendments Nos. 3 and 7 deal with the issue of appointing the Dublin Airport Authority first and burdening it with great responsibility for this change. Deputy Shortall suggested some motives and reasons for that. I have proposed an amendment to the effect that Dublin Airport be treated the same as Cork and Shannon airports. There is a case for the Minister for Finance to decide on this when the appointed day occurs rather than leave it in the hands of the Minister for Transport. Why is that Minister building this extraordinary structure to set Dublin Airport apart?

Deputy Crowe's amendment No. 2 touches the common theme in our arguments. Why is there no business plan for Dublin Airport in advance of the appointment day? The Bill provides for a business plan for Cork and Shannon airports to be drawn up before their appointed days.

Amendment No. 6 in the name of Deputy Shortall raises the major query as to who approves this. I would like to think the Oireachtas would approve it, as the amendment proposes. That might bring some of the chickens in the Fianna Fáil backbenches out to debate whether we should set this process in motion. I do not call them chickens for their undoubted cowardice but because they have been clucking and running around with expressions of concern and ruffling their feathers. In the end, however, they will vote for this legislation.

I would like to see the approval coming from the top in Fianna Fáil and the Minister for Finance approving all stages of this complicated process. The irony is that the arguments on this side emphasise good business practice and I have yet to meet anyone from the business community or

elsewhere who believes this makes business sense. The Minister for Finance must ultimately oversee the financial business of the State. I would like to see him put his stamp of approval on this mad plan which, according to consultants who have examined it, makes no business sense.

These amendments are an attempt to level the playing field for Dublin Airport in particular and to urge the Minister to present a case for building this house of cards and achieve some form of accountability to prevent this being a personal crusade on his part. The answer from this side of the House, from outside commentators, and anyone with a knowledge of this area, is that the Minister's crusade makes no sense. He is building this house of cards to no positive purpose but with the potential to cause great harm. If he were to accept one of these amendments, even at this late stage, he would bring the whole house of cards down.

**Mr. F. McGrath:** I strongly support amendments Nos. 2 and 3 in the names of Deputies Crowe and Shortall. They are important in that deal trenchantly with the idea of a business plan for a vibrant company. Every primary school, whether it has two or 20 teachers, must have a *plean scoile* for the year. This covers numbers of pupils, resources, teaching techniques and how money is spent, no matter how small the school. By contrast, we are debating the future of a large company such as Aer Rianta and there is no question of having a business plan. On that item alone the Minister and the Cabinet lose the argument.

Many people have expressed concern about Aer Rianta. I support the sensible and practical ideas which the staff and others who worked for the company put forward in this debate. Aer Rianta should be protected and guarded as a semi-State company and a valuable asset. There is too much discussion about having a go at companies such as Aer Rianta and Aer Lingus simply for the sake of doing so. Let us by all means consider research, development and new ideas. However, there is not necessarily a need to change the successful aspects of an organisation.

As regards the debate about economics, there are the views of Ministers, Deputies and right-wing economists and then there are those of one or two businessmen, for example, Michael O'Leary. Such individuals put forward a different view or vision because they are involved in business and in making money for themselves. What we are discussing in this Bill is a successful business. I have no difficulty with our considering the areas of efficiency and modern developments but we must also consider the interests of the 4,000 staff and those of taxpayers. In addition, we have a particular civic and social responsibility.

Let us consider the part of the Bill that deals with business plans. If a person seeks to open a small corner shop or approaches IDA Ireland for a small grant to enable him or her to take on 20 or 30 employees, he or she would have to supply

[Mr. F. McGrath.]

figures, projections and a five or six-year plan. That is not the position in the Bill, which is leading us down the slippery slope towards privatisation. I do not accept that the Bill is not part of the privatisation agenda. It is a major step in that agenda. I challenge those in Government who were elected by the people and who are pushing an agenda that belongs to a political party which represents less than 3% of the population.

Amendments Nos. 2 and 3 relate directly to business plans. No business plans have been produced to date to support the restructuring decision. There are no long-term projections and it is imprudent to base any decision on restructuring Aer Rianta on information which does not address the period post-2008. The position with regard to capital expenditure requirements is subject to such uncertainties and caveats as to limit their usefulness for realistic evaluation. In addition, the position regarding the borrowing requirements and availability is uncertain. There are also many difficulties in respect of capital profits to be generated, the property income, the Cork lease, the board issues, legal and pension matters and operational issues. These are serious matters which must be dealt with in the economic debate.

In the privatisation debate it is often confusingly considered that those of us who support efficiency in public services all of a sudden support the privatisation of public companies. We all support radical change and efficiency but not necessarily privatisation. We must face up to research and development and economic realities. Looking at the economic realities there is no case for the break-up of Aer Rianta.

It is somewhat rich to see Government backbenchers such as Deputies Carey and O'Connor appearing on the plinth and wrestling with their consciences about Aer Rianta and then, when the matter arises in the Dáil voting with the Government. These individuals should get off the stage. If they are seriously on the side of people who are concerned about semi-State bodies and Aer Rianta, they should vote with us on this issue.

This debate has turned into an ideological debate. I come from a position on the left, while others are putting forward right-wing positions. I ask everyone to hold back and consider the economic and objective realities in this debate. If one looks at the economic projections and considers the overall position, one will come to the conclusion that there is no case for the break-up of Aer Rianta. I urge all Deputies to support amendments Nos. 2 and 3.

**Mr. S. Ryan:** I have contributed to and listened to the debate on all Stages of the Bill. I note with interest the absence of Fianna Fáil Deputies from the Chamber. It is a sad day for democracy that despite their lack of interest legislation which is so important in terms of tourism, regional development and the aviation policy will be pushed through the House with majority support.

On Committee Stage, I remarked on the speculation about changes within the Government, the possibility of someone departing to become EU commissioner, etc. The Minister, Deputy Brennan, who has been the subject of speculation, has placed a gun to the heads of the Taoiseach and the majority of his party's Government members and backbenchers and stated that this is a matter of principle for him and that if they do not support him he will walk. He is supported in that approach by his Progressive Democrats colleagues in Government.

It is sad that legislation which has only minority support will be pushed through the House this evening. The State Airports Bill 2004 is a sell off by Fianna Fáil of its core principles and it represents a victory for the Minister, Deputy Brennan, the Progressive Democrats and Michael O'Leary. Aer Rianta workers in Dublin, Cork and Shannon are being used as ideological pawns by the Minister and the Government in the push towards privatisation. In the first instance, privatisation will occur at Cork and Shannon. All of the analysis of the situation that arises on foot of the break-up will highlight the implications for Dublin Airport and, more importantly, the impact it will have on Shannon, Cork and regional development.

One of the key responsibilities of Aer Rianta is to provide infrastructure at Dublin, Cork and Shannon in a timely way to meet projected growth in passenger numbers. It is not as if there has not been an increase in the number of routes or in passenger throughput at the three main airports and at regional airports. However, we must plan for further increases and put in place infrastructure which will provide for primary runways, taxiways, aprons, parking stands for planes, terminal piers, car parking and the internal roads and transport systems at the airports.

No analysis has been carried out in respect of this matter. We have been informed — Deputy Rabbitte highlighted this fact earlier — that there is an existing debt of €484 million and that this is not, perhaps, excessive. It is not excessive in the context of Aer Rianta in its totality. However, when the company is broken up we will enter into a new scenario. As a Labour Deputy representing Dublin North, I must state that it is totally unacceptable that as part of this transition or break-up the liabilities of Cork and Shannon will be borne by Dublin. As stated on Second Stage and Committee Stage, Aer Rianta International has a major impact in respect of the viability of Aer Rianta. Where this entity will be located in the future is an important issue. I have no doubt that in the context of the difficulties that will arise, as they will, in regard to Shannon and Cork airports, funds will be directed from Dublin to them.

It is difficult to see how the strategic interest of tourism or transport can be served by the Minister's proposals. Media reports and independent analysis of the situation have focused on how legislation can be initiated on a whim. The legis-

lation is being enacted and, if it does not work, it will be dealt with it at that stage. The Bill saddles the proposed Dublin Airport Authority with unnecessary debt and will jeopardise its ability to borrow for further important infrastructural developments there.

The Minister has put forward the view in the media that he wants to promote competition and look after consumers, yet passengers going through Dublin Airport on holidays or on business will be deprived of the facilities they require by the actions of the Minister who put an embargo on the development of pier D.

**Ms Shortall:** Hear, hear.

**Mr. S. Ryan:** It is a scandalous situation. The Minister was to the forefront in castigating Aer Rianta two years ago when there was chaos at the airport. The Minister said not to proceed with pier D because he had his own plan and agenda, namely, the privatisation of Aer Rianta and the future provision of pier facilities by private enterprise. I have nothing against private enterprise playing a significant role in any element of society but, in this case, we are dealing with a successful semi-State company that has made a major contribution over the years. The company has a role to play in ensuring proper infrastructural development in this area but it is not being given the chance.

Of necessity, many of my points reiterate those of previous speakers. I cannot do otherwise as I must represent my constituents. I must speak up when I consider something is not in the best interests of the country. However, the Minister is not prepared to listen to Opposition speakers or even to his own colleagues. This project will ultimately lead to the privatisation of Cork and Shannon airports. Within a year we will see the sale of the Great Southern Hotels group, the undermining of the economic basis of Dublin Airport and the provision of a second terminal by private enterprise. That is all part of the Minister's agenda.

The Minister did not take on Michael O'Leary when he castigated and took issue with Aer Rianta. The enactment of the legislation will lead to a rise of up to 50% in airport charges at Dublin Airport. How can the Minister claim to be the champion of consumers and competition on the basis of his ideology rather than on the basis of putting forward a viable case? He is bringing forward legislation to undermine a good company that has worked well and, at the same time, putting extra charges on passengers coming to and going from the country. This is a disastrous move. It is a diabolical situation and I regret that the Minister proposes to push through legislation which will have such an impact on the country and that has such minority support in the Oireachtas.

**Mr. Healy:** I support the amendments and the thinking behind them. The basis for the legis-

lation is ultimately the privatisation of Aer Rianta. Other speakers have also alluded to this point. On Committee Stage, in reference to the Great Southern Hotels group, the Minister said an amendment that was tabled would be unnecessarily prescriptive. I took that to be official-speak for privatisation. Like Deputy Sean Ryan, I believe the hotel group will be sold off sooner rather than later, if and when the Bill is passed, and that the other three airport authorities and Aer Rianta International will follow the same route.

For a Government that has been known for its right-wing economics in balancing the books, it is unusual that a Bill would be proposed in the past two weeks without any economic analysis of its implications or the production of a business plan. The legislation is being rushed through the House. It was published about ten days ago, Second Stage was taken last week and Committee Stage was rushed through last Thursday. Those of us on the Opposition benches had to sit for eight and a half hours while there was hardly any representation from the Government side apart from when votes were called. We have fewer than two hours to discuss this phase of the legislation. The Bill is significant and, as I said, is being put before us without any business plan.

As I said on Committee Stage, a business plan would be required if one were trying to get a loan in a bank or credit union for the extension of a hen house. One would need to have made costings and projections of profit and loss accounts. However, to break up a significant national organisation like Aer Rianta, no business plan is required. Occasionally, we have been told that a business plan exists. It is worth putting on the record some of the report of Farrell Grant Sparks and Mazars which states:

The PWC working papers are not, as might have been expected, a report, nor do the authors of the PWC report refer to them as such. They are presented as an analysis and commentary only. No conclusion has been furnished in the working papers and no due diligence or audit has been undertaken by PWC in presenting these papers. They are not intended to present a business case nor do they constitute an appraisal or valuation of any of the securities, assets or businesses of Aer Rianta. The PWC working paper states that it is not intended to express any opinion as to the financial viability of an independent Cork or Shannon Airport.

The report continues in that vein. From that report, it is quite clear that no business plan has been prepared for the break-up of Aer Rianta into three authorities.

I am sure this is known to the Minister, his officials and the Government. It has been said that this Bill represents a hunch on the part of the Minister and a leap in the dark. However, it is neither. It is a very clever Bill designed to introduce the privatisation of Aer Rianta. It is brought

[Mr. Healy.]  
before us in such a way that even if the business plans, which are proposed to be in place by 30 April of next year, should suggest that the separate entities might not be financially viable, we can be sure the Minister and his officials will find a political way around it to ensure the company is broken up anyway. I support these amendments, particularly those requiring a business plan.

**Mr. Brennan:** I thank the Deputies for their contributions. The reforms I am proposing in the legislation are designed to grow Shannon, Cork and Dublin Airports.

**Ms Shortall:** How does the Minister know?

**Mr. Brennan:** The Deputy should allow me to speak. I want them to develop separate business strategies, including concentrated marketing initiatives. The chairman of the new Shannon Airport Authority, Pat Shanahan, has publicly indicated that from his analysis with his board designate, the airport will be able to double its passengers from the present 2 million to 4 million, and similar estimates have been made in Cork. Some 90% of those travelling to the United Kingdom and Europe go from Dublin. With strong regional and international leadership, there is no reason Cork and Shannon airports cannot grow dramatically.

I reject the patronising and depressing attitude to Shannon and Cork airports, which insists that we must hold them in the family of Aer Rianta and shovel them down lorry loads of money every year to keep them quiet. I take a different view.

**Ms Shortall:** Nobody said that.

**Mr. Brennan:** I have a different vision of confidence in the people of the Munster region and the mid-west, with a strong new leadership and free of debt——

**Ms Shortall:** The Minister is acting on a hunch.

**Mr. Brennan:** ——to grow those airports by having strong marketing strategies, by not leaving all the business to Dublin, and by fighting to get that business for themselves. I reject the patronising attitude, which I have seen on television many times in recent weeks, that suggests: "Poor old Shannon and poor old Cork, sure they're culchie——"

**Mr. Naughten:** There is nothing wrong with being a culchie; the Minister is one himself.

**Mr. Brennan:** ——from down in the west and the south and wouldn't be able to survive without Dublin shovelling down the money."

**Ms Shortall:** The Minister should not distort things. He Minister should not play that game.

**Mr. Brennan:** I reject that patronising attitude to Shannon and Cork——

**Ms Shortall:** Where is the plan?

**Mr. Brennan:** ——and the people of that region. For the fourteenth time I have been lectured by Deputy Shortall based on old Labour ideology which insists that I must not think about touching the Great Southern Hotels as there are workers there.

**Ms Shortall:** Nobody said that.

**Mr. Brennan:** I must not dream of touching Aer Rianta because there are workers there.

**Ms Shortall:** The Minister is setting out to wreck every semi-State company.

**Mr. Brennan:** I must not even think about touching CIE because there are workers there.

**Ms Shortall:** The Minister has a wrecking plan.

**Mr. Brennan:** Old Labour is alive and well and living on the benches opposite. It is an old Labour that believes in high tax, high spend and monopolies. In the 21st century, it still believes in and would fight to the death to protect them.

**Ms Shortall:** That is untrue.

**Mr. Brennan:** There is a different road, which is in consultation with everybody involved to develop strategies that allow other people and not just State companies and monopolies to take part in public transport and run State airports and hotels.

**Ms Shortall:** Irrespective of whether it makes sense.

**Mr. Brennan:** I am being accused of being ideologically anti-public service. Even the ten new member states of the European Union that joined on 1 May have rejected most of this nonsense about protecting monopolies permanently into the future.

**Ms Shortall:** The Minister should not play that game. His proposals have no basis and will increase landing charges.

**Mr. Brennan:** I am being lectured about having the cheek to touch CIE so that I can try to provide a better public transport alongside the State companies. I am not proposing privatisation in CIE.

**Ms Shortall:** He is. The Minister proposes that 25% of Dublin Bus be privatised.

**Mr. Brennan:** It does not belong to them; it belongs to the people.

**Ms Shortall:** It is privatisation.

**Mr. Brennan:** Those routes belong to the people and not to the State company.

**Mr. Eamon Ryan:** The Minister should speak about the airports.

**Mr. Brennan:** I know the Deputy is conscious of this point. Some 80% of workers do not belong to trade unions.

**Ms Shortall:** It has nothing to do with the trade unions.

**Mr. Brennan:** We need to take account of consumers and customers. If the Deputy does not believe me, she should ask the 300,000 people who travelled on the Luas in recent days because they saw a high quality service being provided. I have no hang-up about State services or the State sector. I do not propose privatisation.

I want to grow Shannon and Cork airports. I want to place faith in those people to grow those airports strongly with strong leadership and I believe they will do so. Dublin Airport is planned

to grow from 15 million to 30 million within 15 years. If Shannon gets some regional, UK and European business and some more American business, it can become one of the finest airports in the world. The alternative scenario being painted here is to leave it cosseted inside the group and throw it a few bob every year on the basis that we need to save the west.

**Ms Shortall:** Nobody is saying that.

**Mr. Brennan:** The way to save the west is to give authority and autonomy and show faith and belief in the people of those regions, which is what I am doing in this legislation.

**An Leas-Cheann Comhairle:** As it is now 7 o'clock I am required to put the following question in accordance with an order of the Dáil of this day: "That the amendments set down by the Minister for Transport and not disposed of are hereby made to the Bill, Fourth Stage is hereby completed and the Bill is hereby passed."

Question put.

The Dáil divided: Tá, 60; Níl, 53. .

Tá

Ahern, Michael.  
Ahern, Noel.  
Andrews, Barry.  
Brady, Johnny.  
Brady, Martin.  
Brennan, Seamus.  
Browne, John.  
Callanan, Joe.  
Carey, Pat.  
Carty, John.  
Coughlan, Mary.  
Cowen, Brian.  
Cullen, Martin.  
Curran, John.  
Davern, Noel.  
de Valera, Síle.  
Dempsey, Tony.  
Dennehy, John.  
Devins, Jimmy.  
Fitzpatrick, Dermot.  
Gallagher, Pat The Cope.  
Glennon, Jim.  
Grealish, Noel.  
Hanafin, Mary.  
Haughey, Seán.  
Hoctor, Máire.  
Jacob, Joe.  
Keaveney, Cecilia.  
Kelleher, Billy.  
Kelly, Peter.

Killeen, Tony.  
Kitt, Tom.  
Lenihan, Conor.  
McCreevy, Charlie.  
McDaid, James.  
McGuinness, John.  
Martin, Micheál.  
Moloney, John.  
Moynihan, Donal.  
Moynihan, Michael.  
Mulcahy, Michael.  
Ó Cuív, Éamon.  
Ó Fearghail, Seán.  
O'Connor, Charlie.  
O'Dea, Willie.  
O'Donnell, Liz.  
O'Malley, Fiona.  
O'Malley, Tim.  
Parlon, Tom.  
Power, Peter.  
Power, Seán.  
Roche, Dick.  
Sexton, Mae.  
Smith, Brendan.  
Smith, Michael.  
Treacy, Noel.  
Wallace, Mary.  
Walsh, Joe.  
Woods, Michael.  
Wright, G. V.

Níl

Boyle, Dan.  
Breen, Pat.  
Broughan, Thomas P.  
Bruton, Richard.  
Burton, Joan.  
Connolly, Paudge.  
Costello, Joe.  
Cowley, Jerry.  
Crawford, Seymour.  
Crowe, Seán.

Cuffe, Ciarán.  
Deenihan, Jimmy.  
Durkan, Bernard J.  
English, Damien.  
Enright, Olwyn.  
Ferris, Martin.  
Gogarty, Paul.  
Gregory, Tony.  
Harkin, Marian.  
Hayes, Tom.



Healy, Seamus.  
 Higgins, Joe.  
 Hogan, Phil.  
 Howlin, Brendan.  
 Kehoe, Paul.  
 Lynch, Kathleen.  
 McCormack, Padraic.  
 McGrath, Finian.  
 McGrath, Paul.  
 McManus, Liz.  
 Mitchell, Olivia.  
 Morgan, Arthur.  
 Moynihan-Cronin, Breeda.  
 Naughten, Denis.  
 Neville, Dan.  
 Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.

O'Keeffe, Jim.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Pattison, Seamus.  
 Penrose, Willie.  
 Quinn, Ruairí.  
 Rabbitte, Pat.  
 Ryan, Eamon.  
 Ryan, Seán.  
 Sargent, Trevor.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Stanton, David.  
 Twomey, Liam.  
 Upton, Mary.  
 Wall, Jack.

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

Question declared carried.

#### **Estimates for Public Services 2004: Message from Select Committee.**

**An Ceann Comhairle:** The Select Committee on Foreign Affairs has completed its consideration of Votes 28 and 29 for the year ending 31 December 2004.

#### **Civil Liability and Courts Bill 2004 [Seanad]: Message from Select Committee**

**An Ceann Comhairle:** The Select Committee on Justice, Equality, Defence and Women's Rights has completed its consideration of the Civil Liability and Courts Bill 2004 [*Seanad*] and has made amendments thereto.

#### **Private Members' Business.**

#### **Sustainable Communities Bill 2004: Second Stage.**

**Mr. Sargent:** I move: "That the Bill be now read a Second Time."

Molaim An Bille um Pobail Inchothaithe 2004, the Sustainable Communities Bill 2004. I will speak for ten minutes and will share time with Deputies Gogarty and Cuffe, who will have five minutes each, Deputy Crowe, ten minutes, Deputy Cowley, four minutes and Deputies Gregory and Finian McGrath, three minutes.

I recall in the last Dáil as a member of a joint committee visiting Gort in County Galway to observe the damage from a particularly bad incidence of flooding on the Shannon and meeting a number of local authority engineers and management. I asked one official about measures which the local authority in question was taking to address, or at least not exacerbate, the trend of climate change related to heavier rainfall patterns. I was referring specifically to research that had been carried out by people such as Dr. Tim Osborn in the climate research unit at the University of East Anglia. This clearly states that in the

1960s about 7% of the rainfall in this part of the world generally fell as "heavy rain" whereas in the 1990s the statistic for heavy rainfall had risen to 15%. The same pattern is to be seen in the United States, Europe in general, South Africa, north-east Brazil, parts of the former USSR and generally in mid-latitudes which have wetter climates due to rising atmosphere temperature. The flooding on the Shannon, which is becoming more frequent, is part of that overall pattern.

The reply from the local authority official contained a salient lesson for Members of this House. He stated that the local authority had no remit to think about climate change or related issues. These were matters for Dáil Éireann or the Earth Summit, or some other far-away or remote authority, from his viewpoint.

Local authorities have to play their part in dealing with the effects of climate change. Dublin City Council, for example, is looking for €150 million for coastal defences directly related to the problems associated with climate change. The reality is that the national climate change strategy, NCCS, will not be effective unless communities are involved. They must be involved in reducing fossil fuel use, promoting greater use of solar panels and more cycle ways, encouraging clean industry, waste minimisation, planting more trees, having more reed bed sewage treatment and local facilities and playgrounds to reduce the need for travel undertaken by parents to find facilities for children and, indeed, schools.

This Bill is much needed to facilitate the changes we need. Hence it reminds all of us, especially local authorities and communities, that Ireland cannot become sustainable unless all of us are purposefully involved in devising and implementing local sustainability strategies. That is what the Bill is promoting. Had the UN's Local Agenda 21 been seriously implemented after the Earth Summit of 1992, these strategies could well be in place by now. Features of a sustainable community strategy, for example, would include the provision of local services and amenities, such as green spaces and children's parks; the procurement and sourcing of goods which are either produced or grown locally; the growth and marketing of organic forms of food production and local

food economies; increasing the number of locally generated jobs to reduce commuting, for example; increasing the quantity of sustainable products produced in the regions where they are consumed; increasing measures to reduce the level of road traffic and promote public local transport as well as measures to decrease the amount of product miles; and boosting social inclusion, including an increase in the involvement of citizens in local democracy.

The Bill also provides for indicators to evaluate the progress being made to implement parts of a sustainable community strategy. Indicators are intended to answer a simple question, how might we know objectively whether matters are getting better or worse. In this country we have indicators such as GNP and GDP, but they do not tell us how we are doing as regards sustainability, and they can be misleading in that regard. One of the advantages of local community-based indicators is that we can move away from pure statistical data. Community icons or motifs may be used to symbolise the data.

In Sustainable Seattle's 1992 work, for instance, the indicator for water quality is the number of wild salmon that return to rivers and streams each year. It could have measured turbidity, temperature, percentages of oxygen, chemical composition or any number of other scientific measures. People do not get emotional about things like parts per billion. In the Pacific north-west region, people get emotional when major cultural and economic resources, such as salmon, are in decline, just as they are in Ireland. People throughout the world who face vastly different economic, political, social and environmental circumstances are experimenting with ways and means of developing indicators for their neighbourhoods, communities and regions.

I wish to sum up before I ask my colleagues to contribute. It is important that we examine matters such as energy, transport, the geo-politics of transport and oil dependency. I mentioned during Taoiseach's Question Time that Ireland's dependency on imported energy grew from 65% in 1990 to 87% in 2001. The Irish level significantly exceeds the average dependency of 50% for the European Union as a whole. The matter is more urgent in Ireland than it is in many EU member states. If we are to bring about change in that regard, we need to develop sustainable communities and sustainable community strategies.

The transport sector, in which we have an overall dependency rate of 98% on imported fuel, is potentially more vulnerable to a disruption of supply. The most predictable and effective response we can make, to enhance security of supply, is to manage our demand for oil in the domestic sphere. Such management is also necessary if we are to control the economic impact of future geo-political upheaval, for example resulting from the war in Iraq and the continuing stalemate in respect of Palestine.

Having read the EPA reports, we know we have a great deal to do to protect surplus water

and groundwater. Such matters also have an impact on our fisheries. As a native of Donegal, the Minister of State, Deputy Gallagher, will be aware that 25 of the 56 commercially targeted marine fish stocks in Irish waters are over-exploited and in decline. Issues of that type are documented in the EPA's reports, such as Ireland's Environment 2004, which makes fascinating reading. Four matters are cited in the report as key challenges — waste, acidification, greenhouse gases and eutrophication. Such areas have particular poignancy and relevance to communities and local authorities.

It is important that the Government endorse this Private Members' Bill and ensure that local authorities have clear guidelines and templates to provide for sustainability in local communities. There is a great deal of evidence from all parts of the world to suggest that the type of Bill being proposed by the Green Party is working. Such legislation has been proposed in one form or another in the UK and other countries. I have a copy of *Towards Sustainable Communities: Resources for Citizens and Their Governments*, which points out that actions are being taken in Washington state. The commute trip reduction law was introduced there, requiring large companies with more than 100 employees to initiate trip reduction programmes. Measures such as parking fees and transit subsidies have been introduced to encourage people to use public transport. Similar provisions have been made in Germany, New York state and Nevada.

The Bill before the House is not new or novel — it is working in other countries. It is needed more than ever in this country because we are becoming less and less sustainable as the years go by.

**Mr. Gogarty:** Ireland is one of the most centralised states in the European Union. I would argue that it is also one of the least sustainable. We face two challenges, therefore, tackling the problems of the lack of sustainability and over-centralisation. We need to decentralise real decision-making powers to local government. The Minister of State, Deputy Parlon, would not understand the idea of spreading decision-making powers throughout the country. Decisions should be made locally, rather than relocating a centralised Department and engaging in the old "cute-hoormism" by moving jobs to County Laois. People are being uprooted from Dublin, where they have been happy for many years, and their opportunities for promotion are being affected.

The Green Party has always tried to achieve proper decentralisation, but we are conscious that there is a risk that local cabals will make bad decisions on behalf of their communities. Councillors from the Government parties and other parties have made planning decisions in the past which have been shown not to be sustainable. My constituency is a case in point, but the problems stretch as far as the western seaboard. Development that is not sustainable has taken place in

[Mr. Gogarty.]  
return for favours to certain developers. The fabric of rural communities has been threatened.

We need guidance from the Government and the Sustainable Communities Bill 2004 aims to provide for it. Under the Bill, local authorities will be told that they have to operate within the terms of local sustainable strategies. The legislation will give local communities the tools to operate in that way. Local government structures are in place in many cases; for example, under Local Agenda 21. I refer to structures such as county enterprise boards and strategic policy committees. I know from my limited experience as a councillor that such bodies are no more than talking shops. However, if they were given a proper framework, for example under a local sustainability strategy, local communities throughout the country could make decisions based on what would be best for the sustainable development of their areas.

The creation of sustainable communities is at the heart of the Green Party's Bill. Rather than imposing a top-heavy vision, we are saying that society needs to be sustainable in terms of its long-term direction, its scarce resources, the global situation and EU legislation and directives. We suggest that local communities should be given the opportunity to make decisions for themselves. This has a number of knock-on effects, for example in my portfolio of education. In the context of planning and rezoning, there is plenty of scope for local authorities and the feeding-in bodies such as the strategic policy committees to decide where schools and other community buildings should be located.

Many fast-growing new communities are not sustainable because they are car-based. People have to drive everywhere. My colleagues may allude later to the fact that it is inevitable that oil production will peak and prices will rise. We are totally dependent on overseas fuel. We will have to become more self-sufficient somewhere down the line. It will be a problem if one has to drive 30 miles to get to a school, or just two or three miles in an urban area. The planning of schools and other local facilities is a major issue.

Tourism is another of my portfolios. There are huge opportunities for developing sustainable tourism in the context of this Bill and the county enterprise boards. Jobs can be created in new alternative forms of sustainable eco-tourism, which are driven from the bottom up. The issue of access to land would be better served if it were dealt with at local level because each case is distinctive. Farmers are trying to prevent walkers from getting access to their land because they feel they are being imposed on. There are benefits for all concerned when local deals are made and adhered to. If walkers are allowed to use land in an agreed manner, tourists are more likely to come to an area. They do not damage eco-systems or local infrastructure, but they create jobs by contributing to the local economy. One can make all the national agreements one likes, but

the local context is much more appropriate to this and other forms of sustainability.

**Mr. Cuffe:** In 1987, the then Norwegian Prime Minister, Ms Gro Harlem Brundtland, said that sustainable development is "development that meets the needs of the present without compromising the ability of future generations to meet their own needs". Her definition has become a mantra among environmentalists and others, who remember it as others would remember the catechism they learnt by rote. I think sustainability is about giving the next generation the choices we have. It is about simple things, such as being able to take a bus to work or walking to the shops, the pub or the church. I am not convinced that the decisions emanating from the Department of the Environment, Heritage and Local Government and other Departments will allow future generations to have such choices. We have seen an attempt to greenwash Government policies in the past 15 years.

Ever since the so-called green European Presidency of the then Taoiseach, Charlie Haughey, in 1990, successive Ministers, particularly Fianna Fáil Ministers, have attempted to portray themselves as being green. However, our increase in climate change emissions is the highest among the European Union countries. That highlights for me the lie behind attempts to cover the Government's policies in green because underneath it there has not been much of a change of heart.

Future choices are being compromised by decisions that are made by Government. For example, if we spend four fifths of our transport funding on motorways, it is unlikely we will have decent public transport. If we build incinerators throughout the country, it is unlikely that Irish agriculture will find a good niche market in the promotion of organic produce. If people in local government are not empowered to make decisions, it is unlikely they will be able to take brave and wise decisions. Increasingly, local government is being stifled by the Department of the Environment, Heritage and Local Government.

What would making Ireland more sustainable mean? What would the themes that run through this Bill mean in practice? There would be a few simple changes. We would abolish the fee to make an observation on a planning application. It might also ensure that, for instance, new taxis would be accessible to those with disabilities, again a decision of the Department of the Environment, Heritage and Local Government. It might allow our children to be able to cycle safely to school without parents being scared stiff about what might happen to them. It might mean that new communities will have schools, health clinics and parks from day one instead of waiting on them for many years. It might mean that the next Luas line might be in place in three years instead of the 13 years since Fianna Fáil promised a new light rail system for Dublin in the 1991 local elections. It is not a hugely complicated issue. Sus-

tainability is about giving us choices to change our environment.

We are not looking for the sun, moon and stars in this Bill. Green parties worldwide have always said they are looking for the earth. In essence, we are trying to ensure that people have those choices in the years to come. It is also about a balance in terms of the three pillars identified in Lisbon — social, economic and environmental — but I do not believe that balance is being achieved. The Minister for the Environment, Heritage and Local Government has, to an incredible degree, pushed forward the needs of business to the exclusion of environmental issues and real action on climate change. That is the reason we are trying to put the onus on the Department of the Environment, Heritage and Local Government, through this Bill, to show us clear scientific targets and indicators because if we use the science of environmentalism to examine the way policies are being used, it will show that we must make fairly radical changes in the way we go about our lives and the way various Departments go about their business.

**Mr. Crowe:** Sinn Féin supports the intent behind the Sustainable Communities Bill 2004 introduced by the Green Party. It is clear that little progress has been made on sustainable development in this State despite the publication of a number of strategies, including Making Ireland's Development Sustainable 2002, the National Climate Change Strategy 2000 and Towards Sustainable Local Communities — Guidelines on Local Agenda 21.

It appears the goal of sustainable development remains undermined by the ideology of the Progressive Democrats, shared by many Fianna Fáil Cabinet Ministers, which is akin to that of the 19th century industrialists who valued economic development but had little time for social development and less for environmental protection. Like those 19th century entrepreneurs, whose activity in the pursuit of profit sowed the seeds of climate change as they allowed industrial pollutants to spew into our rivers and seas and to blight our landscapes, cared little for the welfare of workers and the harsh conditions in which they lived. The Government cares little beyond the soundbite for the quality of the lives of its citizens, particularly those living in disadvantaged areas. What the Government has bestowed on us is economic prosperity without social progress and with a deteriorating quality of environment whose protection is subordinate to the mantra of the interests of economic development. The Government lacks the social conscience and the sense of global responsibility which is necessary to deliver on sustainable development.

Despite publication by the Government of the strategies mentioned earlier, development in this State has been characterised by uncontrolled urban and rural sprawl; vast ghettoised estates without services or facilities, built with little or no regard to the housing needs of the community;

under-investment in public transport; and moves to privatise existing public transport. Too little has been done to combat social exclusion, deprivation and poverty.

Sustainable development and spatial strategy in this State remains a mess of short-term, piecemeal decisions and developments, taken most often without consultation with the people affected, mostly on the basis of profit and private corporate interests.

What has been achieved since the publication of Sustainable Development: A Strategy for Ireland in 1997? The Progressive Democrats-Fianna Fáil coalition's rule has been characterised by privatisation of public services, capitulation to developers in regard to integrated housing and to industry in regard to carbon taxes directed at industrial users of energy.

The Rio declaration on environment and development stated that "people are entitled to healthy and productive lives in harmony with nature". The Government has not supported its supposed commitment to this goal with action. Until we reform local Government and, crucially, the funding of local government, little progress can be made on making local communities sustainable. As long as power remains centralised and the current coalition remains in power we will never get a genuine commitment to the development of sustainable communities. The failure to reform and the disempowerment by stealth of local government means that even where there is a commitment at local authority level, they have few powers to act and remain cash-strapped. The national climate change strategy identified local authorities as having an important cross-sectoral role at local level, including partnership with local energy agencies. This is all fine in theory but until local authorities are empowered, participative and properly financed, those intentions remain aspirational. Sustainable development cannot be delivered by an institution of Government which itself is underfunded and has little power.

The Government, in the foreword to Towards Sustainable Local Communities, states that "the core of Local Agenda 21 is to encourage greater local ownership of and participation in local decision making for sustainable development" but it has done nothing to encourage and bring about greater participation in decision making.

A reformed local government, with empowering communities through engaging them in meaningful consultation and providing them with a voice at local and regional governance in the decision-making process, is a necessary first step to further the goal of sustainable development. Our goal must be to create thriving, vibrant communities which exist in the greatest possible harmony with nature while ensuring access of those within the community to the infrastructure, facilities and amenities which are necessary to live productive and fulfilling lives. Local authorities must take an integrated and community centred approach to all development. Housing

[Mr. Crowe.]

projects need to be built in conjunction with social amenities such as schools, health facilities, child care facilities, retail outlets and an adequate, accessible and affordable local public transport infrastructure.

This is not rocket science. Sinn Féin has called for the establishment of best practice guidelines on housing mix in new developments, dwelling size, size of green, provision of playground facilities, child care facilities, common areas and overall environmental impact. Unfortunately, the Government has chosen to sit on its hands while the emissions output in the State continues to escalate. It has failed to set meaningful emissions targets for industry to enable the EU meet its obligations under the Kyoto Protocol.

The weak and inadequate targets, announced by the Minister for the Environment, Heritage and Local Government, Deputy Cullen, will eliminate the economic inducement that should be created by the policy and will harm incentives for industry innovation. Sinn Féin is concerned that the Government's response to its obligations under the Kyoto Protocol involve an over-reliance on emissions trading. This indicates a lack of concern at Government level in achieving reductions in emissions output and protecting the environment.

Contrary to Government assertions little, if any, progress has been made on decoupling energy and materials intensity from economic growth and in reducing industry emissions. The Government does not have a balanced view of economic development in comparison with social development and environmental protection. It only pays lip service to environmental concerns and protection. The national climate change strategy promised appropriate tax measures prioritising CO<sub>2</sub> emissions to be introduced from 2002 on a phased incremental basis across a range of sectors, taking into account national economic, social and environmental objectives. However, this has not happened. Increased use of public transport was also promised through additional investment in improving existing suburban bus and rail facilities and developing new facilities. However, the Government has absolutely no commitment to public transport having promoted private transport through road constructions. It would privatise all public transport in an instant if it thought it could get away with it.

The Government must realise investment in the environment and renewable resources will benefit citizens and ensure a better quality of life for future generations. The Government must invest in climate change prevention, waste management based on a zero waste policy and environmental protection. Sinn Féin believes that our goals should be efficient, cost effective, State lead development of natural and renewable energy resources, focused on ending external dependencies and reducing fossil fuel emissions. With Ireland's geographical position and natural

resources, it should lead the world in the generation of renewable energy.

To achieve sustainable communities the Government must give equal commitment to the economic, social and environmental pillars. It must prioritise the reform of local government, the delivery of services, environmental proofing of all Government policies, investment in the environment and renewable resources with a long-term focus on sustainable energy generation.

**Dr. Cowley:** I support this Bill in principle as I want future generations to live in an unpolluted environment. However, too often the word "sustainable" is used as a weapon against the right of rural dwellers, like myself, to live in our own areas. This commendable Bill centres on consultation with a range of agencies, such as local authorities, Comhar, environmental NGOs, county enterprise boards and special areas of conservation, which is necessary for democracy and balanced decisions. Too often, however, consultation can be an empty process of going through the motions simply for show. When drafting the Mayo county development plan, though consultants took submissions from local representatives and communities, not one of those wonderful ideas appeared in the final plan. We are all for power to reside locally but it is becoming more centralised. It is based on urbanisation, forcing people into cities and towns where they do not want to go and which is not better for their welfare.

I would welcome an opportunity to discuss with my Green Party colleagues their definition of sustainability. Where does the Green Party see rural housing in its definition? Where two out of three people live in County Mayo it is unsustainable. Is the Green Party definition of sustainability so narrow that it rules out those living in rural Ireland? The document, *Towards Sustainable Local Communities 2001*, encouraged housing to be closer to town centres and more amenable to public transport. Yet proper local public transport systems are not available in rural areas. Rural housing in Ireland is indigenous. While one third of our population live in rural areas and over half the population live outside Dublin city, we encourage further urbanisation, which will not help anyone.

People speak unfavourably of groundwater pollution in rural areas as an excuse to blame and block further rural housing developments. No Member will agree with 30% of urban sewage being discharged untreated into our seas and rivers. The billions required to sustain large urban populations is unsustainable. It is better to allow ourselves and our children to live in the open countryside and avoid adding to urban congestion. There is begrudgery towards the amounts spent on rural areas which is largely based on misinformation. It is cheaper rather than expensive to build and maintain a house in a rural area than in an urban area. More CO<sub>2</sub> emissions are produced by idle cars caught in traffic jams or

going at a snail's pace than by rural cars. In Dublin city, despite a well developed public transport system, 70% of workers still travel to work in their motorcars. More detailed studies are needed on the costs of rural versus urban car usage. One third of all people in Ireland live in the open countryside but less than one quarter of houses are now being built there. Ireland is rapidly urbanising, with villages becoming more nucleated and centralised.

**Mr. Gregory:** I support this Bill as there is an urgent need to promote local sustainability strategies, based on the needs of local communities and shaped by them. I know the need at first hand because I represent severely socially, environmentally and economically disadvantaged areas. The level of democratic involvement in decisions and developments that affect their future has been negligible. This has been all the more significant with large redevelopment and so-called renewal in inner city and dockland districts without regard for the needs of local people. The level of consultation with indigenous communities has been derisory. While a great deal of lip service is paid to what is termed "consultation", no attempt is made to recognise people's right to a meaningful role in the decision-making process. While IAP monitoring committees, dockland councils and so forth are a step forward, they have little or no real power.

However, inner city communities have defended their living environments. For example, the major Spencer Dock planning proposal in northside Dublin's docklands was the largest planning application in the history of the State. It was fronted by, among others, Treasury Holdings, the wealthiest development company, and supported by the Fianna Fáil Government which ensured the necessary support at Dublin City Council. Yet if that proposal had gone ahead, the existence of an indigenous local community in North and East Wall areas would have become untenable. Sustainability was not part of the agenda of Treasury Holdings, its fellow developers or political supporters.

The local people refused to capitulate and despite being without resources took on the developers and beat them in an epic An Bord Pleanála hearing. Had there been a strategy of sustainability at local level, at city council level, the time and energy involved could have made for a genuinely balanced and sustainable development and avoided such damaging conflict.

For every victory there are undoubtedly many defeats where small powerless local communities have their rights trampled on by major developers. I see it all too often. There is a critical need to provide these communities with the resources to ensure that this does not happen. In this context I pay tribute to the work of organisations such as Community Technical Aid which works with disadvantaged communities and helps them protect and defend their living environment. This type of work is essential in the absence of a

genuine strategy of sustainability. I support the Bill and I hope the new triumvirate of Labour, Fine Gael and the Green Party at Dublin City Council is as inclusive there with other democratically elected members as its Bill is here.

**Mr. F. McGrath:** I thank the Ceann Comhairle for the opportunity to speak on this legislation. I support the Bill because it has potential for the future. It gives a chance to members of the Technical Group to work together in the interests of our community. In a way this is real community politics. It is about working in and for the community. These are core principles on which we can all agree. People on the side of the poor, the disadvantaged and working people in general are not on the side of big business and other vested interests. That is something we should reflect on in this debate. Our communities are tired of the old faded politics in Ireland today. We have a great country and people, with massive resources, yet approximately 30% of our people are constantly left behind. This Bill is about closing that gap.

The details of this legislation show that it is bottom up rather than top down. It ensures that central Government uses resources to draft and promote local sustainability strategies that are responsive to and as far as practicable driven by local councils and communities. Indicators for local sustainability should be based around local environment protection, open spaces, community recycling, sustainable energy provision, local economies, facility services, procurement of jobs, social inclusion and democratic involvement. In effect the Bill provides for the empowerment of local government and local citizens opening the pathway to sustainable local communities involved in the decision-making process for their future, and able to exercise ownership and choice over their local economic, social and political environment.

This Bill has great potential to develop and empower local communities. We must face the other reality of Irish society today, the reality of greed, of the winner taking all, of money being power and clout, and the rampant selfishness that is now part of our economic boom. There is no point in an economic boom if an elderly widow in Donnycarney has to bolt her doors every night at 7 p.m. during the summer because of fear of attack, if there are 150 people on trolleys tonight in our Dublin hospitals, if there are 2,826 people with intellectual disabilities on waiting lists or if 15 children with multiple disabilities in a Sandymount centre are not getting onto the July programme because the Department of Education and Science cannot find the necessary €5,000.

These are the important issues in our lives and the ones relevant to this Bill. When I looked at the details of this Bill I was immediately reminded of the words of Karl Marx who said that philosophers have only interpreted the world, the point being to change it. That is what true community politics is about. It is about

[Mr. F. McGrath.]

changing our world, our area, our villages and towns, and about changing our society in a way that puts equality, justice and peace at the top of the agenda.

I share the concerns of Deputy Cowley regarding rural communities, but the overall thrust of the Bill is positive and progressive and I urge all Deputies to support it.

**Minister of State at the Department of the Environment, Heritage and Local Government**

**(Mr. Gallagher):** I am glad of the opportunity to respond to this Bill, which the Government opposes on the basis that it is bureaucratic and unnecessary, and provides no added value to the sustainable development agenda at any level. We have had to guess to some extent what the Bill is all about because it does not tell us what any reasonable legislator would expect to be told about draft primary legislation.

**Mr. Boyle:** Because it is a Private Members' Bill.

**Mr. Gallagher:** There are no definitions and the general incompleteness of the Bill begs questions such as what exactly the proposed local sustainability strategy would contain and what additional local measures might be envisaged. Such questions, it seems, are a matter for my colleague, the Minister for the Environment, Heritage and Local Government, Deputy Cullen, and the Department to address.

No one asked me if a local sustainability strategy, legislative-based or otherwise, was needed or might be helpful. If the Green Party had asked, I could have saved it and this House a lot of time and trouble by asking what exactly the proposed legislation was intended to achieve, because the Bill before us would achieve absolutely nothing.

Section 2 of the Bill provides for an elaborate consultation process for the purpose of producing a draft local sustainability strategy and section 3 provides for the involvement of every local authority in the country in developing both draft and final strategies. However, in section 4 we see that implementation at local level is totally optional. The Bill does not contain a single requirement for action to be taken in pursuit of sustainable development at local or community level and that is why it would achieve nothing. It is hollow and devoid of purpose.

This Bill has nothing to offer because the Government has already put in place a range of initiatives and participative structures which provide a framework for sustainable development at local and community level.

**Mr. Sargent:** They are not working.

**Mr. Gallagher:** Through progressive policies, programmes and procedures we have provided leadership and direction to guide and underpin sustainable development, creating the right con-

ditions for local growth and progress within a well protected environment. An Agreed Programme for Government identifies a range of areas for action in support of sustainable development, including a specific commitment in my area to continue the successful operation of Comhar, the national sustainable development partnership, as a forum for partnership and participation across society on sustainable development issues. The agreed principles for sustainable development published by Comhar in July 2002 provide a good benchmark for mutually reinforcing policies across the three pillars of sustainable development.

Sustainable development is much broader than environmental protection. It must encompass economic development and social progress as well as environmental protection. Its fundamental objective, achieving a balance between economic, social and environmental aspects of development, as well as maintaining a high quality environment as a source of complete advantage, is recognised and supported in Sustaining Progress, the social partnership agreement 2003-05.

The 1997 national sustainable development strategy reflected and took forward in an Irish context the programme set out in Agenda 21, the international action programme adopted at the United Nations conference on environment and development in 1992. While the strategy continues to have a major influence on national policy and action, it cannot stand still because the pursuit of sustainable development must be dynamic, not static. The policy document Making Ireland's Development Sustainable, which my colleague, the Minister, Deputy Cullen, published in 2002, reviewed and assessed progress made by Ireland since the Earth Summit in 1992 and set out updated and ambitious priorities for the new decade.

Among the progress reported in that 2002 document was increased provision at individual and local level for public participation and involvement through both the process of Local Agenda 21 and new structures established under the local government reform process.

Local Agenda 21, originating from the 1992 world summit, was designed as a framework for the pursuit of sustainable development at local or community level. It is an approach based on participation, which respects the social, cultural, economic and environmental needs of the community in all its diversity and relates that community and its future to the regional, national and international community of which it is a part.

My Department issued updated guidelines in 2001 to assist local authorities in their pursuit of Local Agenda 21. The guidelines outlined the process towards development and delivery of Local Agenda 21 and encouraged high levels of participation and partnership with the public generally but also with local enterprise and community groups. Importantly, this process was placed in the context of the new structures established under local government reform, creating a

mutually reinforcing overall framework for local government. In particular, the guidelines examined the synergies between the roles of the county and city development boards, strategic policy committees and Local Agenda 21, showing how these different initiatives could be successfully integrated.

The role of indicators in monitoring the effectiveness and delivery of policies is well recognised at international level. In recent years much work has been done on indicators relevant to the pursuit of sustainable development by the Environmental Protection Agency and through NESAC.

**Mr. Boyle:** How are we doing?

**Mr. Gallagher:** Obviously, however, indicators used at national level will not all be practicable at local level due to resource, expertise or data requirements, or simply as a result of the size of the locality. In a new initiative, local authorities will, for the first time this year, benchmark their performance in housing, planning and environmental services delivery against 42 service indicators, with the results independently to be verified by the Local Government Management Services Board.

I acknowledge that more can be done to improve uptake and implementation, and that is a common feature of Local Agenda 21 activity in many countries. A recent report of the Centre for Cross Border Studies, *Towards a Green Isle — Local Sustainable Development on the Island of Ireland*, makes a number of recommendations towards embedding local sustainability values in local government and local development.

A decade on from the Earth Summit in Rio de Janeiro in 1992, the sustainable development agenda has evolved and become clarified.

**Mr. Sargent:** It has not been implemented.

**Mr. Gallagher:** Not surprisingly, therefore, there was a marked shift in emphasis from Local Agenda 21 to Local Action 21 at the follow-up summit in Johannesburg in 2002. The report of the Centre for Cross Border Studies refers to the rapid evolution of national policy over the past ten years. An institutional framework better suited to the delivery of sustainable development now exists, including, in particular, city and county development boards and strategic policy committees within local authorities. The report acknowledges that these bodies have a strategic focus and an approach based on partnership and inclusion, essential requisites for effective local sustainability practices. In effect, international experience and independent commentary have provided a strong and positive endorsement of the direction taken by the Government and the progress made in recent years in promoting and pursuing sustainable development.

As the Minister, Deputy Cullen, was not consulted prior to publication of this flawed Bill, I tell the Green Party that we fully agree that local

communities should have a say in influencing public policy at local level.

**Mr. Boyle:** He consults us on his policies, of course.

**Mr. Sargent:** He told me he was too busy.

**Mr. Gallagher:** It was precisely with this in mind that we established a number of structures at local level as part of the programme of local government renewal to enable local communities to make their input into policies, plans and programmes which affect their areas. County and city development boards have been set up in each county and city and are led by local government. The boards bring all the players together locally — public sector agencies, social partners, local government and local development bodies, all co-operating and planning together for the betterment of their communities.

A key focus for the boards is the more co-ordinated delivery of public services at local level. The boards published their strategies for the economic, social and cultural development of their counties and cities in 2002. These are currently being implemented via their member agencies. These strategies did not just materialise out of the blue. They were the culmination of an unprecedented and unparalleled level of consultation with local communities.

**Mr. Boyle:** Will the Minister take a question?

**Mr. Gallagher:** Across the land, local communities were asked for their views on how their counties and cities should be shaped. Practical measures were taken to ensure that this was not just a token exercise. The communities were given two places on the boards. A community and voluntary forum was established in each city and county to enable the community to influence how the board strategy was being developed and subsequently to monitor its implementation. In addition, my Department provides funding to each forum on an annual basis to support it in its work. The Minister has also encouraged other public agencies to use the fora as a very useful sounding board.

**Mr. Sargent:** It is a talking shop.

**Mr. Gallagher:** It is worth noting that they operate on a democratic and transparent basis and are accountable to the communities that select them.

The strategic policy committees, SPCs as they are more commonly referred to, established in each county and city have a key role in developing and overseeing the implementation of the local authority's policies. At least one third of the membership of each SPC is drawn from sectoral interests, representative of the local community.

On coming into office, the Minister asked that the SPC system be reviewed so as to ensure that



[Mr. Gallagher.]  
it delivered on its full potential. As part of that review, SPC members representing local communities were consulted. He asked that the recommendations of the review be implemented now by the new SPCs being established following the local elections. I am confident that the local governance structures which we have put in place enable local communities to have their voices heard in the development of their local areas. This is a real bottom up approach, unlike the Bill.

**Mr. Sargent:** The Bill works in other countries.

**Mr. Gallagher:** Turning to planning and development, improved frameworks for planning at national, regional and local levels have been provided with the national spatial strategy, regional planning guidelines and the revised arrangements for preparing development plans and local plans under the provisions of the Planning and Development Act 2000.

**Mr. Boyle:** What about decentralisation plans?

**Mr. Gallagher:** The function of the planning system is to support the sustainable development of land in the interests of the common good. The Planning and Development Act for the first time explicitly incorporated a sustainable development ethos into the Irish planning system and introduced a hierarchy of spatial and land use plans. There are four elements in this hierarchy: the national spatial strategy, regional planning guidelines, development plans and local plans.

The national spatial strategy establishes a spatial framework at national level and gives indicative land use guidance which is relevant at all levels within the planning hierarchy. The formulation of plans at other levels must have regard to and be consistent with the strategy. The strategy, through its focus on economic, social and environmental issues and on the inter-linkages between them, is a key policy instrument in the pursuit of sustainable development. The Government is fully committed to the implementation of the national spatial strategy, NSS, and has put a wide range of measures in place at national, regional and local levels aimed at achieving the strategy's objectives.

**Mr. Sargent:** They are screwing it up.

**Mr. Gallagher:** Important recent developments supporting the achievement of the Government's objectives as set out under the NSS have included the substantial progress now being made on major national development plan capital investment programmes supporting balanced regional development. This is of particular importance in areas such as the development of key regional and inter-regional road and rail links and substantial infrastructure projects which will support the role the key gateways and hubs identified in the strategy.

The mid-term review of the national development plan also signalled strongly the potential for further aligning NDP expenditure with the NSS planning framework, particularly in the environmental infrastructure and regional operational programmes. Gateway implementation frameworks are now in place in Cork and Galway and work on similar frameworks is advancing in other areas. The proposals announced recently for substantial investment in new suburban rail services in the Cork area provide a significant example of a direct response from the Government to the planning policies which have been put in place by the Cork County and City Councils, creating the conditions for accelerating the development of Cork as a key regional city and gateway in the south west.

Regional planning guidelines provide a long-term strategic planning framework for the development of regions. The planning framework set out in the guidelines must take account of the future development of the region for the period of the NSS, the period up to 2020. The national spatial strategy provides the context for the preparation of the regional guidelines and these in turn will provide the strategic framework for development plans, thus forming a hierarchy of planning policy from national to county, city and town level.

A significant milestone in the implementation of the national spatial strategy was reached recently with the adoption by all regional authorities of regional planning guidelines which will help to structure and inform more local planning. For the first time, guidelines of this nature have now been put in place throughout the whole country setting the strategic policy agenda which planning authorities must address in their development plans and creating the crucial link needed between overall national spatial policy, as set out under the NSS, and local planning policies.

**Mr. Boyle:** Will the Minister take a question now?

**Mr. Gallagher:** The development plan lies at the heart of the planning system and is intended to provide the strategic framework and policy context for all local planning decisions. The Planning and Development Act 2000 reinforces the role of the development plan as the primary strategic statement on land use planning at city, town and county level and provides a clearly defined context for the formulation and content of planning applications. The development plan must set out an overall strategy for the proper planning and sustainable development of the planning authority's area through the objectives to be included in the plan. The plan will influence major capital investment by both the public and private sectors, including capital projects by the local authority itself. The plan must give spatial expression to the economic, social and cultural needs of the community, in terms of influencing

new development, enhancing valued amenities and protecting the environment.

The development plan is a framework for initiating and influencing the process of change in our surroundings to support the wider economic, social and environmental objectives of the community. Effective integration of the wider community in the plan preparation process through public consultation, as provided for in the 2000 Act, with the democratically elected members of the planning authority, will build ownership of the plan and will facilitate its subsequent implementation. This will make the ongoing planning process, including the assessment of planning applications, more transparent and efficient.

**Mr. Sargent:** And more expensive.

**Mr. Gallagher:** The 2000 Act provides that a planning authority may prepare a local area plan for any area within its jurisdiction which it considers suitable and, in particular, for those areas that require economic, physical and social renewal and for areas likely to be subject to large scale development within the lifetime of the plan. A planning authority is obliged to prepare a local area plan for an area with a population in excess of 2000. The Act requires that a local area plan must be consistent with the objectives of the development plan. It should not, therefore, contain any objectives which materially depart from those set out in the development plan, including zoning of land in local plans. The development plan is the “parent” document, which sets out the strategic framework within which the objectives of the local area plan must be formulated.

Development plans should indicate those areas for which a local area plan will be prepared, set out a clear context for their preparation and give an indication of particular policies or objectives which may need to be included therein. Local area plans were provided for under the 2000 Act to provide a flexible mechanism for the preparation of plans for particular urban or rural areas, for example, or for particular parts of such areas, within the development plan framework for the larger area to which that plan relates.

Sustainable communities include communities living in urban areas. My Department supports sustainable urban development through various initiatives and incentives, such as, the tax incentive based urban and town renewal schemes and the LOTS, living over the shop, scheme; urban and village renewal and conservation grant schemes; the operation of the Tidy Towns competition. The current urban renewal scheme, which is not due to finish until the end of June 2006, applies in the five cities as well as in 38 towns with a population in excess of 6,000. Under this scheme, residential and commercial tax incentives are available for designated sub-areas based on integrated area plans, IAPs, prepared by the relevant local authority for these areas.

The IAP based approach to urban renewal incorporates a number of sustainability prin-

ciples. In particular, it is a targeted approach to the availability of urban renewal tax incentives, both in terms of scale and application, and—

**Mr. Boyle:** What about the people? It is not just buildings and taxes.

**Mr. Gallagher:** —it addresses not just the physical regeneration and development of the urban fabric but the broader issues of social and economic improvement. Overall, investment leveraged under the urban renewal scheme is expected to amount to €4,896 million, with more than 16,000 residential units developed or redeveloped.

The town renewal scheme, TRS, with targeted residential and commercial tax incentives, is aimed at the restoration and conservation of townscapes in 100 smaller towns with populations of between 500 and 6,000 people. These incentives are available on designated sites within these towns until the end of June 2006. Overall, investment under the town renewal scheme is expected to amount to €477 million, with an estimated 2,208 residential units developed or redeveloped. The living over the shop, LOTS, scheme began on 6 April 2001. It aims to convert vacant upper storey space to residential accommodation, is operating in several streets in the five major cities and will run to the end of June 2006. Overall, investment under the living over the shop scheme is expected to amount to €66 million, with projected residential output at 363 units.

The part EU funded urban and village renewal and conservation grant schemes of both the southern and eastern and the Border, midland and western regional operational programmes enable grant assistance to be given to local authorities and voluntary conservation bodies. The objective of these grants is to finance a range of measures which are designed to rejuvenate the social and economic life of cities, towns and villages, rehabilitate the built environment, and restore and conserve important elements of Irish architecture.

Major flagship urban renewal projects are being funded in each of the five main cities of Cork, Dublin, Galway, Limerick and Waterford. In towns and villages grants are also being used to carry out renewal works which are designed to improve the physical environment of these centres, attract and sustain an enterprise base and support tourism and living conditions generally. Grants are also being provided for the conservation and restoration of buildings of architectural and heritage merit. Many landmark buildings with historic features which were in need of restoration have now been preserved for future generations to enjoy.

Overall investment under this sub-programme will amount to in excess of €150 million in the 2000 to 2006 period. This investment will help create more attractive environments and underpin and encourage investment in enterprise

[Mr. Gallagher.]

creation and commercial and residential activity in towns and villages and their hinterlands.

Residential densities are a further important consideration for sustainable communities. Guidelines issued to local authorities in September 1999 support Government policy of encouraging more sustainable urban development by the avoidance of excessive suburbanisation and the promotion of higher residential densities in appropriate locations in harmony with improved public transport systems. The guidelines acknowledge that from a planning perspective, the benefits of increased residential density include the more economic use of existing infrastructure and serviced land, a reduced need for the development of greenfield sites, urban sprawl and ribbon development, reduced need for investment in new infrastructure, better access to existing services and facilities and more sustainable commuting patterns.

The guidelines recommend that, in general, increased densities should be encouraged on serviced land or land proposed to be serviced. They state that planning authorities should review and vary, if necessary, their development plans to promote higher residential densities, particularly in re-developing brownfield sites and in proximity to town centres and public transport corridors. The guidelines stress that firm emphasis must be placed by planning authorities on the importance of qualitative standards in design and layout to ensure that the highest quality of residential environment is achieved.

Other initiatives, such as the Tidy Towns competition, encourage sustainable environmental practices in towns and villages. Some 700 Tidy Towns committees participate in this annual competition, as well as contributing to other local environmental initiatives organised by the Department, local authorities and other agencies.

I have just touched on some of the key areas where I have responsibility for policy, legislation and programmes that contribute to sustainable development, and stimulate local authorities and local communities to pursue sustainable development in their own areas. Many others, in areas such as housing, waste, other environmental services, or participation in local energy agencies are relevant and important for sustainable development.

There is no legal impediment to sustainable communities, and there is certainly no need for this Bill. The structures, guidance and opportunities for sustainable development at national and local level that have already been put in place by this Government are well established and widely pursued. What is needed is commitment and leadership at local level and within communities, but one cannot legislate for those, and that is the basis on which this Bill must fail. It is not just fundamentally flawed and misleading. It offers no added value, no leadership, and no concrete action. Far from increasing the sus-

tainability of local communities, it is an empty shell.

**Mr. McCormack:** I am disappointed by the predictably negative response of the Minister of State. It is a pity the Government cannot overcome its tradition of opposing anything the Opposition does. It would be much better if the Minister of State had suggested consulting the Parliamentary Counsel and the civil servants so that together we could produce something that would lead to sustainable development in communities. It is unusual for a party to use Opposition time to produce a Bill. Opposition parties should, therefore, be encouraged and not belittled in respect of the Bills they produce. I am in principle in favour of what the Bill is trying to achieve. I accept the Minister of State's view that there may be better ways of doing it. However, let us get together to do that.

I am slightly concerned about the provision in the Bill that local authorities should lead in this matter. Perhaps a body other than a local authority should be given responsibility for sustainable development in communities. Local authorities find it difficult enough to carry out the functions they already have. If I ring my local authority, Galway County Council, I will be answered by an answering machine and instructed to dial one if I require the planning department, dial two if I require the housing department, and dial three if I require the roads department. If want to be put through to the planning department and dial one, I will hear another answering machine and might be kept waiting an hour, as happened to me twice last week.

How can the local authority get away with giving such a service to the general public?. If my office provided that type of service, I would be gone from this House long ago. The local authorities do not have the staff because they are not given the necessary resources. On top of that, the Department saddled local authorities with benchmarking increases and provided no money for this. It had to be done from existing resources by cutting back on other services.

The Minister of State said that development plans lie at the heart of the planning system. This is contrary to what the Minister for the Department of the Environment, Heritage and Local Government, Deputy Cullen, announced in March when he stated that he would allow rural houses to be built everywhere. It was a stunt before the local elections. The Minister of State, who was a member of a local authority, knows that cannot be done if it is not already included in the county development plan, and there was no time between the announcement and the local elections to alter the development plan because that is a process that takes up to six months. The Minister thought he would get away with this, but people in rural areas were not fooled.

Sustaining local communities is about much more than that. It is a mindset involving getting

people to empower themselves to sustain their local community. There are many apartments being built now, but every house has a back garden. How many householders sow a ridge of potatoes, lettuce, turnips, carrots or anything else? That would help to sustain local communities. I happen to have a ridge of potatoes in my back garden. Recently I was amazed to be asked by two young lads from Dublin, aged 18 and 19, whose parents grew up on farms, whether the potatoes grew on the stalks.

It is only 150 years since we had a population of 8 million.

**An Ceann Comhairle:** I ask the Deputy to move the adjournment.

**Mr. McCormack:** I have never felt in better form. That is a pity.

It is a shame, 150 years after the Famine, when 8 million people were living on potatoes, that the present generation does not even know how they are grown. I wish I had half an hour to talk about that.

**An Ceann Comhairle:** Is the Deputy sharing time with a colleague?

**Mr. McCormack:** Yes, I am sharing time with Deputy Crawford, who can have my remaining time as I cannot be here tomorrow night.

Debate adjourned.

### **Maternity Protection (Amendment) Bill 2003** [Seanad]: Report and Final Stages.

**An Ceann Comhairle:** Amendment No. 1 in the name of Deputy Morgan is out of order as it involves a financial charge on the Revenue. Amendments Nos. 2 to 5, inclusive, are similarly out of order. Amendment No. 6 in the name of Deputy Morgan arises from committee proceedings. Amendment No. 7 is related. Amendments Nos. 6 and 7 may be taken together, by agreement. Is that agreed? Agreed.

**Mr. Morgan:** Are we not taking amendment No. 3?

**An Ceann Comhairle:** We are taking amendments Nos. 6 and 7, which are related. Amendments Nos. 1 to 5, inclusive, are out of order, since they involve a charge on the Exchequer.

**Mr. Morgan:** I did not think that amendment No. 3 was in that category, but I will stand corrected by the Ceann Comhairle if that is the case. My understanding was that amendment No. 3 did not involve such a charge.

**An Ceann Comhairle:** Amendment No. 3 does not involve a charge, but it does not arise from committee proceedings.

**Mr. Morgan:** The Ceann Comhairle is lucky that I am not in bad form or I would be giving out to him along with the others who have been doing so recently.

**An Ceann Comhairle:** Unfortunately the Chair is bound by Standing Orders.

**Mr. Morgan:** I know and accept that, and I will not argue with the Ceann Comhairle. Standing Orders, particularly regarding charges on the Exchequer, should be changed since there is a carry-on whereby virtually anything one does in amending legislation can involve a potential charge on the Exchequer. That is an over-restrictive Standing Order. However, I do not hold the Ceann Comhairle responsible for it, since I know it is up to Members. Unfortunately, I will have to move on to amendments Nos. 6 and 7.

Amendments Nos. 1 to 5, inclusive, not moved.

**Mr. Morgan:** I move amendment No. 6:

In page 4, line 32, to delete "8" and substitute "26".

These two amendments propose to extend the period of additional or unpaid maternity leave from eight weeks to 26. If IBEC were here, its representatives would be jumping up and down and going daft at my amendment. However, my amendment already exists in the Six Counties. That part of Ireland is emerging from more than 30 years of armed conflict and the severe consequences of British actions, which obviously created a very difficult environment for trade, yet business in the area is doing reasonably well. There is no evidence that it is suffering in any way as a consequence of that additional period of unpaid maternity leave. I hope that the Minister of State will find a way to accept the amendment. In the Seanad the Minister stated:

It is a widely held view, supported by leave arrangements in several other countries, that the best interests of infants under 12 months old are served where they remain in the direct care of their parents.

Six months' paid and a further six months' unpaid maternity leave would allow working mothers that opportunity. The situation is exacerbated by the serious lack of child care facilities in this State, especially for infants. How can working mothers handle all the pressures and obstacles created by legislation? We have an opportunity to amend this legislation to make it even better. I do not want to be negative about the Bill, the thrust of which I support. I am enthusiastic about getting it into operation so that people can benefit. I look forward to the Minister of State's response.

**Mr. McCormack:** I certainly support the amendment. Apart from extending the paid maternity or paternity leave of the parent or parents, which I also support, perhaps the principle might be established that people might take leave in the first year of their child's life without affecting their employment. We should be able to build a system into the legislation so that a person's employment is protected if the period of leave is extended, even if it were without pay in the second six months. It is accepted that the first year of a child's life is the most important for its future. It is essential that the child have a parent available to it full-time in its first 12 months.

**Ms B. Moynihan-Cronin:** I also support this amendment. Many young mothers are having difficulty in getting crèches and child-minders to take very small babies. Looking after small children is a great responsibility. A majority of mothers are now working, and while this Bill supports that, at eight weeks the child is too small to be given to child-minders. Crèches have difficulty accepting children of that age. IBEC may have a problem with this, but we must unfortunately accept that. IBEC is not elected to this House to devise policy or enact legislation; we are. The Opposition feels that this should be looked at. I do not know whether the Minister of State will accept it. Perhaps he listens to IBEC more than to us. I listen to people on the ground, particularly to young, first-time mothers, who have a difficulty with the eight-week period. I support the amendment.

**Minister of State at the Department of Justice, Equality and Law Reform (Mr. O'Dea):** I certainly agree with the amendment's spirit. My difficulty is that the genesis of this legislation was the maternity working group, a social partnership arrangement on which the Government was represented, as were the employers through IBEC. Those whom we are trying to help through this legislation, whose lot we are trying to improve, namely, pregnant working women, were represented by the trade union movement. Naturally, the purpose of the group's deliberations was to draw up proposals to improve the position of pregnant workers. Representatives of that group were trying to achieve the best improvements that they could, as is their job.

The employers said certain things would cost too much or be too onerous but that they would make concessions in return. Ultimately, a compromise was reached, with the Government acting as referee, as it does in such social partnership talks. I am putting that compromise into legislative form. The main proposal was that paid and unpaid maternity leave periods be extended by four weeks in each case.

The Government moved in the next budget to implement that immediately before it could put

the legislation on the Statute Book. This legislation is intended essentially to deal with the other changes and to put legislative form on those initial changes. While I can make minor changes to the Bill with the intention of improving the position of pregnant workers, I cannot make a fundamental change on my own behalf along the lines proposed in Deputy Morgan's amendment. It is not a question of heeding IBEC more than any other group but of taking an agreement to which there were two parties and being expected to effect a dramatic change unilaterally against one party without its permission. That would be wrong and unfair. Besides, I would have no authority to do so.

The Government was in the same position on later amendments and promised to consult IBEC whose response I will furnish to the House when we reach those amendments. This is not a minor change and I cannot unilaterally introduce it. It would involve a fundamental restructuring of the compromise agreement arrived at in good faith, that we undertook in good faith to put on the Statute Book. No matter how much I might condone the sentiment behind the amendment I cannot accept it.

**Mr. Morgan:** Perhaps in future a clause should be built into the construction of these negotiations to the effect that any negotiation outcome is subject to the approval of this House as opposed to being rubber-stamped by the Government. This would apply even if a new Government places a different emphasis on these negotiations. There is general consensus across three Opposition parties and measured acceptance by the responsible Minister of State on the purpose of this amendment, yet it cannot be accepted because negotiations around the legislation took place outside this House. If I wish to wield some influence on the organisation of society perhaps I should return to business and try to climb the employers' representative ladder. That might be more fruitful than standing here debating amendments which, regrettably, I am all too accustomed to seeing rejected. It is most unfortunate that IBEC in particular is able to dance a merry jig over this.

I speak somewhat tongue in cheek because I accept the Minister of State's point that representatives of all the groups involved were at the table but I cannot accept that a general consensus emerging from the national Parliament is subject to negotiation by a group of people not directly represented here. That is a very dubious approach to conducting our business. I appreciate the need for those negotiations and believe it was laudable to bring those people together to arrive at the most acceptable draft legislation. I do not wish to whinge, gurn or cry unnecessarily about it. The point, however, is legitimate, as made also by the two previous speakers, that general agree-

ment is emerging on a particular amendment yet it cannot be accepted. That is rather unfortunate and I ask the Minister of State to think again.

**Mr. McCormack:** The Minister of State said he can go part of the way. It might help us if he spelt that out. I am concerned about his statement that negotiations taking place outside this House have more influence than debate within the House. It is a very serious development in any case, not just this one, when parties to an outside agreement tie the hands of the Minister of State who agrees with three Opposition Deputies that there is merit in the amendment.

**Mr. O’Dea:** The social partnership has no influence on 99.9% of the legislation that goes through the House. Everyone is aware of the benefits this country has derived from social partnership and some parties, which were not initially converts to this process, have recently converted to it — better late than never. What weight would an agreement between Government, employers, trade unions, farmers and other people who make up the social partners have, if any Minister or Minister of State could come in here and overturn it?

**Mr. McCormack:** Does that mean they can write legislation?

**Mr. O’Dea:** Social partnership would mean nothing if such an agreement could be overturned against one party and in favour of another. It would go down the drain. Deputy McCormack referred to my saying I could go further, but I did not say that. I said I could make certain changes to the recommendations advanced. I have made those changes and the Bill reflects them. I went as far as I could but I cannot go so far as to change unilaterally something that was the subject of a bona fide agreement. It was agreed twice, first when the terms were agreed and then when the Government agreed to introduce legislation based on those terms.

**Mr. McCormack:** Will that apply to every amendment? If so, I might as well leave.

**Mr. Morgan:** From now on every political candidate who publishes a manifesto at election time should print large and bold at the end “I offer representation subject to the approval of social partnership and various outcomes and even if I win the general agreement of the Dáil I most probably will not be able to make any changes or implement the policies I offer.” It stands Parliament on its head. While the consensus of social partnership is useful, for it to receive the stamp of very little or no change by a Department, to the exclusion of the debate on legislation in the Oireachtas, bodes ill for the future. I am disappointed but there is no sense in holding up the

debate because we are going nowhere and we have made our points reasonably well.

Question, “That the figure proposed to be deleted stand”, put and declared carried.

Amendment declared lost.

**Mr. Morgan:** I move amendment No. 7:

In page 4, line 34, to delete “8” and substitute “26”.

Question, “That the figure proposed to be deleted stand”, put and declared carried.

Amendment declared lost.

**An Ceann Comhairle:** Amendment No. 11 is related to amendment No. 8 and both amendments may be taken together by agreement.

**Mr. Morgan:** I move amendment No. 8:

In page 5, to delete lines 24 to 36 and substitute the following:

“(2) An employer who receives a request under subsection (1) shall agree to terminate the additional maternity leave of the employee concerned, unless there is a legitimate operational justification for refusal, and, if the employer does so, the additional maternity leave shall terminate on a date agreed by the employee and the employer that is not earlier than the date of the commencement of the employee’s sickness and not later than the date on which additional maternity leave would have ended in accordance with notification given by the employee to the employer under section 14(4) or 14B(8), as the case may be.”

This amendment aims to strengthen the position of an employee in regard to additional unpaid maternity leave. It gives the employer a way out if there is “a legitimate operational justification” for refusal of that time. This is a reasonable amendment that should have no major consequences for the employer. It states specifically “unless there is a legitimate operational justification for refusal”. Clearly there is a very strong “out” for the employer.

Amendment No. 11 specifically states “unless there is a legitimate operational justification for refusal”. While seeking extra maternity leave, we have covered the interests of employers who may suffer additional hardship in operational terms if, for example, there was no other employee on hand capable of performing a particular task and an employer was obliged to hire temporary staff to perform it. If this occurred for instance outside of holiday times, businesses might not be under particular pressure and could accommodate this. There is some give and take in the amendment and this would facilitate all sides in the nego-

[Mr. Morgan.]

tiation process. I trust that the Minister of State will accept the amendment.

**Mr. McCormack:** I support this reasonable amendment. I look forward to what the Minister of State has to say because I presume he may accept it. The amendment would not place either side at any disadvantage because it clearly spells out that employers could refuse to sanction the extra unpaid maternity leave. However, with the agreement of an employer and employee, additional unpaid maternity leave could be sanctioned and the person's employment would be protected. Discussions took place outside the House during the process of the Bill's drafting and I am sure the amendment would not run contrary to any of the agreements reached, to which the Minister of State referred.

**Ms B. Moynihan-Cronin:** I also support the amendment. The minor change it would make would assist employers in terms of facilitating their employees. The majority of employers want to assist their employees, particularly where there is an illness involved. I have not come across any employer who would not support an employee in such circumstances. This is a justified and reasonable amendment.

**Mr. O'Dea:** This amendment deals with an employee's right to break her period of maternity leave with the agreement of the employer. When the Bill was initially published, the employee could only do so "at the discretion of the employer". However, I removed that wording and substituted the phrase "with the agreement of the employer". That was a substantial change.

The recommendations of the maternity working group are that an employee may transfer from additional maternity leave on to sick leave or postpone additional maternity leave if the employer agrees. Amendments Nos. 8 and 11 are inconsistent with the recommendations of the working group in that they take away the employer's option to refuse and only allow refusals in situations where there is a legitimate operational justification for such refusals. This introduces a rigidity into the Bill which was not intended by the working group. The spirit of the recommendation which the Bill, in its new form, follows is that the employee and the employer would jointly agree to terminate or postpone the leave in certain circumstances.

**Mr. Morgan:** I have a feeling the Minister of State is probably well disposed to this amendment but because he is bound by an agreement with people outside the House he cannot accept it. He stated that the amendment imposes a rigidity on the Bill, which is far from the case because it offers employers a legitimate excuse not to reach agreement with an employee if there is a

genuine operational reason for not doing so. If such a reason for agreeing a period of leave with an employee does not exist, why would an employer not agree it? It is a straightforward and common-sense amendment and I am surprised that someone in the negotiations did not identify the possibility of including a clause of this nature. If this matter is not catered for in the Bill, I would be concerned that employers might be encouraged by their representative organisations to interpret the provision more rigidly than they, as kind, caring and loving employers, might otherwise wish to do.

Inclusion of the amendment in the Bill would offer the opportunity for reconciliation between the parties. I am not suggesting these parties are always warring and in many instances a friendly and reasonably good working relationship exists. Unfortunately, the Bill lacks that type of incentive to encourage people to co-operate. If the amendment were accepted, such an incentive would be acted upon by many employers and the an opportunity for representative organisations on either the workers' side or the employers' side to become involved would be significantly reduced.

**Mr. O'Dea:** I do not agree that one can impose good industrial relations by law. History lists many democratic governments which tried to do that, with a conspicuous lack of success. It is based on the relationship between an employer and his employees. It is invariably in the interests of an employer to have good relations with his employees.

We have moved from a situation where the matter was at the sole discretion of the employer to one where there must be an agreement between the employer and the employee. If the text of the amendment were accepted, employers who did not want to agree would actively seek out operational reasons to allow them to refuse. This would create the potential for confrontation. I do not believe the amendment would add anything to the Bill. We have gone as far as we can in trying to balance matters between employers and employees. I must reject the amendment.

**Mr. Morgan:** Matters in the House are becoming somewhat hilarious. Last week there was serious carry-on regarding a number of amendments and it is beginning to happen again. The Minister of State indicated that we cannot have good industrial relations by law. However, he implied that we can have good law through industrial relations by excluding the elected representatives of the people. That is, *de facto*, what we are discussing. I reject his assertion that we cannot have good industrial relations by law.

**Mr. O'Dea:** One cannot make people be friends by law.

**Mr. Morgan:** I accept that we need negotiations and partnership. However, according to the Minister of State, the consensus among Members of the House must be excluded from these. I reject that notion.

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

**Ms B. Moynihan-Cronin:** I move amendment No. 9:

In page 5, line 54, after "termination" to insert "until such later date as is agreed with her employer".

I discussed this matter with the Minister of State on Committee Stage but I felt it was important to again table the amendment. This section deals with the termination of additional maternity leave in the event of sickness of the mother. The latter will only happen in exceptional circumstances and the percentage of women who will avail of this provision is small. I want to include in the section the phrase "until such later date as is agreed with her employer". This is a sensible amendment. In the event of a mother becoming ill with, for example, post-natal depression, agreement as to how to proceed will have to be reached with the employer. This is a serious issue and we need flexibility. It should be possible for the parties to reach agreement.

As I said, this is a sensible amendment which does not tie anybody into anything. Its intention is to put a proviso in the Bill allowing the parties to agree that the balance of the maternity leave would be taken at a later date. The percentage of people who would avail of this provision would be very small. Does the Minister of State not agree that these are exceptional circumstances and that, in the majority of cases, employers would agree anyway? There will always be one or two employers who would stick rigidly to the guidelines without the flexibility provided by the amendment. However, I do not think very ill mothers would have this opportunity.

**Mr. Morgan:** I support the amendment which is brief and precise and offers an ever so gentle change to the legislation which would strengthen it. The same is true of many of the  
9 o'clock Report Stage amendments put forward, in that they are not major amendments but they are very important.

The amendment proposes the insertion of the words, "until such later date as is agreed with her employer". How much more flexible can one get? I fully support the amendment.

**Mr. O'Dea:** The maternity working group recommended that in the event of illness, an employee should, subject to the agreement of the employer, be able to transfer from additional

maternity leave to sick leave. It further stated that if an employee transfers from additional maternity leave to sick leave, she will forfeit her right to any additional maternity leave not taken at the date of commencement of the sick leave.

In the course of its deliberations on this matter, the working group took into consideration the effect of a transfer from additional maternity leave to sick leave on the entitlement to the balance of the additional leave. The group noted that the European Court of Justice stated in *Margaret Boyle and Others v. the Equal Opportunities Commission* that in order for a woman on maternity leave to qualify for sick leave, she may be required to terminate the period of supplementary maternity leave granted to her by the employer.

Where the employee terminates additional maternity leave in order to have her absence from work treated in the same manner as any other absence from work due to sickness, she may benefit from payment in respect of sick leave, depending on the sick leave arrangements available under her employment contract, whereas an absence on additional maternity leave does not attract payment. The EU pregnant workers directive prohibits the dismissal of an employee from the beginning of her pregnancy to the end of her maternity leave, save in exceptional circumstances not connected with the employee's condition. The Maternity Protection Act 1994 extends this protection to the end of the additional maternity leave period. This means that an employee is protected from dismissal in respect of pregnancy-related sick leave from the beginning of the pregnancy to the end of the maternity or additional maternity leave period.

As I indicated on Committee Stage, it is necessary to include in the Bill a mechanism to deal with a situation where an employee falls ill and wishes to benefit, with the employer's agreement, from sick leave arrangements rather than unpaid additional maternity leave. She must forfeit her right to the additional maternity leave which has not been taken, otherwise, in view of the legal protection in place up to the end of the additional maternity leave, employers would not agree to allow employees split their additional maternity leave due to the risk of potentially extending maternity protection for the duration of a prolonged period of sick leave. The maternity review group clearly recognised the legal consequences of the transfer from additional maternity leave and its recommendation that the leave must be forfeit was constructed accordingly.

I thank the Deputy for her amendment, however, I cannot accept it for the reasons outlined.

**Ms B. Moynihan-Cronin:** The answer is long and convoluted and I cannot take it all in at the moment. The purpose of the amendment is to



[Ms B. Moynihan-Cronin.]

give employees and employers an opportunity to negotiate and agree among themselves where that is possible. We are only talking about a small number of people and I do not see why it is such a big issue with the working group and other groups. Some of the women who get into difficulties when they become ill are not even in a position to negotiate for themselves and need somebody to do it on their behalf. They should not be at the loss when they are going through a stressful time. I am disappointed with the Minister of State's response because, although the amendment is minor, it is important for women who become ill, especially those women who develop postnatal depression.

**Mr. McCormack:** The amendment is similar to the previous one and offers a way for an employer and employee to agree on something. However, from now on I wish to concentrate on questions about the maternity working group rather than dealing with the amendments as the Minister of State has quoted from the working group in every reply.

Perhaps he would outline for us how often the working group met. Did the group operate on a voluntary basis or was it paid for its work? It appears to have put a great deal of effort into the Bill. The excerpt from the working group read by the Minister of State in his previous contribution was similar in its technicality to that of the Parliamentary Counsel. If the Minister of State could tell us more about it perhaps we would not have any need to discuss the amendments. What is the background to the working group, who was on it, for how long did it meet and how long has it been dealing with the drafting of the Bill? Did it get any thanks for its extensive efforts in arriving at its conclusions which appear to be unchangeable?

**Mr. O'Dea:** I accept what Deputy Moynihan-Cronin said, the reply does appear somewhat complex. Basically we are leaving the Bill as it is for the protection of women rather than accepting the amendment. The pregnant workers directive provides that an employee who is pregnant cannot be dismissed for any reason until the end of her maternity leave. The 1994 legislation extended that by stating that no pregnant employee could be dismissed for any reason until the end of her additional maternity leave. That means there is absolute protection until the end of additional maternity leave.

That is why the working group recommended that if somebody goes from additional maternity leave on to sick leave, the additional maternity leave would become forfeit because, if provision was there whereby a woman could go on to sick leave, which most women would want to do anyway, and at the end of the sick leave there was a balance, as it were, of additional maternity leave

remaining, it would mean that because of the EU directive and the 1994 Act, no employee could be dismissed, no matter how legitimately, by her employer until the end of the additional maternity leave which could be taken in accordance with the terms of the amendment, at some indeterminate time in the future.

If that were the situation, no employer would agree to allow the transfer from additional maternity leave to sick leave in those circumstances. That is the difficulty. The working group made a recommendation to ensure that this could not happen and that is why the legislation is constructed in this way. I realise the amendment is well intentioned but if we accepted it, we would create difficulties which the Deputy might not have appreciated for people who want to avail of it.

**Ms B. Moynihan-Cronin:** I accept what the Minister said. I take it that in the cases to which I refer the mother is protected throughout her maternity leave.

**Mr. O'Dea:** I neglected to respond to Deputy McCormack's question. The working group was established by the then Minister, Deputy O'Donoghue, in 2001. Its brief was to consider maternity leave for pregnant employees and to make recommendations for improvements in so far as improvements were possible with the agreement of everybody. I will send the Deputy a list of members. The group will report to the Government in due course. As I said to Deputy Morgan earlier, its main recommendation about extending the paid maternity leave by four weeks and the unpaid maternity leave by four weeks was implemented immediately on an *ad hoc* basis and we did not wait for the legislation. However, the other changes recommended are the subject of this Bill.

**Mr. McCormack:** Was it a voluntary group?

**Mr. O'Dea:** No, it was established by the then Minister for Justice, Equality and Law Reform.

Amendment, by leave, withdrawn.

**Ms B. Moynihan-Cronin:** I move amendment No. 10:

In page 6, to delete lines 18 to 25.

This amendment also refers to exceptional circumstances, covering the postponement of maternity leave or additional maternity leave in the event of hospitalisation of a child. While we all welcome this progressive Bill, this subsection is somewhat harsh and places unnecessary restrictions on the rights created by the section. The subsection states: "An employee may make a request under paragraph (a) or (b) of subsection (1) to postpone part of her maternity leave with

effect from a date she selects only if the period of maternity leave taken by her on that date is not less than 14 weeks and not less than 4 of those weeks are after the end of the week of confinement.” Unfortunately, the mother cannot decide when the child gets sick or needs to be hospitalised, and some flexibility is needed. A friend of mine has spent the past year in Crumlin hospital and unfortunately had to give up her job. As it is desperately stressful for a family when a baby gets sick, we need flexibility.

**Mr. Morgan:** I co-authored this amendment. A mother in the middle of maternity leave whose baby is hospitalised has two options, she can sit at home half-demented worrying about the baby, which she will probably do, or if she is fit and well and it is sufficiently late in the maternity leave, she may be able to negotiate a constructive role with her employer to busy herself, thus avoiding using her maternity leave so that when the baby returns from hospital and needs the support of his or her mother more than ever, she can then resume her maternity leave and remain at home with the baby. It is simple and I do not know why an employer would object to this amendment, which would be a laudable improvement to the Bill.

Given the disposition of the Minister in his responses, while starting sympathetically, he refuses to accept any amendments. He carries through with the partnership arrangement that has a remit considerably beyond this House, which unfortunately dominates events in the House. Earlier, a number of my amendments, which proposed to provide for a 26-week period of unpaid leave, were ruled out of order. Such a regime exists north of the Border where the economy is not in the same working order as the economy here and yet they manage to carry this. I am amazed the Minister of State does not see fit to introduce this extended period of unpaid maternity leave. It shows the powerful lobby formed by employers in the State, which is most unfortunate.

**Mr. O’Dea:** I do not believe the employer group or anybody else would object in principle to this amendment. However, unfortunately, another difficulty exists. In the legislation we introduce we are subject to EU law and the terms of EU directives. The EU pregnant workers directive provides for a continuous period of 14 weeks and does not allow that period to be broken. When implementing EU directives, ample case law reveals that we cannot reduce the level of protection that already exists.

The Maternity (Protection of Employees) Act 1981 provided that a maternity leave period shall not end earlier than four weeks after the end of the expected week of confinement. This is regarded as a protection measure and the advice

from the Office of the Attorney General is that if we reduce that period we are effectively reducing the level of protection and are regressing, which we are not entitled to do when implementing EU directives. In view of the comments made on this issue during the passage of the Bill through the Seanad, I undertook to review the matter again, which I did.

However, European Court of Justice case law is categorical on this issue. In the case of Margaret Boyle and others *v.* the Equal Opportunities Commission, case C-411/96, the European Court of Justice stated:

Article 8 of Directive 92/85 provides that the period of maternity leave provided for therein must be at least 14 continuous weeks, allocated before and/or after confinement. It follows from the purposes of that provision that the woman cannot interrupt or be required to interrupt her maternity leave and return to work, and complete the remaining period of maternity leave later.

In light of the provisions of the directive and the European Court of Justice case law, there is no discretion to make provision in national legislation for the postponement or splitting of maternity leave at any stage during the first 14 weeks of maternity leave or during the four-week post-confinement period. Consequently, although the amendment is well intentioned, I cannot accept it.

**Ms B. Moynihan-Cronin:** This is very regrettable. The section of the Bill that I wish to amend states: “An employee may make a request under paragraph (a) or (b) of subsection (1) to postpone part of her maternity leave with effect from a date she selects”. I return to an issue I raised while discussing the previous amendment. This will affect a very small number of people. While I accept that EU law exists, we make our own laws here regardless of whether EU laws exist.

When a child needs to be hospitalised, every attempt must be made to facilitate the mother. She could have other children at home and would be under stress because her child is sick, and would not be thinking about going back to work. Regardless of the recommendations of working groups or partnership, or the existence of EU law, the Minister of State has the power and I urge him to reconsider this matter. We should make every effort to facilitate the mother when a baby is very ill. My amendment will not restrict people in any way and facilitates parties in allowing the balance of the leave to be taken at a later stage. It is very harsh not to look after mothers in such circumstances.

**Mr. Morgan:** I may have to spend some time in Europe with Mary Lou McDonald MEP to catch up on EU regulations. The Minister is invoking EU directives. However, while EU directives

[Mr. Morgan.] exist on sustainability and CO2 emissions, very little or nothing is happening with those. When EU directives exist, a very good amendment tabled by my colleague, whom I compliment on her wisdom, and me is rejected on the basis of these EU directives. I am undertaking an intensive course on EU directives because it seems they can be acknowledged or ignored at the expediency of Government, and that is unfortunate.

**Mr. McCormack:** Should a child be hospitalised in the first weeks or months of his or her life, that is a most stressful time for parents, particularly the mother, who should be facilitated in every way possible. If it were ideal for her to go back to work for a number of weeks while the child is hospitalised so that she will be able to resume her maternity leave, when the child is discharged and needs the full-time care and attention of his or her mother, this should be facilitated. We are subject to the opinion of the working group, to EU law, to case law, Article 8, so could we not be subject to common sense? The Minister should be able to accept an amendment such as this. If Deputy Morgan requires help when he studies EU directives, perhaps our MEPs, including Avril Doyle MEP among others, will help him.

**Mr. Morgan:** I might meet them all, even Liam Aylward MEP.

**Mr. O'Dea:** I wish Deputy Morgan well on his tour of Europe and I hope he will share his knowledge when he comes back.

**Mr. Morgan:** I might not want to.

**Mr. O'Dea:** EU directives fall into two categories, those that have not yet been transposed into Irish law and those that have. When an EU directive is transposed into Irish law, we must frame our legislation in light of it, whether we like it, whether we are Eurosceptic. We have signed up to that deal and the debate is over and done with. The EU pregnant workers directive has been transposed into Irish law. It was introduced by the European Commission not to punish women or get at them, but in aid of employed pregnant women. By insisting on a continuous period of 14 weeks, that is, a person has a minimum of 14 weeks at home, the EU takes the view that is for the protection of the woman. If we introduced legislation that allowed her to break that period, to return to work after a period of between six and ten weeks, it would lessen the protection that the law gives to that woman.

One can consider it from two points of view, in the circumstances quoted so eloquently by Deputy Moynihan-Cronin, if the woman really wants to go back to work and she feel she is up to it, we can let her off, but the question is

whether legally we are lessening the protection, which we are not entitled to do? Are we diminishing the level of protection given by the EU directive, which we are not entitled to do? I might have mixed feelings on that, but I must take the best advice I can. Because the matter has come up for debate on Committee Stage and in the Seanad, we consulted the Office of the Attorney General not once but several times and the consistent advice is that it would represent a lessening of the protection afforded to pregnant women under EU law and therefore we cannot do it. It is as simple as that.

**Ms B. Moynihan-Cronin:** Let me assure the Minister that I do not wish to lessen the protection of women and I also had a legal opinion on the matter, although I did not get the same legal opinion as the Minister. We had a lengthy discussion on these issues on Committee Stage. I received good legal opinion which supports the measures I tabled to strengthen the rights of the woman. I will press the amendment.

**Mr. Morgan:** I did not get legal advice on the amendment, but I took the advice of several relatively new mothers on the issue and they were unanimous that the element of flexibility would be more beneficial than the rigidity of the provision as it stands. It is unfortunate that forces beyond this House dictate to us. Perhaps the Minister has an element of justification in terms of the EU directive, but I submit that the application of EU directives is selective.

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

**Acting Chairman (Ms O'Sullivan):** Amendment No. 11 was discussed with amendment No. 8.

Amendment No. 11 not moved.

**Acting Chairman:** Amendment No. 13 is related to amendment No. 12 and therefore, by agreement, amendments Nos. 12 and 13 will be taken together.

**Ms B. Moynihan-Cronin:** I move amendment No. 12:

In page 7, lines 29 to 37, to delete all words from and including "the" in line 29 down to and including "(a)" in line 37.

We are dealing with the same issue here. I presume our arguments will be the same and I will not waste time on it. The effect of the two amendments is to ensure that where an employee is sick during a period of postponed leave, it will be treated as sick leave unless the employee states

otherwise. The Minister and I obviously disagree on the issue. I sought legal opinion and the Minister has a legal opinion. My amendments are very reasonable and in no way lessen the rights of women. I wish to hear the Minister's response to these two amendments. I hope the Minister will accept our amendments for the betterment of women.

**Mr. O'Dea:** I made a few changes to the recommendation of the working group in so far as I could without upsetting the balance arrived at between the employers and the trade unions, who comprised the two main contracting parties to the working group. I cannot go beyond that and make major unilateral change on one side or the other, which people will not agree with, because our commitment was to implement the terms of that agreement. I have made the point already that we are bound by EU law.

The effect of these amendments would be a reversal of the mechanism in the Bill which puts the employee automatically on to resumed leave when she goes absent due to sickness unless she decides to avail of sick leave and to forfeit the remaining untaken maternity-additional maternity leave. The Deputy's amendment would put the mother on to sick leave and would leave the resumed leave available to be taken at some indefinite time in the future before which she may take a prolonged period of sick leave. No employer would be willing to agree to a postponement of leave in the first place, knowing that this level of uncertainty would arise. We are putting in place some flexibility for new mothers in employment who find themselves in the particularly difficult situation where the new baby is in hospital. The amendment would discourage employers from agreeing to exercise the new flexible postponement provisions.

It is also necessary for legal reasons for the employee to choose to take resumed leave or to forfeit it. The pregnant workers directive prohibits the dismissal of an employee from the beginning of her pregnancy to the end of her maternity leave, save in exceptional circumstances not connected with the employee's condition? The Maternity Protection Act extends this protection to the end of the additional maternity leave period. The European Court of Justice has held in a series of cases that "the dismissal of a female worker on account of pregnancy, or essentially on account of pregnancy, can affect only women and therefore constitutes direct discrimination on grounds of sex".

An employee is therefore, protected from dismissal in regard to pregnancy-related sick leave from the beginning of the pregnancy to the end of the maternity leave period. Therefore it is necessary to include in the Bill a mechanism to deal with a situation where an employee falls ill after she has returned to work temporarily. She

must resume her maternity and-or additional maternity leave as appropriate or forfeit her right to the leave. Otherwise, in view of the legal protection in place up to the end of the additional maternity leave, employers will not allow employees to postpone or split their maternity leave, due to the risk of potentially extending maternity protection for the duration of a prolonged period of sick leave.

Section 7(6) is constructed so that an employee who returns to work temporarily due to the hospitalisation of her child, and who has been absent from work owing to sickness, must, at the time she notifies her employer of her illness in the normal way, also indicate that she is taking sick leave. Otherwise she will automatically be deemed to be on resumed leave. This construction leaves the option with the employee of choosing either resumed leave or sick leave.

As regards the conflicting legal advice to which Deputy Moynihan-Cronin referred, lawyers differ and people take different views as to what the law is. Some day Deputy Moynihan-Cronin may be sitting on this side of the House, on this bench and I hope she is.

**Mr. McCormack:** That will be soon.

**Mr. O'Dea:** If she is on this side of the House, I hope she is on these benches. Then, if a legal query arises, the advice she will be getting and will be obliged to take will be that of the Attorney General. That is the way the system works.

**Ms B. Moynihan-Cronin:** I had anticipated the answer I was going to get on this because we had a long discussion on it on Committee Stage. The Minister of State is not for turning, so I will press the amendment.

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

**Ms B. Moynihan-Cronin:** I move amendment No. 13:

In page 7, lines 41 to 43, to delete all words from and including " , and" in line 41 down to and including "leave." in line 43 and substitute the following:

"unless the employee notifies the employer in writing that she wishes to commence resumed leave on the first day of such absence."

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

**Acting Chairman:** Amendment No. 15 is an alternative to amendment No. 14. Amendments Nos. 14 and 15 will be taken together. Is that agreed? Agreed.

**Mr. Morgan:** I move amendment No. 14:

In page 8, lines 41 and 42, to delete “(other than the last 3 classes in such a set)”.

I will address amendment No. 15 first. This amendment which proposes to delete “the last 2” and substitute “one set of”, would allow the father to attend all of the antenatal classes. For practical purposes, it is highly unlikely that new fathers would attend all of the antenatal classes. However, they should be encouraged to do so. I look forward to what the Minister of State has to say on this.

Amendment No. 14 proposes to delete “(other than the last 3 classes in such a set)”. Why would this be so restricted? This restriction of “(other than the last 3 classes in such a set)” is unnecessary and should be deleted.

**Ms B. Moynihan-Cronin:** Amendment No. 14 has to do with entitlement to time off from work to attend antenatal classes. We had a discussion about this on Committee Stage. The Minister of State said that my amendment was not required because these classes are normally held during the one-month period before confinement when maternity leave has actually kicked in. I agree with that.

Logically, the Minister of State should have no difficulty in accepting my amendment which provides for the right to leave for the last three classes. Let us take, for instance, a situation where the last class was held before the employee took her maternity leave. There could then be a case where this would not be allowed. The Bill provides that women can now work longer before their confinement. It is possible that an expectant mother could be taking one of the last three classes before the maternity leave kicked in. That is my worry in that there may not be legal entitlement for her, in that event, to attend her classes. Obviously, in the majority of cases the classes are taken in the last number of weeks, when the employee has finished work. That is not to rule out cases where expectant mothers would still be working and wanted to attend antenatal classes. I want to ensure that they get their time off in such cases.

**Mr. O’Dea:** The recommendation of the maternity working group was that provision should be made in legislation or in regulations for paid time off for mothers to attend one complete set of antenatal classes and that at least three of the classes are to be taken during the pre-confinement maternity leave period.

As regards fathers, the working group recommended that provision be made in legislation for

paid time-off to attend to antenatal classes immediately prior to the birth. As I stated on Committee Stage, women on their first pregnancy are encouraged to attend a complete set of antenatal classes, which typically consist of six to eight classes, of two to three hours duration each. The current position is that employees are not entitled to any paid time off to attend antenatal classes. Employers’ representatives on the working group agreed to a number of recommendations which have a direct cost implication for them, including this one.

The compromise reached was that employers would pay employees for time off to attend antenatal classes, except for the last three. Time off to attend the last three classes, some of which may be taken during the pre-confinement maternity leave period, will be at the employee’s own expense unless the employer agrees otherwise, which is often the case in any event.

On Committee Stage I advised that the provisions as regards time off for attendance at antenatal classes were the result of compromise reached on this issue by members of the working group. As a consequence I could not accept an amendment which would unilaterally impose additional costs on employers.

Deputies may recall that I undertook to consult further with the employers’ representatives on the maternity working group and to report to this House on the matter. This consultation has since taken place and the employers’ representatives have indicated that they will not agree to change the conclusion of the working group on the review and improvement of the maternity protection legislation. They stated that concessions were made by all the parties concerned in an effort to reach agreement on a package of amendments. Following difficult discussions, agreement was reached on most issues and the employers’ representatives are not prepared to make any further concessions to that which was agreed on by all the parties. For those reasons I am not in a position to accept amendments Nos. 14 and 15.

**Ms B. Moynihan-Cronin:** Perhaps the Minister of State will answer a question. Let us suppose, for example, that the third last class is held before the employee takes her maternity leave. Am I correct in saying that she would not then have a right to attend that class?

**Mr. O’Dea:** She would not be entitled to paid time off to attend the class.

**Ms B. Moynihan-Cronin:** She should be, and this is an anomaly in the Bill.

**Mr. O’Dea:** My understanding is that the employer agrees in the vast majority of cases. I know the Deputy may say there is a difference as to whether this is enshrined in law or not. In the vast majority of cases the employer agrees any-

way. As I undertook on Committee Stage to go back to IBEC on this issue, we discussed it with its representatives at some length. They insisted that the terms of the agreement were clear about the last three antenatal classes, regardless of when they are taken. It is envisaged they will be taken after the maternity leave kicks in, as the Deputy says. Even if one of them falls outside that period it means that the employee does not have entitlement to paid time off to attend it.

**Mr. Morgan:** I am glad to hear the Minister of State quoting some of his comments on Committee Stage because I want to refer to what he said in the Seanad on Second Stage during the debate on this Bill. He said the justification for excluding the last three classes was related to the cost to employers. That was the position agreed with employers' representatives. That is peculiar because clearly the position of the Minister of the State is to put the cost to the employer before the health and safety of the pregnant employee.

It is completely irrefutable that it is the Minister of State's position. It is hardly a laudable health and safety position for any agency of the State to adopt. Surely the health and safety of pregnant employees at such a late stage of pregnancy should be given more weight in the Minister of State's consideration of this issue.

When we started our consideration of the Bill, the Minister of State was reasonably sympathetic to some of the amendments. As we proceed further, however, he is digging further and further into the trenches with the employers as opposed to the union representatives. He does not seem to be considering the health and safety issues associated with pregnant employees, particularly the last three ante-natal classes. What could be more important for the health and safety of a pregnant woman and the welfare of her baby or babies? Surely it is a case of the cost to employers being put first, which is wrong.

The amendment before the House is particularly important for low-paid workers, who may choose not to attend the last three classes. If they have not started maternity leave at that stage, they may be economically forced to remain at work rather than taking time off to attend classes. In other words, they will lose money if they have to take time off work unpaid to attend the last three classes. This is one of the major amendments to be moved this evening. I do not doubt the other amendments would have improved the legislation, but there will be serious consequences for pregnant employees if this amendment is not accepted.

**Mr. McCormack:** Amendments Nos. 14 and 15, respectively, deal with the right of the mother and father to attend ante-natal classes. It seems strange that the Minister of State cannot accept this amendment. His logic for not accepting the

amendment is also strange. One should compare the possible cost of this proposal to employers with the benefits to parents of attending the maximum number of ante-natal classes. The long-term benefits of allowing parents to attend the maximum number of classes will be far greater than any potential loss of a few hours, or possibly a day, to the employer. The long-term cost to the State of the Minister of State's failure to accept the amendments will be far greater than the cost of accepting the amendments. I do not know whether the greatest obstacle we face in trying to have our amendments accepted is the working group or the Minister of State — I am beginning to think the greatest obstacle is the working group.

**Mr. O'Dea:** Deputy Morgan spoke about people who, for economic reasons, want to work for as long as they can before they take maternity leave. He will be aware that another section of the Bill makes it compulsory to take maternity leave at least two weeks — it used to be four weeks — before confinement.

**Mr. Morgan:** It is unfortunate I did not have an opportunity to get to that.

**Mr. O'Dea:** Yes.

**Mr. Morgan:** I agree with the Minister of State's comment about employees who conspire with their doctors to alternate that. The Minister of State made a valid point in that regard. We all know that is happening because there is not enough maternity leave afterwards. I agree entirely with the Minister of State's comments.

**Mr. O'Dea:** Yes. There is a compulsory period of two weeks before confinement. I am not prioritising the cost to employers above the health and safety of women, or anything else.

**Mr. McCormack:** That is what the Minister of State implied.

**Mr. O'Dea:** I am simply putting in legislative form an agreement that was reached between employers and trade unions. The trade unions accepted the deal and signed off on it. I did not sit down with the employers to agree this. The trade unions which represent pregnant workers signed off on it.

**Mr. McCormack:** The buck stops with the Minister of State.

**Mr. O'Dea:** The agreement is now in place.

**Mr. Morgan:** We represent the workers too.

**Mr. O'Dea:** So do I. The agreement is now in place. My brief as Minister of State is to put the agreement in legislative form, and that is what I

[Mr. O'Dea.]

am doing. The agreement came into existence before I took up this job and the unions signed off on it.

**Ms B. Moynihan-Cronin:** The Minister of State said that women work until two weeks before the birth of their child. I understand that classes are held once each week so the third last class will be held while women are working, in some instances. I am disappointed the Bill will not affect the professional classes who can well afford to take time off. Those who need the money will be affected by the Bill, unfortunately. I am disappointed the Minister of State could not see that. I will press the amendment.

**Mr. Morgan:** The Minister of State almost admonished us for not accepting a Bill that had been agreed by trade unionists and employers. All of us on the Opposition benches, as well as the Minister of State and his party, have been elected by people from such categories. We have to try to improve the lot of such people by means of legislation because we have a representational role. I do not accept for a moment that pregnant working people make representations exclusively to trade unions, just as I do not accept that the representational rights of employers are through their various organisations. We have howled loudly all evening since this debate commenced, but we are not being listened to. The Bill was a done deal, in effect, long before it came to the House. The Minister of State had sympathy for certain amendments in the beginning, but we have gone steadily downhill as the debate has progressed. It is most unfortunate and regrettable. I felt obliged to respond to the Minister of State's remarks.

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

**Mr. Morgan:** I move amendment No. 15:

In page 8, line 50, to delete "the last 2" and substitute "one set of".

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

**Ms B. Moynihan-Cronin:** I move amendment No. 16:

In page 10, to delete lines 36 to 40.

The proposed amending section 15B(2) is unnecessary jargon. The Bill does not oblige employers to provide facilities for breast-feeding mothers. If such a provision was included, it

would not be unconstitutional. The judgment on the Employment Equality Act 1998 does not necessarily mean that facilities should be required by 50% of the population. The deletion of this section, which gives employers an opt-out, would be to the betterment of employees. It states that "an employer shall not be required to provide facilities for breastfeeding in the workplace if the provision of such facilities would give rise to a cost, other than a nominal cost, to the employer". Employers will know that they are not obliged to provide the facilities which are needed by mothers to breast-feed their children if they can argue that they will cost a certain amount of money. We should delete this section of the Bill.

**Mr. Morgan:** I thought one of the intentions of the Bill was to facilitate working mothers who wish to breast-feed. What does this section do for mothers who wish to breast-feed? Experts in the field, including midwives, etc., encourage women to breast-feed. We are seeking to amend a section of the Bill which would facilitate those mothers to breast-feed in the workplace. Perhaps in the course of his reply the Minister of State would elaborate on the term "nominal cost" because I do not see a qualification of it in the Bill.

**Mr. McCormack:** I support this amendment. Breast-feeding facilities should be made available, irrespective of the cost. Employers' costs should not come into this. I do not know what "nominal cost" means. It would appear to be quite easy to make a room or other space available to facilitate women to breast-feed. Is such a facility not available in this House? We did not consider the cost in that case. I cannot understand why any reasonable employer would not make such a facility available to facilitate a mother to breast-feed her baby.

**Mr. O'Dea:** Is the problem with the term "nominal cost"?

**Ms B. Moynihan-Cronin:** No. Deputy Morgan asked that question. Why insert this section in the Bill? The Minister of State is giving the employer an opt-out in terms of the provision of a facility for breast-feeding mothers?

**Mr. O'Dea:** I am saying the employer will provide these facilities if it does not involve more than a nominal cost.

**Ms B. Moynihan-Cronin:** What is the nominal cost? Does the Minister of State have a figure for it?

**Mr. O'Dea:** If the employer cannot provide those facilities because it would involve more than the nominal cost, the employer is obliged to allow the employee time off without deduction of pay to avail of the facilities.

I have been hearing all night that I can ignore blithely an agreement reached by others, which I have undertaken to legislate for here, and that if I can do that I can ignore European law as if we were not part of Europe. Now Members are telling me I can ignore the Supreme Court because it is a Supreme Court decision that puts that limitation on us. The Supreme Court has decided that social costs cannot be imposed on the private sector if they involve more than nominal cost. That is the reason we are using this terminology here.

**Mr. McCormack:** What is the definition of “nominal cost”?

**Mr. O’Dea:** I am coming to that. There is no obligation placed on employers to provide facilities which would facilitate employees in breastfeeding in the workplace if subsection (2) is deleted. I am advised subsection (2) puts that obligation on them provided it does not involve more than nominal cost.

Subsection (2) obliges the employer to provide facilities if he or she opts to allow the employee time off to breast-feed in the workplace, instead of reduced hours, unless this imposes greater than nominal cost. This is a real entitlement, particularly when account is taken of the interpretation equality officers have applied to cases involving nominal cost on the disability ground under the Employment Equality Act 1998. The following are some specific examples of decisions where nominal cost was a consideration.

In the case of Irish Commercial (Sales) Limited v. Gerard Smith, ED/01/40 — determination No. 026, the Labour Court found that the claimant was dismissed because of his hearing disability and that the employer did not do all that was reasonable to provide special treatment or facilities for the claimant. A specialised headset was available at a cost of €450. The court did not accept that €450 was more than a nominal cost and awarded compensation to the employee for unfair dismissal in the amount of €3,000.

In the case of An Employee v. a Local Authority, DEC-E2002-004, the meaning of the nominal cost limit to reasonable accommodation was considered by an ODEI equality officer. The decision concerned negative assessments of a worker with some residual brain damage who was newly employed in a clerical post. An expert occupational assessment found that the complainant had good potential for clerical work but might take longer than usual to get accustomed to new processes or work organisation.

The equality officer concluded that the complainant would have been fit to do the job with reasonable accommodation. The respondent argued that the costs of retaining an under-performing employee were infinitely greater than nominal. The equality officer held that on the available evidence the difficulties could have

been solved by obtaining an expert vocational assessment and providing a professional job coach for a period of three months.

The equality officer considered the Supreme Court judgment in regard to nominal cost and held that what was nominal must depend on the size and resources of the employer, whether in the public or private sector. Having noted the availability of financial support under the employment support scheme for this sort of outlay, the equality officer concluded that the cost of such facilities could not be considered as anything other than nominal to a large public sector organisation. In the circumstances he awarded the complainant €15,000 compensation.

In the case of *Bowes v. Southern Fisheries*, EE 2002/225, an ODEI equality officer found that the respondent had discriminated against the complainant in terms of section 16 of the Employment Equality Act 1998 when it failed to fit hand controls to a fisheries protection vehicle which would have allowed the complainant, who was diagnosed with multiple sclerosis, to drive in the course of his duties as a fisheries officer. The estimated cost of fitting the controls was €400 and the vehicle could still be used in the normal way by a person without a disability. By failing to fit hand controls the respondent contributed to the complainant’s stress levels and complaints about safety. The equality officer ordered the respondent to pay the complainant the sum of €10,000 for stress suffered as a result of the discrimination.

I would remind Deputies that where an employer does not provide facilities for breastfeeding in the workplace, for example, to avoid costs in excess of a nominal cost, the employer will be required to agree to a reduction of working hours with the employee.

**Mr. Morgan:** We appear to be at the stage where every employee and employer should be walking about with a senior counsel by their side. That is because some of these regulations are over complex. We have a perfect example of that in this Bill. I did not know what a nominal cost was until I heard the Minister of State, clearly with the assistance of research from his Department, read out a lengthy citation from the Supreme Court or the High Court. Which court was it?

**Mr. O’Dea:** They were decisions of equality officers.

**Mr. Morgan:** Was the first one not from the High Court?

**Mr. O’Dea:** No.

**Mr. Morgan:** Are they all equality officers’ decisions?



**Mr. O’Dea:** The first one was a decision by the Labour Court.

**Mr. Morgan:** I beg the Minister of State’s pardon. That is what happens when one is a little hard of hearing. Scart amach and the Minister of State will help me.

**Mr. O’Dea:** It is age.

**Mr. Morgan:** That is one of the down sides of complex legislation but we do not need complex legislation. However, the term “nominal cost” was a mystery to me until the Minister of State elaborated on it.

**Mr. McCormack:** It is still a mystery.

**Mr. Morgan:** Having heard the elaboration I believe there is some justification for a nominal cost but it is a dangerous term because employers could use it as an out. The thrust of what the Minister of State is saying is that the bigger the employer, the bigger the nominal cost allowances that are built into the Bill.

However, for practical purposes we know that a small room, if it is sufficiently clean and hygienic and in a reasonable area of the factory or working environment, can be put aside as a breast-feeding facility for employees. I am somewhat concerned that the term “nominal cost” may provide an out for some of those people who, for reasons of convenience in terms of their operation, may decide not to bother with it. We all know there is reasonable precedent for those people to pursue their employers and probably win but how do we communicate that to the wider community? In any event, I accept that the Minister of State’s comments have merit in this case.

**Ms B. Moynihan-Cronin:** I now understand the nominal cost issue but we will agree to disagree. Employers must be encouraged to provide facilities for breast-feeding mothers. In some cases, it may not be practical for a mother to leave a place of employment to feed her baby. Employers may not care as they are paying the woman but also giving her time off. Large factories in industrial estates may not contain a place for a woman to breast-feed her child. Mothers are not looking for palatial surroundings but somewhere clean and private to feed the baby. I am concerned that employers could opt out of providing a facility leaving the mother with nowhere to go.

**Mr. O’Dea:** The Supreme Court came up with the phrase “nominal cost”. In the equality legislation, attempts have been made to define it by reference to some criteria. However, it depends on each individual case. Legislation cannot be written for every possible eventuality. As the Deputy pointed out, some matters are clear from

precedents. It depends on the size of the enterprise and resources available to the employer. Other provisions have been included in the equality legislation such as public funds being made available to help in the provision of facilities for people with disabilities, etc. From the precedents, the Labour Court and employment equality officers interpret this liberally.

Deputy Breeda Moynihan-Cronin is arguing that the employer should be obliged to provide it if he cannot establish nominal costs. It is only in the event of that being established that the woman has to go elsewhere. I am advised this is the case from the interpretation of the legislation as drafted. However, if this assists, as it seems to be couched in the negative, I will re-examine that provision between now and Report Stage in the Seanad.

**Mr. Morgan:** If I may—

**An Ceann Comhairle:** Deputy Morgan has spoken twice on the amendment. The provision on Report Stage is that the mover of the amendment is entitled to three contributions — in this case Deputy Breeda Moynihan-Cronin.

**Mr. Morgan:** A Cheann Comhairle, it is a joint amendment in my name and that of Deputy Breeda Moynihan-Cronin. Am I still entitled to a reply?

**An Ceann Comhairle:** I will give the Deputy 30 seconds.

**Mr. Morgan:** Will an awareness programme or information leaflet be produced on this complex situation? I agree with Deputy Breeda Moynihan-Cronin that it is essential that discrete and hygienic facilities are made available for breast-feeding mothers. If that can be communicated to employers and employees, it will solve the intent of this amendment.

**Mr. O’Dea:** I agree with Deputy Morgan’s good suggestion. I am informed that the Department of Health and Children is preparing an information campaign.

Amendment, by leave, withdrawn.

**Ms B. Moynihan-Cronin:** I move amendment No. 17:

In page 11, lines 36 to 45, to delete all words from and including “ending” in line 36 down to and including “confinement” in line 45 and substitute the following:

“of 8 weeks or until the end of the sixteenth week following the date of confinement, whichever is longer, but subject to sections 16A and 16B”.

From the wording of the Bill, I understand that if a woman dies 15 weeks after giving birth, the father of the baby is entitled to one week's leave? However, if she dies 17 weeks after giving birth, the father will get the full seven weeks. Is this correct?

**Mr. O'Dea:** In the first instance, he is entitled to one week paid maternity leave while in the second instance it would be unpaid leave.

**Ms B. Moynihan-Cronin:** As he will only receive one week's paid leave, this amendment proposes—

**Mr. O'Dea:** It is possible that he will receive the additional unpaid leave.

**Ms B. Moynihan-Cronin:** Is it correct that in the first instance, if the mother dies 15 weeks after giving birth, of the eight weeks' leave entitled to the father, one is paid and seven unpaid?

**Mr. O'Dea:** He receives one paid and eight unpaid weeks' leave.

**Ms B. Moynihan-Cronin:** The way it is worded is confusing and it does not clarify the entitlements. I understand that if the mother died 15 weeks after giving birth that the father would receive only one week's leave when in fact it is nine week's leave. Is it seven or eight weeks' unpaid leave if she died 17 weeks after giving birth?

**Mr. O'Dea:** It is seven weeks' unpaid leave.

**Ms B. Moynihan-Cronin:** I will withdraw the amendment if it is clear that the father receives eight weeks' leave no matter at what stage the mother dies.

**Mr. Morgan:** We need another information leaflet.

**Mr. O'Dea:** I am advised that if the mother dies one week before the paid maternity leave expires, the husband is entitled to the one week's paid leave plus the eight weeks' unpaid leave. However, if the mother dies one week into the additional maternity leave, the husband is entitled to the balance of the seven weeks' unpaid leave. I will re-examine it before the Bill is returned to the Seanad.

**Ms B. Moynihan-Cronin:** What is wrong with giving the father eight weeks' paid leave? It seems unfair that he has the difficulty of losing his wife after childbirth and is obliged to take eight weeks off work without pay.

**Mr. O'Dea:** This issue came up on Committee Stage and I agree with the Deputy that, on the

face of it, it seems harsh. After Committee Stage, I went back to IBEC on this issue but it said it wanted to leave the provision as it was. I want to be absolutely sure of the interpretation I have given the Deputy.

**Ms B. Moynihan-Cronin:** Will the Minister of State give it to me in writing tomorrow and I will give it to my Seanad colleagues for Report Stage of the Bill there?

**Mr. O'Dea:** I will provide that interpretation for the Deputy tomorrow. However, I want to re-examine the Bill's wording again to ensure that is what it provides.

Amendment, by leave, withdrawn.

Bill received for final consideration and passed.

**An Ceann Comhairle:** As the Bill is considered by virtue of Article 20.2.2o of the Constitution to be a Bill initiated in the Dáil, it will be sent to the Seanad.

**International Development Association  
(Amendment) Bill 2003: Order for Report  
Stage.**

**Minister of State at the Department of Finance (Mr. Parlon):** I move: "That Report Stage be taken now."

Question put and agreed to.

**International Development Association  
(Amendment) Bill 2003: Report and Final  
Stages.**

**An Ceann Comhairle:** As there are no amendments on Report Stage, we will proceed to Fifth Stage.

Bill received for final consideration.

Question proposed: "That the Bill do now pass."

**Caoimhghín Ó Caoláin:** I welcome the Minister of State at the commencement of the Final Stages. I am sure he will note the irony in that and note that once again I am here to participate. Like the other Opposition Deputies I support the passage of this Bill but I want to put on record a number of points relevant to its passage.

**An Ceann Comhairle:** On this Stage, debate is confined solely to the contents of the Bill.

**Caoimhghín Ó Caoláin:** That is what I am here to discuss. If there was anything which was not here at this point we would have amendments on Report Stage. Given the co-operation of Deputies on all sides of the House, which I am

[Caoimhghín Ó Caoláin.]

sure the Minister of State will acknowledge, the Government is duty bound to take seriously the points raised.

We have made the point regarding the sum of money involved, which at €50 million is relatively small in real terms. We also recognised, however, that the International Development Association is an arm of the World Bank and consequently we need to recognise the key issues relating to it. They are reform of the World Bank and the International Monetary Fund. These bodies have been used to pile debt on already heavily burdened countries and economies, with very damaging consequences. There can be no disagreement on that. The Minister of State should note that aid and development should not be vehicles for privatisation in exploitation by multinationals. They have to be driven by a very different set of intents, mores and approach.

I recommend an outworking of the legislation, which is not contrary but complementary to it, namely to take on board the appeal of the South African Minister for Finance, Trevor Manuel. The Minister of State responded to me regarding that matter on Committee Stage but it is important that we see the establishment of an independent expert committee to study the issue and propose reforms.

**An Ceann Comhairle:** The Deputy has gone well outside the Bill. The Bill has one paragraph regarding an increase in the amount of funding. This has nothing to do with what that funding might be used for. That is a matter for Second Stage. We are now on Final Stage.

**Caoimhghín Ó Caoláin:** With respect, it is an arm of the International Monetary Fund and the World Bank.

**An Ceann Comhairle:** We cannot have a Second Stage speech at this time. As I pointed out to the Deputy the Final Stage is confined to what is in the Bill. There are many opportunities to consider the principles of a Bill on Second Stage.

**Caoimhghín Ó Caoláin:** I have been dealing with this Bill from its arrival on Second Stage and the points I make are quite relevant at each stage.

**An Ceann Comhairle:** The Chair has ruled on the matter. The Final Stage is exclusively confined to the contents of the Bill. We cannot have a Second Stage contribution on Final Stage.

**Caoimhghín Ó Caoláin:** I know what the Chair has ruled. Taking on board the Ceann Comhairle's repeated concerns about my contributions, I conclude by emphasising again the opportunities presented by the Bill. What matters is not only its implementation to the letter but also to

the spirit, which is equally important to the letter which the Ceann Comhairle wishes me to confine myself to.

**An Ceann Comhairle:** The Ceann Comhairle is merely implementing a Standing Order.

**Caoimhghín Ó Caoláin:** With respect, the Ceann Comhairle is continually interrupting the Deputy.

**An Ceann Comhairle:** The Ceann Comhairle never interrupts. The Ceann Comhairle intervenes.

**Caoimhghín Ó Caoláin:** With respect, it is not a pattern that others occupying the chair employ. I will make one last effort. In addressing development issues — and the Ceann Comhairle will knock me back on this as well — I want to note the need for positive neutrality in action.

**An Ceann Comhairle:** I ask the Deputy to obey the Standing Orders of this House. He cannot implement special Standing Orders for himself. We cannot have a Second Stage speech at this point. I ask him to resume his seat if he is not going to obey the Standing Orders.

**Mr. Durkan:** Knocked out in the first round.

**Caoimhghín Ó Caoláin:** I am knocked out by the bell. The Ceann Comhairle has a conspirator in the House who has decided to turn off my microphone, which is not how this House should conduct itself. That conspirator is behind me.

**An Ceann Comhairle:** The Deputy may not refer to the Chair or to any other Member of the House as a conspirator.

**Caoimhghín Ó Caoláin:** The Ceann Comhairle will have his way no matter what.

**Mr. R. Bruton:** I welcome the Bill. During Second Stage and Committee Stage we had the opportunity to debate the context within which this money is being made available. I am disappointed that we have not been able to secure from the Minister a commitment that this money which we are providing to the World Bank will be made available from a much expanded provision by the State which will meet the 0.7% of GNP obligation we have undertaken regarding the UN. The €50 million we are providing here must be seen in a context where, if we are to achieve that target over the next three years, we must provide €375 million. This is only a small element of that overall commitment that we need to honour.

I am bitterly disappointed that in this year the increased allocation was just €26 million. It did not even meet the obligations which the Minister

must have anticipated were to be made by this Bill. The extra provision made in 2004 did not meet the commitment that we already entered into.

It begs the question as to how serious the Government is regarding its commitment to overseas aid. I know that the Government entered this commitment in good faith but it seems that, for whatever reason, events have overtaken it and it has decided to push down the list of priorities its provision for development aid. That is disappointing.

The World Bank approach to development issues is one that causes concern. It is, however, reforming its approach and it has been learning from the errors of the past. I hope that the Minister, in committing this money to the World Bank, will also seek to ensure that a very broad-based approach to development issues that looks at the overall context in which development is occurring informs World Bank policy.

I am in fear of the Ceann Comhairle's ire. He is looking at me over the top of his glasses which is a bad sign.

**Mr. Durkan:** Danger.

**Mr. R. Bruton:** I will conclude because I am now in injury time.

**Mr. Boyle:** My script options have been limited by the previous speakers. It must be acknowledged that this Bill has been very uncontentious and has not been challenged by the Opposition Members of the House. The only amendment moved had as much to do with grammar as anything else. This shows that there is for once a consensus in this House on the need to support the principles behind a Bill like this, despite reservations that many of us would have about the past conduct and need for reform of the World Bank, to which the money is being given by this House and the Government.

It is also useful to note that another piece of legislation will soon come before us regarding the Council of Europe which operates under similar principles. It is somewhat ironic that despite the passage of the Bill and the general agreement on it, there is no guarantee even with large international organisations like the World Bank that development aid will be given at the time it is needed. A live example of this is the Darfur region of Sudan where, despite thousands of refugees being in need of immediate assistance and the visit of the UN Secretary General and even the Secretary of State of the United States, the barrier on receiving aid which is undoubtedly available and would be given——

**An Ceann Comhairle:** The Bill purely deals with the International Development Association.

**Mr. Boyle:** I am dealing with the World Bank.

**An Ceann Comhairle:** It is not appropriate on Final Stage.

**Mr. Boyle:** I point it out as a particular irony in the sense that this is money that is now——

**An Ceann Comhairle:** That is Second Stage.

**Mr. Boyle:** I am moving beyond principles to discuss the practical effect of the Bill when passed and the hope of the House that the money which will be provided from our resources can be given as and when needed. I am talking about the practical effect of the Bill, not about principle. I am pointing to a particular example of how and when a particular need is expressed in a specific region of the world.

Like Deputy Richard Bruton, I want the legislation to send a clearer signal of the Government's intention in regard to overseas development aid. Hopefully, in future debates, we will have that opportunity because I, like Deputy Richard Bruton and others on this side of the House, am not convinced that the commitment exists. I find it strange that on this Bill and the Council of Europe Development Bank Bill, which will soon come before the House, being presented by the Minister for Finance and his Department, the House discusses the general principle of overseas development aid, yet Opposition Members and spokespersons on finance are not able to question the Minister about his general policy on this area. This is something we need——

**An Ceann Comhairle:** It does not arise in regard to this Bill.

**Mr. Boyle:** It is something with which we need to deal in future debates.

**Minister of State at the Department of Finance (Mr. Parlon):** I thank all of the parties in the House for the debate on the Bill over the past month and for their support for the International Development Association. This agency does good work in the developing world. It is the largest single source of concessional financial assistance to the poorest of the poor countries.

The mission of the International Development Association is to support efficient and effective programmes to reduce poverty and to improve the quality of life in these countries. Today, nearly 3 billion people live on less than \$2 per day and over 1 billion live on less than \$1 per day. I welcome Ireland's contribution to this work.

Question put and agreed to.

**An Ceann Comhairle:** This Bill, which is certified a money Bill in accordance with Article 22.2.1o of the Constitution, will be sent to the Seanad.

## Adjournment Debate.

### Planning Issues.

**Mr. Ó Fearghail:** I thank the Cheann Comhairle for allowing me to raise the issue of IDA Ireland's objection to the granting of planning permission for a light industrial and commercial development at Woodstock, south Athy. I thank the Minister of State, Deputy Michael Ahern, for being present to deal with the issue.

The development in question involves the construction of 11 light industrial units and one office block on a site of approximately 17.8 acres at the edge of Athy, County Kildare. It is intended that the facility will accommodate a number of established local businesses in need of expansion space, together with a number of new enterprises badly needed in the area.

The site is appropriately zoned, having been included in the Athy area plan in 2000. The 17.8 acres is accessed by good quality road and is immediately adjacent to existing industrial premises, including an advance factory built by IDA Ireland at Woodstock industrial estate. Following the rezoning of the lands in 2000, the landowner and prospective developer, anxious to press ahead with the development of his lands, approached his neighbour, IDA Ireland. At issue was the matter of access to his property.

Until then, the landowner had an agreement with the IDA to access the lands for agricultural purposes but understood that approval from the authority as owners of the road was required in order to change this use. Following a series of contacts with IDA, it became apparent that it controlled not just the access road but also the other essential services — water and sewerage — none of which had been taken in charge by Athy Town Council, albeit that the road services had been in place for 25 years.

Following an on-site meeting with representatives of the IDA's property division, it was indicated to the landowner that the development authority would require a contribution in excess of £1 million for access to these services. Common sense prevailed, or appeared to prevail, because it was eventually agreed that if Athy Town Council took in charge the services at Woodstock industrial estate, there would be no basis for the IDA to demand a contribution from the proposed developer.

In early 2003, therefore, confident that all the issues had been resolved, or were on the way to being resolved, the aforementioned planning application was lodged with Athy Town Council. The council, by resolution at its meeting on 15 October 2003, agreed unanimously the taking in charge of Woodstock industrial estate. On 27 April 2004, the town council granted permission for the industrial and commercial development

subject to 44 conditions which included a contribution of €822,825 towards the provision of services. Astonishingly, this decision to grant permission with its consequent positive implications for jobs in the area has been appealed by IDA Ireland to An Bord Pleanála.

I say astonishingly because Athy is a RAPID town. It was until recently County Kildare's unemployment blackspot and it continues to need the active support of Government agencies. There is a strong view in the area that the IDA has failed to fulfil its remit. While there is a widespread welcome for the fact that the long-built advance factory has now been occupied by DSG Packaging with 40 employees and the promise of 50 more, it is simply not enough. The last thing the people of Athy expected from the IDA was that it would intervene to prevent or delay jobs from coming on-stream in the town and area — hence my call on the Tánaiste and Minister for Enterprise, Trade and Employment, Deputy Harney, to intervene.

The Tánaiste has shown herself to be a good friend to Athy and south Kildare. She has visited the area often and has resourced and supported the Athy investment and development forum, and the very successful FÁS training centre at Woodstock, which she opened in 2002. The indicators for Athy are good. In February 2003, the Minister for Finance, Deputy McCreevy, himself a proven friend of Athy, officially launched the town's Gateway industrial park on the Dublin road, and he returned in February of this year to turn the sod for Athy's new community enterprise centre. The centre, which will shortly be complete, consists of ten offices and workshop-type units, suitable for new and emerging business. It has been funded by Enterprise Ireland and the local community.

In recent years, local business, community and political leaders have worked hard to build up the morale of a town damaged by decades of recession and neglect. Athy is increasingly being seen as an ideal location in which to live, work and do business. New housing estates are being built around the town and the population is increasing. As decentralisation beckons, no State agency has a right to discourage or impede the creation of local job opportunities, least of all IDA Ireland.

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern):** I thank the Deputy for having this matter raised on the Adjournment. He will be aware that, under the Industrial Development Acts, the Tánaiste and Minister for Enterprise, Trade and Employment is precluded from directly involving himself in operational issues undertaken by IDA Ireland. Notwithstanding the above, inquiries have been made with the IDA on this matter. Unfortunately, I am prevented from entering into

detail on the matter as I do not wish to prejudice the appeal process, which the Deputy will appreciate.

However, I understand the issue revolves around access to roads and services which are under IDA Ireland ownership, and the costs associated with this access. The granting of any such access requires that IDA Ireland follow correct disposal procedures as laid down by the agency. It also needs to take place in the context of the need to ensure that the State receives appropriate value for any such disposal and in line with the requirement to ensure probity in all such financial transactions.

I understand that IDA Ireland and Athy Town Council have been in discussion on the issue of taking charge of roads and services in the Athy area but that this has not reached a final conclusion. In an effort to progress the matter, I am informed by IDA Ireland that it is prepared to discuss the matter further with Athy Town Council and the owner of the land with a view to finding a solution which would allow IDA to withdraw its appeal to An Bord Pleanála.

### **Social Economy Programme.**

**Mr. Deenihan:** The social economy programme has been described as “that part of the economy which operates between the market economy (private sector) and the non-market economy (public sector)”. It has also become known as the “new” social economy, “the third sector” or “third system”. The programme offers potential to communities in delivering services that are not met by the private sector and are not provided by the public sector.

The social economy programme operates where the market has failed to respond to the demands of the general public both for the provision of services and for employment needs. It is an effective way to respond to specific local needs and to involve those otherwise excluded from mainstream economic activity in the provision of these services. This is only one aspect of the value of the social economy programme.

The programme can be seen as a community response to exclusion and unemployment in the form of initiatives which combine social and economic objectives that are geared towards sustainability and which have the capacity to make a significant contribution to improving the quality of life. This form of organisation has existed throughout human history and is based on the principles of collective action participation, autonomy and local self help. It is as much about social objectives as economic ones. In fact the achievement of social objectives is a means of achieving economic ones. Developing the social economy programme requires a holistic approach to social and economic objectives and can be part of a joint community development and enterprise programme.

The social economy programme was a three year programme to allow companies to get up and running. However, three years was never going to be enough to allow companies to make a profit and become fully self-sustainable. Many are well on their way to becoming an economic business in their own right but they need more time to achieve these targets. Owing to an arbitrary and totally unnecessary decision by FÁS, the funding support which these companies have is being withdrawn without any alternative process being put in place to help them survive the transition. The impossible demands placed on companies to qualify for social economy status have meant that it has been difficult for them to show the type of short-term profits which FÁS seems to be demanding. What company, after three years, can be expected to show high profit levels, particularly companies which were set up in the first place to meet needs in areas where no private enterprise would operate because of the economic difficulties of those areas?

Companies now find themselves in circumstances where they are faced with closure or a radical cut back in services which, as always, will hit the least well off who avail of those services. A decision needs to be made now to reverse the decision made by FÁS in the last few weeks and to continue to provide for a further two year period, perhaps with 75% funding. Most of the employees in these companies are from disadvantaged backgrounds and many were long-term unemployed before achieving a position with these companies.

Part of the social economy ethos is to train and encourage employees back into the work environment, so they have real job prospects. Much time, money and effort has been invested in achieving this aim. However, it will all be wasted should these companies be forced to close, as employees will end up back on the live register, especially in areas where jobs are scarce. The cost to the Exchequer of supporting employment in these social economy companies is cost effective when compared with the cost of paying for these individuals on the live register.

There are ten social companies in north Kerry covering activities such as IT training and access for the disadvantaged, provided by Kerry IT Network North Kerry Together; the rural transport network, provided by the Kerry Flyer; local enterprise companies, such as Ballyheigue Enterprise group and Cumann Energy Action; the museum operated by Tarbert Bridewell; cultural heritage services provided by Seanchai; services for the elderly, provided by the Society of St. Vincent de Paul, Castleisland, and Cumann Iosaf, Tralee; and community gyms, operated by Listowel Community Centre, St. Brendan's Community Centre in Ardfert and Ballyheigue Community Centre. These companies provide vital services in their local areas in a cost effective

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manner. They employ a total of 83 people and cost approximately €1,232,000 from Government funds per annum. They have been meeting essential needs such as rural access, IT access and training and so forth.

According to the recent live register figures, unemployment in the north Kerry area has increased by 3%. The loss of 83 social economy jobs will have a further devastating effect on the local economy. Areas such as north Kerry need direct Government support and intervention. Since this Government took office in 1997, north Kerry has experienced closure after closure of our traditional enterprises.

**An Ceann Comhairle:** I ask the Deputy to conclude. In fairness to the staff of the House, Members should not go beyond the time allocated.

**Mr. Deenihan:** I appeal to the Minister to provide the necessary financial resources to FÁS to enable it to continue with one of the best run and most successful employment schemes ever introduced in this country.

**Mr. M. Ahern:** The social economy can broadly be defined as “that part of the economy, between the private and public sectors, which engages in economic activity in order to meet social objectives”. It consists, therefore, of enterprises which provide social services, whether they are publicly or privately funded, or a mix of both.

The FÁS social economy programme arose out of the report and recommendations of the social economy working group established under the Partnership 2000 agreement. It was formally launched by the Tánaiste in September 2000. The programme aims to support the development of social economy enterprises to meet social objectives and, in so doing, create sustainable jobs. It is particularly targeted at providing sustainable employment for disadvantaged communities, “communities of interest”, for example, Travellers and disabled persons, and long-term unemployed persons.

Social economy enterprises may be involved in community business, ultimately financed from trading income alone; deficient demand social enterprises, where the demand for particular goods and services within a community is not matched by resources to pay for them, due to disadvantage or low density of population; enterprises based on public sector contracts, which deal with the potential for sub-contracting public expenditure in disadvantaged areas and communities to local social economy enterprises.

No decision has been made to scrap the social economy programme with effect from next October. The programme is funded by FÁS from its employment programme budget. A total allocation of €351 million is being provided in 2004

to support up to 25,000 places across the three FÁS employment schemes — community employment, job initiative, and the social economy programme, SEP. Of this, €40 million is earmarked for the social economy programme. This compares with funding of €6.6 million in 2001, €20.5 million in 2002 and €36 million in 2003. There are currently 329 social economy enterprises in operation, employing 2,304 grant supported employees.

The demands for assistance under this programme far exceed the budget available. FÁS is scheduling the support to approved projects to ensure as equitable a distribution of funds as possible. In the circumstances, it is not possible to satisfy all demands and some enterprises will be disappointed. FÁS will endeavour to support and encourage SEP to be self-sustaining and will continue to honour its commitments made to enterprises under the SEP first round of funding, where appropriate. No new enterprises are being accepted for funding under the programme.

FÁS will review each project with the managing agents and, in particular, will evaluate the sustainability of the projects after the third year, taking account of both economic and social objectives. Where projects are considered not sustainable the possibility of supporting essential social services through community employment will be considered. In addition, special attention will be paid to needs of the participants on these projects.

A review of the social economy programme was undertaken by WRC Social and Economic Consultants. The report presents three options with respect to the future direction of the programme. First is the revitalisation option, which would reconfigure the SEP as it is currently designed and operated. This would involve a break with the established policy of providing funding to enterprises in the social economy through active labour market programmes. Second is the reform option, which means acknowledging the main limitations of the SEP and attempting to improve its continued operation based on the recommendations of stakeholder groups. The third option is a transition option, which means acknowledging the main limitations of the SEP and attempting to improve its continued operation based on the recommendations of stakeholder groups.

The report is currently being considered by FÁS and the Department, taking account of the views of the social economy programme monitoring committee, and a decision on the future direction of the programme will be made in due course. It is intended in the context of Sustaining Progress formally to seek the views of the social partners on the social economy and other active labour market programmes before deciding on any further adjustments to these schemes.

### Social and Affordable Housing.

**Mr. S. Ryan:** I thank the Chair for affording me the opportunity to raise this issue. I wonder whether anyone can remember when one could buy a house in the Dublin area for less than €100,000. The last time that was possible was in 1996, just before Fianna Fáil and the Progressive Democrats took office. Then the average house price in Dublin was €97,058. Today it is more than €300,000. Since then the price of houses in Dublin has increased by nine times the rate of inflation, five times the increase in average earnings, and four times the increase in building costs. In the same period the number of applicants on council housing lists has more than doubled to nearly 55,000. This is a scandalous situation and an indictment of Government policy in this area.

The vast majority of people still aspire to owning their own homes. In recent year accelerating house prices have created a major difficulty of affordability. House purchase is now simply beyond the reach of an increasing number of people. Even those on relatively high incomes or couples with two average incomes are unable to bridge the gap between the potential loan and the house price. As outlined, house prices are completely out of line with increases in the CPI, house building costs or average earnings.

The purpose of this debate is to highlight the frustration and anger of thousands of low and middle income earners who are unable to secure a loan or an affordable house from local authorities as, on the one hand, they are in excess of income limits and, on the other, they are not earning sufficient to secure the necessary loan from a building society or private lending institution. This situation must be addressed by the Minister.

The maximum loan which may currently be advanced by a local authority for the acquisition or construction of a house is €130,000. The income eligibility for such a loan is €32,000 for a single income household and €80,000 for a two-income household. The loan and limits have not been revised or increased since January 2002, resulting in thousands of people throughout the country being made ineligible or removed from the home ownership market. I have a file of people who were on an affordable housing list in Fingal County Council and were subsequently removed as they had breached the income limits, in most cases on the basis of increases secured from national wage agreements.

I urge the Minister to acknowledge the problem and deal with it immediately by increasing loans from €130,000 to €170,000 and income limits from €32,000 to €40,000 and from €80,000 to €100,000. In determining the eligibility of a person, the procedure should be changed to take into account the annual net income, that is, the gross annual income net of income tax and PRSI. This would not set a precedent because it is in line

with eligibility in accordance with Part 5 of the Planning and Development Act 2000. New rates should be annually index-linked. Part 5 of the Planning and Development Act 2000 in respect of affordable houses must be implemented in full. If this requires taking on the private lending institutions in terms of a so-called claw-back that should be done.

I ask the Minister, who has a good ear for the situation on the ground, to take on board some of the concerns and respond positively sooner rather than later.

### Minister of State at the Department of the Environment, Heritage and Local Government

**(Mr. N. Ahern):** I thank Deputy Seán Ryan for raising this important issue. I accept that access to affordable accommodation is an essential element of economic and social policy and recognise the importance of setting appropriate income eligibility and loan limits for the shared ownership scheme and the 1999 affordable housing scheme to ensure that as many of our younger households as possible can realise their goal of owning their own house. I have requested my Department to carry out a review of the terms of the income and loan limits currently applying. This review is currently being finalised and I will be in a position to announce changes to the limits arising out of this very shortly.

The general principle of housing policy is that those who can afford to do so should provide for their housing needs either through home ownership or private rented accommodation and that those who are unable to provide for their own housing needs should have access to social housing. The official number on housing waiting lists is 48,000, not 55,000. I realise the situation is bad, but there is no point in exaggerating.

Improvements in disposable income, through income increases and tax reductions, combined with historically low interest rates, have improved affordability of housing in recent times. It is affordability that counts, not price. I am not saying price is unimportant. However, one must take account of rising incomes, lower taxes and historically low interest rates. Homes are much more affordable than their price might indicate. Improved economic conditions have facilitated many in achieving home ownership. The local authority shared ownership scheme and the 1999 affordable housing scheme benefited more than 2,500 households in 2003 and much progress is being made.

The changes arising from the review of the income eligibility and loan limits will improve affordability for potential applicants under both schemes. The Department is examining the issue and before the end of the month, if not sooner, the new figures will be announced. They will not be quite as high as the Deputy suggests. We have in mind an increase of roughly 10% in the income



[Mr. N. Ahern.]  
limits and approximately 20% in the loan limits. A few minor points still need to be ironed out in the review. I hope to make an announcement very soon. It is hoped that the increases will help many people to achieve the goal of owning their own homes.

I note the Deputy's comment that some people, having got approval, are told they must be reas-

essed only to find that they have moved outside the eligibility limits, perhaps because they have secured an increase under a national wage agreement. I am considering whether steps could be taken to address that eventuality. I hope to have the review finalised very shortly and the figures announced.

The Dáil adjourned at 10.50 p.m. until 10.30 a.m. on Wednesday, 7 July 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 54, inclusive, answered orally.*

*Questions Nos. 55 to 87, inclusive, resubmitted.*

*Questions Nos. 88 to 96, inclusive, answered orally.*

### Decentralisation Programme.

97. **Mr. Stanton** asked the Minister for Agriculture and Food the staff transfers that are part of the decentralisation programme; the new location of offices and services that will result and after transfers and relocation's planned; and the numbers and costs involved in each case. [20245/04]

**Minister for Agriculture and Food (Mr. Walsh):** It is not possible at this early stage in the process to give an accurate assessment of the costs involved in each case. The information requested is set out in the following tabular statement:

Office or Service	New Location	Approximate Transfer Number
Department headquarters	Portlaoise	400
Local offices	Fermoy	100
Munster Laboratory Complex	Macroom	100
Bord Bia	Enniscorthy	69

### Beef Imports.

98. **Mr. O'Dowd** asked the Minister for Agriculture and Food his views on the import of Brazilian beef after an outbreak of foot and mouth disease there in recent weeks. [20174/04]

**Minister for Agriculture and Food (Mr. Walsh):** The outbreak was reported on 17 June in the Monte Alegre District, Para, Brazil. The state is already precluded from exporting beef to the EU because it was not approved by the EU Commission. The outbreak is in an isolated area more than 700 km from the borders of the zone recognised by the World Animal Health Organisation and by the EU Commission as foot and mouth disease free with vaccination.

There are mechanisms at EU level for monitoring and controlling the risks associated with disease outbreaks in Brazil and other third countries. Commission safeguard decisions banning imports from particular countries or regions are considered by member states and the EU Commission at the standing committee for the food chain and animal health at which officials from my Department attend. Third countries or

regions wishing to export products of animal origin to the EU must be approved for that purpose by the EU Commission.

The EU Commission did not propose additional measures to cope with the current outbreak. The Commission services are keeping the matter under review.

Detailed EU legislation lays down the conditions that member states must apply to the imports of products of animal origin from third countries. The harmonised legislation imposes a series of health and supervisory requirements designed to ensure that imported products meet standards at least equivalent to those required for production in, and trade between, member states and imports from third countries. Harmonised controls at the point of import to the EU ensure compliance with these rules.

### Forest Strategy.

99. **Mr. Sargent** asked the Minister for Agriculture and Food if he will publish a notice of the consultation period for the review of Irish forestry on his Department's website, including the full terms of reference; the closing date for submissions; and the reason for the failure of the Forest Service to do so to date. [20253/04]

**Minister for Agriculture and Food (Mr. Walsh):** Peter Bacon & Associates, economic consultants, is conducting a review of the Irish forest strategy. On 22 April its terms of reference were posted on my Department's website and can be found in the forest service section. The consultants shall present their final report to me by September. Press and individual notices on the review were also issued. On 7 April the consultants held an open and widely advertised briefing session in Tullamore. They will accept submissions and no closing date has been set.

### Food Safety.

100. **Ms B. Moynihan-Cronin** asked the Minister for Agriculture and Food if he is aware of recent comments made by the acting chief executive of the Food Safety Authority of Ireland that strong legislation is needed to ensure the high-tech packaging aimed at extending the shelf-life of food products does not pose a health risk to consumers; and if he plans to introduce such legislation. [20090/04]

**Minister for Agriculture and Food (Mr. Walsh):** I am aware of the comments of the acting chief executive of the Food Safety Authority of Ireland. The responsibility for legislation in this area falls within the remit of the Minister for Enterprise, Trade and Employment.

### Disease Prevention.

101. **Mr. Deasy** asked the Minister for Agriculture and Food if any terrestrial animal bone particles were discovered in samples of feed material since 1 January to 31 May; if so, the

[Mr. Deasy.]

locations at which these tests were carried out; and if the relevant laboratories are EU approved. [20177/04]

112. **Mr. Deasy** asked the Minister for Agriculture and Food the number of samples of feed material that were tested for terrestrial animal bone particles during the period 1 January to 31 May; and the percentage and number from imports and native produce. [20176/04]

**Minister for Agriculture and Food (Mr. Walsh):** I propose to take Questions Nos. 101 and 112 together.

From 1 January to 31 May there were 435 samples of feed material tested for the presence of terrestrial bone particles and none were found. Of these 402 related to imported consignments and 33 related to native products.

The samples were analysed for the presence of processed animal proteins either at my Department's seed testing station or at a contracted laboratory. Both of the laboratories are on the designated list submitted to the EU as part of the annual inspection plan.

Controls on the distribution and use of feed materials and compound feedstuffs, including sampling and testing for the presence of terrestrial bones particles, that indicate the possible presence of processed animal proteins are critical to the success of the national effort to contain and eliminate diseases such as BSE from the national herd and thus reduce risks to public health. Any failures in this regard hold the potential to undermine progress made to date and to negate the time, money and effort that various interested parties, not least the taxpayer, have committed to this end over recent years.

I am satisfied the feedstuffs control plan operated by the Department ensures effective control on the safety of feed materials entering the feed chain.

#### **Mushroom Industry.**

102. **Mr. S. Ryan** asked the Minister for Agriculture and Food if his attention was drawn to the pressures being experienced by the mushroom industry here due to increased labour costs arising from the enlargement of the EU; and if he is aware of the threat posed to the industry, specifically regarding supply to the British market. [20096/04]

**Minister for Agriculture and Food (Mr. Walsh):** I am aware that the mushroom industry has had a high dependence on labour from countries which are now member states of the European Union. This issue was recognised by the Mushroom Task Force which recommended in its recent report that the work permit system should continue in respect of non EU countries.

A review group has been established to oversee implementations of the recommendations of the task force and progress on the work permit issue will form part of the group's work. This matter

has been brought to the attention of the Tánaiste and Minister for Enterprise Trade and Employment.

The cost of labour is one of a number cost issues now facing the mushroom industry and a wide ranging and ambitious programme of actions has been mapped out for the industry in the report of the task force in order to make it competitive and to ensure its future viability.

#### **Pig Industry.**

103. **Mr. R. Bruton** asked the Minister for Agriculture and Food his plans to assist the pig industry. [20185/04]

**Minister for Agriculture and Food (Mr. Walsh):** While the international pigmeat market experienced weakness in 2003 increased EU market supports in the form of private storage aids and the export refund scheme earlier this year contributed to a significant increase in prices. These measures were temporary in nature and, following the increase in prices, have now been phased out. In spite of increasing feed-prices, the current market prices paid to Irish producers for pigmeat have been generally steady. In recent days prices paid to Irish producers have risen quite sharply.

As regards the industry, I, along with my Northern Ireland counterpart, commissioned a comprehensive study of the all-island pig sector. The study was conducted by Prospectus consultants in conjunction with Enterprise Ireland and the Northern Ireland enterprise board and the report was produced in 2001. The key recommendations of the report highlight the need for rationalisation of the pig processing sector, improved supply chain management and the need develop more consumer convenient pigmeat products. While these findings are largely a matter for the industry itself, my Department along with Enterprise Ireland has been progressing these recommendations with the main players in the pig industry and this process will continue.

The health status of the pig herd is also a matter of major importance. My Department is engaged with the pig industry in the ongoing monitoring and control of a wide range of diseases — such as Aujeszky's disease, salmonella, PRRS — which, as well as improving the health status of the national herd, is necessary to maximise the acceptability of Irish pigmeat in export destinations. Also, pig processing plants operate under the supervision of the Department's veterinary service.

With regard to market access, it is my policy and that of the Government to ensure that Irish producers have access to markets worldwide. Irish pigmeat processors are currently trading pigmeat in significant markets such as Japan and the United States. My Department will continue to work with other agencies and the industry to identify and develop other potential markets.

The Teagasc programme of activities includes research in the area of pig nutrition, health and

welfare. The main objectives of the advisory function in regard to the pig sector are better profitability and competitiveness based on improved growth rates and this is delivered to producers through farm visits, conferences, newsletters etc.

#### Grant Payments.

104. **Ms Enright** asked the Minister for Agriculture and Food the number of applications for installation aid being processed; and the average time between application and payment. [20171/04]

**Minister for Agriculture and Food (Mr. Walsh):** The installation aid scheme involves a two-stage application process; initial applications for entry into the scheme — IAS 1 — must be submitted within six months of the date of set-up in farming. The applicant then has a further 24 months to complete the educational and other requirements of the scheme. An application for payment — IAS 2 — together with all the required supporting documentation, must be forwarded to my Department before the end of this period.

At present, my Department has 1,319 IAS 1 applications on hands, of which 321 have been progressed to IAS 2 stage by the applicant. This stage, which is controlled by the applicant, normally takes about eight months. Under the terms of the scheme, applicants have up to 24 months to complete this stage. Once the IAS 2 has been received, it usually takes about nine weeks to carry out a full examination, which may require a farm visit. Once the application has been approved, my Department then issues payment within six weeks.

#### Nitrates Directive.

105. **Ms Burton** asked the Minister for Agriculture and Food if he will publish all of the Teagasc reports on the Nitrates Directive. [20073/04]

**Minister for Agriculture and Food (Mr. Walsh):** The implementation of the Nitrates Directive is, in the first instance, a matter for the Minister for the Environment, Heritage and Local Government.

The Department of the Environment, Heritage and Local Government in conjunction with my Department is now in the process of making available a revised draft action programme for farmers and other interested parties to offer their views. In this context, I welcome the announcement by the Minister for the Environment, Heritage and Local Government that he has appointed Mr. Denis Brosnan, former Managing Director and Chairman of the Kerry Group, to advise on the proposed Nitrates Action Programme. As independent adviser, Mr. Brosnan will play a leading role in the forthcoming consultation exercise and I am confident he will make a major contribution to a successful outcome.

In framing proposals, along with the Department of the Environment, Heritage and Local Government, to implement the Nitrates Directive my Department has been in ongoing consultation with Teagasc. Teagasc provided relevant factual and scientific knowledge relating to the issues involved. While it is a legal imperative under the directive for Ireland's action programme to set a general limit of 170kg per hectare on organic nitrogen, we will also submit proposals to the European Commission for arrangements under which farmers can operate above that limit. Teagasc, along with other commentators, have consistently advised that Irish conditions mean that farmers can safely operate at levels of up to 250kg — subject to appropriate controls — with no environmental damage. Recently they have published articles to that effect. From the outset this has been my view also.

These proposals for derogations from the general limit are currently being prepared by the Department of the Environment, Heritage and Local Government and my Department, in consultation with Teagasc. To be acceptable to the European Commission, the proposals will have to be supported by the best scientific and factual arguments possible, and Teagasc will play a critical role in this respect.

#### Food Quality.

106. **Mr. Durkan** asked the Minister for Agriculture and Food his plans to create a high quality standard under which Irish food can be marketed at home and abroad. [20243/04]

**Minister for Agriculture and Food (Mr. Walsh):** An Bord Bia, which has statutory responsibility for marketing and promotion Irish food produce, operates quality assurance schemes in the beef, horticulture, pigmeat, poultry and egg sectors. Product meeting the high standard requirements of these schemes can be marketed at home and abroad under the board's quality mark.

The report of the Food Quality Assurance Schemes Review Group recommended drawing up national guidelines to facilitate accreditation of individual food quality assurance schemes to the international standard EN45011. The National Standards Authority of Ireland is currently working on a linear integrated standard covering the totality of the food chain from producer to consumer including processors and retail-catering. Each specific sector will be free to tailor quality assurance schemes to suit their own requirements in conformity with the national standard. It is expected that a consultation process will issue shortly.

It must be remembered that in applying any particular national standard due regard must be had to EU law. Furthermore, care must be taken to ensure that unnecessary constraints are not placed on producers and companies in establishing markets and partnerships in the distribution chain. In today's rapidly changing market-

[Mr. Walsh.]

place both global and niche brands have a place and there are markets to be won for functional, speciality and organic foods. I welcome Bord Bia's pilot initiative this year in promoting co-branding of Irish beef where certain Irish producers will promote product jointly with retail chains in selected continental markets.

#### Compensation Payments.

107. **Mr. Naughten** asked the Minister for Agriculture and Food his plans to review the compensation schemes for farmers locked up by tuberculosis or brucellosis. [19960/04]

**Minister for Agriculture and Food (Mr. Walsh):** The compensation regime for the TB and brucellosis eradication programmes was improved significantly with the introduction of the on-farm market valuation scheme in April 2002. Apart from the market-valuation element, farmers whose herds are affected by these diseases may, subject to conditions and the circumstances involved, also qualify for assistance under the income supplement, hardship or depopulation grant schemes. Overall compensation arrangements have worked well and there are no plans to change them. The compensation schemes are kept under ongoing review by my Department.

#### Live Exports.

108. **Mr. Callanan** asked the Minister for Agriculture and Food the provisions to continue exports of live cattle in the autumn. [19961/04]

**Minister for Agriculture and Food (Mr. Walsh):** My Department's role in the promotion and preservation of trade is to create the conditions in which it can be carried out in a economic and sustainable manner. In the case of live exports this involves the protection of our animal health status, preserving the integrity of our veterinary certification service and ensuring that good standards are maintained and welfare considerations are observed. More than 64,000 cattle have been exported from Ireland in 2004 to the week ended 20 June. Exports in 2003 were at a level of 212,093 compared with 148,212 the previous year.

My Department also approves sea going vessels for the carriage of livestock, upon application by shipping companies and taking into account the relevant statutory provisions relating to animal health and welfare.

In this regard my Department has approved 18 dedicated livestock vessels and 3 roll on roll off vessels for the carriage of livestock from Ireland since 1995. I will continue to make my Department's services available for the evaluation and approval of livestock vessels. However, once vessels are approved, the question of whether to provide a service is a commercial matter for the operators.

#### Veterinary Vaccines.

109. **Mr. Coveney** asked the Minister for Agriculture and Food if he is implementing "prescription only" by stealth. [20180/04]

140. **Mr. Coveney** asked the Minister for Agriculture and Food the number of medicines classified as prescription only since 1 October 2003. [20181/04]

**Minister for Agriculture and Food (Mr. Walsh):** I propose to take Questions Nos. 109 and 140 together.

Given that the current remit of my Department as licensing authority is confined to veterinary vaccines — with the Irish Medicines Board having licensing responsibility for other veterinary medicines — this reply relates only to vaccines.

The licensing regime that had been in place for veterinary vaccines in Ireland and which was based on the Therapeutic Substances Act 1932, was significantly out of date in terms of EU legal requirements and particularly in regard to the level of expert scientific evaluation applied to individual products. As well as other deficiencies, the regime did not provide for mandatory routes of supply which has been an EU requirement for many years. Accordingly, it was necessary to commence a thorough review on an individual basis of all veterinary vaccines currently on the Irish market. My Department, as provided for in the legislation, reached agreement with the Irish Medicines Board that the Board would carry out the detailed technical examination of application dossiers submitted by sponsoring companies. On the basis of this examination, IMB recommends to my Department, as the licensing authority on the grant or otherwise of a license and the conditions — including route of supply — to attach to such licence.

Since 1 October 2003, of 23 vaccines licensed by my Department, 17 were assigned to the 'Prescription Only' (POM) route, while, of the remainder, 3 were assigned to the 'Licensed Merchant' (LM) route and 3 to the 'Prescription Only Exempt' (POME) route. In overall terms, of the 117 vaccines reviewed to date, 67 have been designated 'POM(E)', 45 'POM' and 5 'LM'.

There is no question, as suggested, of implementing 'POM' by stealth. I have on a number of occasions in the past outlined to the House the situation in regard to veterinary vaccines. My Department has also met the various stake holders to explain its approach in this area.

I propose to make a number of amendments to national legislation in this area. As I indicated, these changes will improve the operation of the prescription regime and provide a basis for a greater degree of price competition in the supply of veterinary medicines. It is also intended to transfer licensing competence for vaccines from my Department to the Irish Medicines Board.

#### Beef Exports.

110. **Mr. Sherlock** asked the Minister for Agri-

culture and Food the position with regard to Ireland's trade in beef with Saudi Arabia; and if Saudi authorities will lift their BSE-related ban on Irish beef. [20097/04]

**Minister for Agriculture and Food (Mr. Walsh):** Since the Saudi ban on EU beef was imposed late in 2000, every effort at political, diplomatic and technical level has been made to have that market reopened to Irish beef. Our persistence in these efforts resulted in a visit to Ireland by a Saudi veterinary technical delegation in March of this year to assess our public and animal health safety procedures. In May, the Saudi delegation was unable to recommend the resumption of trade. Since then, my Department has made a further submission to the Saudi veterinary authorities seeking to overturn their decision. I met His Royal Highness, Prince Turki Al Faisal, the Saudi Ambassador to the UK and Ireland who undertook to do whatever he could to have the Saudi decision reconsidered.

My Department, together with the Department of Foreign Affairs and An Bord Bia, will continue to press the Saudi authorities to have this ban lifted.

#### **Bog Conservation.**

111. **Mr. Eamon Ryan** asked the Minister for Agriculture and Food the assessment his Department has given to the most appropriate and ecologically sustainable uses for cutaway bog following his recent launch of Ireland's largest bog restoration project at Eskeragh, County Mayo. [20241/04]

**Minister for Agriculture and Food (Mr. Walsh):** The Eskeragh project and the utilisation of cutaway bog are two separate issues. The former relates to the restoration of what was virgin bog habitat prior to forestry work and the latter refers to industrial cutaway bog and its usage in the future. Eskeragh is part of an EU LIFE-Nature that is jointly funded by Coillte and DG-Environment of the EU Commission. It is a four year programme, the primary aim of which is to achieve restoration of blanket bog habitat on 1,212 hectares of land owned by Coillte. Fourteen blanket bog sites were selected for restoration.

The National Council for Forest Research and Development is undertaking a research project to assess the possibility of developing a forest resource on industrial cutaway peat land in the midlands. The project is due for completion in December 2005.

Applications for support under the forestry programme by land owners for tree planting on cutaway bog will be examined on their merits and on good forest planting practice.

*Question No. 112 answered with Question No. 101.*

#### **Forestry Certification.**

113. **Mr. Boyle** asked the Minister for Agri-

culture and Food his advice for private forest owners who require Forest Stewardship Council certification and who are dissuaded from acquiring certification due to the high expenditure required for private persons. [20255/04]

**Minister for Agriculture and Food (Mr. Walsh):** This is an area of concern that my Department has already identified.

The Forest Service and the National Council for Forest Research and Development (COFORD) are currently helping the development of an audit protocol which will facilitate sustainable forest management and certification of compliance with existing Forest Service guidelines and standards.

This protocol will take account of the independent and autonomous certification processes such as the Forest Stewardship Council and the PAN European Forestry Certification.

#### **Nitrates Directives.**

114. **Mr. Quinn** asked the Minister for Agriculture and Food his views on claims from the Irish Farmers Association that the Government has failed farming with its strategy on implementing the nitrates directive action programme; and his further views on whether Ireland's most productive farmers will be severely hit by the plan to reduce usage of organic manure on lands to 170 kg per hectare. [20094/04]

**Minister for Agriculture and Food (Mr. Walsh):** The implementation of the Nitrates Directive is, in the first instance, a matter for the Minister for the Environment, Heritage and Local Government. He and I met the farming organisations on 30 June and again outlined the approach to be taken in implementing the Directive. An action programme will be submitted to the European Commission meeting Ireland's legal obligations under the Directive, and separately from that there will also be proposals for arrangements under which farmers may operate above the general limit of 170kg of organic nitrogen which the Directive lays down.

A revised draft action programme is now being made available for farmers and other interested parties to offer their views. The action programme and arrangements for derogations will ultimately require the approval of the European Commission. However it is my objective, shared by the Minister for the Environment, Heritage and Local Government, to minimise the burden of compliance on farmers generally and to ensure that the future of the commercial agriculture sector is safeguarded.

I welcome the announcement by the Minister for the Environment, Heritage and Local Government that he has appointed Mr. Denis Brosnan, former Managing Director and Chairman of the Kerry Group, to advise on the proposed Nitrates Action Programme. As independent adviser, Mr. Brosnan will play a leading role in the forthcoming consultation exercise and I am

[Mr. Walsh.]  
confident that he will make a major contribution to a successful outcome.

I have indicated consistency that compliance with the directive should not involve an undue burden on individual farmers and should not undermine the future of commercial farming.

#### **Beef Grading.**

115. **Mr. O'Dowd** asked the Minister for Agriculture and Food about mechanical beef grading. [20167/04]

**Minister for Agriculture and Food (Mr. Walsh):** Ireland will be among the first countries in Europe to classify beef carcasses by mechanical means when this new technology is commissioned and operating in meat factories. As part of Sustaining Progress I gave a firm commitment to move in this direction and the process is now close to completion.

After appropriate trials were conducted late last year I was in a position earlier this year to approve three machines for commercial use in Ireland. In addition, in order to encourage maximum uptake of mechanical grading, I introduced a scheme of grant assistance towards the purchase and installation costs of the equipment. Following agreement with the industry, the meat processors are now engaged in the purchase and installation of machines.

#### **Potato Industry.**

116. **Mr. Gogarty** asked the Minister for Agriculture and Food his views on the fall in potato seed production and the trend amongst potato growers to leave the market and turn to supplying washed potatoes due to the uncertainty and seven year lead time to producing saleable seed potatoes; and the plans he has to ensure that sufficient Irish seed potatoes are available in future. [20259/04]

**Minister for Agriculture and Food (Mr. Walsh):** The number of seed potato growers and the areas entered for seed certification have been in decline for some years. Currently approximately 75% of seed requirements here are produced by Irish seed growers.

A lack of market integration between seed and ware growers has contributed to the decline, together with other issues such as the small scale of operations and the lack of specialisation. The absence of contractual agreements between seed and ware growers has resulted in growers opting for a dual seed and ware crop approach. Ware potatoes often command a relatively high price and there is no significant price premium for high grade seed. In addition, the delay in marketing the seed crop can lead to cash flow problems for seed growers.

It is primarily a matter for the industry to manage these issues through better integration or contractual arrangements between seed and ware growers and I would encourage such an approach.

My Department's role in seed production and in other aspects of the potato industry is under review and discussion with the various interests in the sector.

#### **Organic Farming.**

117. **Mr. Stagg** asked the Minister for Agriculture and Food his views on the new European Commission action plan to promote organic farming in the EU; and if will encourage more organic farms here. [20099/04]

**Minister for Agriculture and Food (Mr. Walsh):** The European Action Plan for Organic Food and Farming is the culmination of an extensive consultative process. I identified it as one of my priorities at the outset of the Irish Presidency and I take great satisfaction in the fact that it was published during that period. A comprehensive range of measures is proposed in the plan and I look forward to these being advanced by the Commission.

I note that the action plan has identified actions in three areas — market information, public policy and standards. These same issues were highlighted in the consultation process that took place in this country when the Organic Development Committee, which I established on foot of a recommendation by the AgriFood 2010 Committee, was preparing its report in 2002.

It is ultimately the market that will determine the scale of organic farming but I have taken significant actions to promote its development. A National Steering Group, established on foot of a recommendation in the Organic Development Committee Report, acts as the driving force for the development of the sector here in Ireland. It also monitors progress on the implementation of the recommendations in the report of the Organic Development Committee. Attractive financial support continues to be available to encourage farmers to consider the organic option. Organic farmers are eligible for financial support through the rural environment protection scheme (REPS). REPS includes a supplementary measure for organic farming whose objective is to encourage producers to respond to the market demand for organically produced food. With the amendments to REPS which I introduced on 1 June, organic farmers will benefit by the substantially increased basic rates along with the attractive additional payments under the organic supplementary measure itself. An organic farmer with 55 hectares, for example, will now receive an annual payment of €18,505 while a holding is in conversion and an annual payment thereafter of €13,555 when full organic status is achieved.

I have also provided grant aid towards investment in the organic sector. The scheme of grant aid for the development of the organic sector, which was approved under the National Development Plan 2000-2006, provides grant assistance for both on-farm and off-farm investment in equipment and facilities for preparation, grading, packing, storage and distribution of organic

produce. Grant aid is payable at 40% of the eligible cost. The maximum grant payable over the duration of the scheme for on-farm investment is €50,790 while the maximum for off-farm investment is €508,000.

Once again I would encourage farmers to consider the organic option as they review the implications of decoupling and the single payment scheme. To assist them, I have approved seven organic demonstration farms and open days, which can be attended by both existing and potential organic farmers, are currently being held on these farms. Teagasc has also identified advisers nationwide who will assist existing organic farmers as well of those who are considering it as an option.

#### **Rural Social Scheme.**

118. **Mr. Wall** asked the Minister for Agriculture and Food if he had discussions with the Department of Community, Rural and Gaeltacht Affairs about a new scheme that offers part-time work to farmers who work loss-making or unviable land. [20100/04]

**Minister for Agriculture and Food (Mr. Walsh):** The aim of the rural social scheme is to provide certain services of benefit to rural communities by harnessing the skills and talent available to low income farmers and fishermen. It also provides incomes support to low income farmers and fishermen who are in receipt of specified, long-term social welfare payments.

On 6 April the Government approved the scheme. It compliments a range of other schemes and measures provided by my Department.

#### **Rural Development.**

119. **Mr. Perry** asked the Minister for Agriculture and Food if he has had discussions with the Department of the Taoiseach since July 2002 with a view to rural development being re-integrated into his Department. [20169/04]

**Minister for Agriculture and Food (Mr. Walsh):** I have not had discussions with the Taoiseach since July 2002 regarding the re-integration of rural development with my Department.

#### **Nitrates Directive.**

120. **Dr. Upton** asked the Minister for Agriculture and Food the discussions his Department had with Teagasc on the proposed nitrates directive; the Teagasc recommendations; and the independent advice sought by his Department. [20072/04]

**Minister for Agriculture and Food (Mr. Walsh):** The implementation of the Nitrates Directive is, in the first instance, a matter for the Minister for the Environment, Heritage and Local Government.

The Department of the Environment, Heritage and Local Government in conjunction with my Department is now in the process of making

available a revised draft action programme for farmers and other interested parties to offer their views. In this context, I welcome the announcement by the Minister for the Environment, Heritage and Local Government that he has appointed Mr. Denis Brosnan, former Managing Director and Chairman of the Kerry Group, to advise on the proposed Nitrates Action Programme. As independent adviser, Mr. Brosnan will play a leading role in the forthcoming consultation exercise and I am confident that he will make a major contribution to a successful outcome.

In framing proposals, along with the Department of the Environment, Heritage and Local Government, to implement the Nitrates Directive my Department has been in ongoing consultation with Teagasc. Teagasc has provided relevant factual and scientific knowledge relating to the issues involved. While it is a legal imperative under the directive for Ireland's action programme to set a general limit of 170kg per hectare on organic nitrogen, the Government will also submit proposals to the European Commission for arrangements under which farmers can operate above that limit. Teagasc, along with other commentators, has consistently advised that Irish conditions mean that farmers can safely operate at levels of up to 250kg — subject to appropriate controls — with no environmental damage. From the outset this has been my view also.

These proposals for derogations from the general limit are currently being prepared by the Department of the Environment, Heritage and Local Government and my Department, in consultation with Teagasc. To be acceptable to the European Commission, the proposals will have to be supported by the best scientific and factual arguments possible, and Teagasc will play a critical and central role in this respect. The scientific input from other commentators and organisations will also be welcome.

#### **Potato Quality.**

121. **Ms O. Mitchell** asked the Minister for Agriculture and Food if he is satisfied with the quality of potatoes here. [20166/04]

**Minister for Agriculture and Food (Mr. Walsh):** There are a number of measures in place which ensure that Irish potatoes are of the highest quality.

Minimum quality and grading standards are laid down for potatoes sold for human consumption by regulations made under the Food Standards Act 1974. These regulations require potatoes for sale to be within a certain size range and to be clean, wholesome and free of disease. The standards are enforced by officers of my Department who carry out a significant number of inspections each year. Breaches of the regulations and other complaints about the quality of potatoes are followed up by these officers.



[Mr. Walsh.]

Consumer demand for the highest standards of quality and food safety led to the development of a quality programme for potatoes which now falls within the remit of Bord Bia. All major potato packers and a significant number of growers participate in this programme which covers all aspects of potato production from the field to the shop shelf. The standards laid down are based on legislation, best practice and market demand and participants in the scheme are subject to audit twice yearly to ensure that the highest standards are maintained.

Growers have also contributed to the quality of potatoes by making significant investment in potato storage with the assistance of grant aid from my Department. This facilitates an all year round supply of quality potatoes.

### Forest Strategy Review.

122. **Mr. Sargent** asked the Minister for Agriculture and Food, further to Parliamentary Question No. 109 of 27 May, if he will re-advertise the consultation process with the full terms of reference to ensure that the public's attention was drawn to the opportunity for consultation that he said was provided for under the review because the published terms of reference did not mention the Forestry Acts or any legislative framework. [20252/04]

**Minister for Agriculture and Food (Mr. Walsh):** The full terms of reference for the Review of Irish Forest Strategy which is being undertaken by Peter Bacon & Associates, Economic Consultants, are posted on the website of the Department of Agriculture and Food. The review is not a review of legislation.

The consultants are due to present the final report to me by September 2004. The consultants are currently accepting submissions and have not set a closing date for this process. I am satisfied the establishment of the review has been well publicised and that the various stakeholders are aware of its existence.

### Nitrates Directive.

123. **Mr. J. O'Keeffe** asked the Minister for Agriculture and Food the recent negotiations he had with the Department of the Environment, Heritage and Local Government on the nitrates directive. [20165/04]

**Minister for Agriculture and Food (Mr. Walsh):** The implementation of the Nitrates Directive is, in the first instance, a matter for the Minister for the Environment, Heritage and Local Government. He and I met the farming organisations on 30 June and again outlined the approach to be taken in implementing the directive. An action programme will be submitted to the European Commission meeting Ireland's legal obligations under the Directive, and separately from that there will also be proposals for arrangements under which farmers may operate

above the general limit of 170kg of organic nitrogen which the Directive lays down.

A revised draft action programme is now being made available for farmers and other interested parties to offer their views. The action programme and arrangements for derogations will ultimately require the approval of the European Commission. However it is my objective, shared by the Minister for the Environment, Heritage and Local Government, to minimise the burden of compliance on farmers generally and to ensure that the future of the commercial agriculture sector is safeguarded.

I welcome the announcement by the Minister for the Environment, Heritage and Local Government that he has appointed Mr. Denis Brosnan, former Managing Director and Chairman of the Kerry Group, to advise on the proposed Nitrates Action Programme. As independent adviser, Mr. Brosnan will play a leading role in the forthcoming consultation exercise and I am confident that he will make a major contribution to a successful outcome.

### Genetically Modified Organisms.

124. **Mr. Cuffe** asked the Minister for Agriculture and Food the way in which he plans to ensure that farmers can continue to choose to farm free from GMOs. [20257/04]

**Minister for Agriculture and Food (Mr. Walsh):** The areas where GMOs can impact on farming are in the co-existence of GM crops alongside non-GM crops and in the controls on the authorisation and labelling of GM feed. The Commission decided that co-existence should be addressed at member state level and provided a series of guidelines to assist in dealing with issues that arise. All member states, including Ireland, are in the process of drawing up strategies and best practices to provide for effective co-existence arrangements. An interdepartmental-inter-agency working group has been established within my Department to, *inter alia*, develop such strategies and best practices.

EU Regulation 1829/03 on GM food and feed which came into force last April will ensure that importers, retailers and farmers are in a better position to choose whether they want to use GM or non-GM feed from now on. Recently I signed a statutory instrument giving authorised officers of my Department the necessary powers to ensure that the new GM feed labelling legislation is complied with.

### Fur Farming.

125. **Mr. Howlin** asked the Minister for Agriculture and Food his plans to control fur farming here. [20078/04]

**Minister for Agriculture and Food (Mr. Walsh):** Fur farming is a legitimate farming activity here. Under the Musk Rats Act 1933 (Application to Mink) Order 1965 the keeping of mink is prohibited except under licence from my

Department. Licences are issued under this legislation only if the applicant, following an inspection carried out by officials, is found to be compliant with a number of key conditions.

My Department also inspects licensed fur farms to assess compliance with the Council of Europe's recommendations concerning fur animals and Council Directive 98/58/EC concerning the protection of animals kept for farming purposes. The inspections have found that the licensed fur farms operate in compliance with current legislation. Inspections have also found that the slaughter methods employed by the licensed fur farms are permitted under the Sixth Schedule of the European Communities (Protection of Animals at Time of Slaughter) Regulations 1995 that gives effect to Council Directive 93/119/EC.

My Department will continue to keep in close contact with the fur industry and will monitor the operation of the licensed fur farms.

### **Sugar Sector Reform.**

126. **Mr. Gormley** asked the Minister for Agriculture and Food the Government's position on the European Commission's request for consultation prior to the reform of the sugar sector that is expected to take place under the Dutch presidency of the EU. [20260/04]

**Minister for Agriculture and Food (Mr. Walsh):** A communication from the EU Commission to the EU Council of Ministers and the European Parliament on reform of the sugar sector is being finalised. A request for consultation with member states has not been received at this stage. I understand that the communication may be formally presented to the EU Council of Ministers on 19 July and then examined at EU Council working party level. I will indicate my position when definitive proposals are put forward by the Commission.

### **Departmental Staff.**

127. **Mr. G. Mitchell** asked the Minister for Agriculture and Food the way he intends to allocate his staff as a result of the mid-term review agreement and the single farm payment. [20170/04]

**Minister for Agriculture and Food (Mr. Walsh):** The introduction of the single payment scheme next year will impact on my Department's work programme and will free up some staff resources. The precise implications are being assessed in my Department and decisions will be taken at the appropriate time to adjust staff resources in line with the work profile.

### **Food Safety Standards.**

128. **Ms Shortall** asked the Minister for Agriculture and Food his views on the results of his Department's residue testing programme for 2003; and the efforts to counteract the use of anti-

biotics and other drugs banned from human consumption under his Department's programme. [20098/04]

**Minister for Agriculture and Food (Mr. Walsh):** The results of the national Residue Plan for 2003, which were recently released by my Department, indicate a continuation of the overall trend of recent years of very low levels of residues in Irish food production. Of 65,3230 samples covering all food producing species and a very broad range of residue groupings, embracing both legal and illegal substances, 238, or 0.36%, were found to be positive. This compares favourably with levels of 0.54% in 2002 and 0.58% in 2001.

As regards the counteraction efforts taken, a distinction should be drawn between authorised antibiotics and banned drugs. A range of antibiotic medicines, which are necessary to maintain the high animal health status of our national herd, are authorised having met the demanding requirements of the licensing regime which is implemented by the Irish Medicines Board and which now includes an assessment of the potential for the medicine concerned to contribute to the development of antibiotic resistant bacteria. Licensed antibiotics, are also required by law to include on the labelling very clear instructions on the post-treatment withholding period of the treated animal from the food chain. In addition, virtually all categories of antibiotic medicines are currently under veterinary prescription control and I have indicated my intention to bring mastitis treatments, the final outstanding category, under prescription control as soon as possible. My Department, as part of the residue plan, also carries out extensive testing for residues of antibiotics at levels which are well in excess of that required by EU obligations. The positive level of 0.4% in 2003, or 217 positives out of 55,359 samples tested, compares favourably with the low levels of 0.5% and 0.7% respectively in 2002 and 2001. In addition, my Department, in conjunction with the Food Safety Authority of Ireland, has for a number of years conducted a programme aimed at building up data on the incidence of antibiotic resistant bacteria in animals as part of the overall national strategy to address the antibiotic resistance problem.

As regards, banned drugs, including hormones, the residue plan also includes extensive testing for such substances as well as inspections on farms and in other commercial outlets. During 2003, while no residues were found of growth promoters covered by the EU hormone ban, this vigilant approach detected one case of supply of an antibiotic which has been banned in the EU since 1995. Arising from this, a number of treated animals were removed from the food chain and the subsequent investigation, while ongoing, is likely to lead to prosecution.

Extensive residue testing is continuing in 2004 which includes improvements in analytical capability in line with ongoing technological developments in this field.

### Farming Sector.

129. **Mr. Gilmore** asked the Minister for Agriculture and Food how he will encourage young people to take up farming. [20076/04]

**Minister for Agriculture and Food (Mr. Walsh):** One of my main objectives is to ensure a policy framework which will allow agriculture and the agri-food sector to develop to its full potential. In this regard, the recent reform of the CAP will lead to the development of a sustainable and competitive sector. This in turn will ensure that agriculture will remain an attractive career option for young people.

In addition, there are a number of specific measures aimed at encouraging young persons into farming.

The principal mechanism is the Installation Aid Scheme, which was established pursuant to the National Development Plan 2000-2006 and the early retirement scheme. Under the installation scheme, a grant of €9,523 is available to young farmers under the age of thirty-five years, who have become established in farming for the first time on or after 1 January 2000. In addition, top-up grants are also available to young farmers under both the dairy hygiene scheme and the farm waste management scheme.

Under the Early Retirement Scheme, older farmers are encouraged to retire early from farming in order to qualify for a pension which is jointly funded by the EU and by the National Exchequer, thereby encouraging their replacement by younger farmers able to improve, where necessary, the economic viability of agricultural holdings.

The changes which I introduced to the milk quota regime in Ireland in 2000 have been very successful in achieving the overall objective of putting quota definitively in the hands of active committed producers, at the lowest possible cost. The milk quota restructuring scheme is now the principal means by which additional milk quota is acquired by producers. Under the scheme, priority in the allocation of quota is given to specific categories of producers and in particular to new and recent entrants to dairying.

In 2000, I put in place a scheme for the allocation of 5 million gallons of the additional quota negotiated under Agenda 2000 to young milk producers who satisfied certain defined criteria. The 3,099 eligible applicants each received an allocation of 1,700 gallons. Furthermore, in 2001, an additional 4.5 million gallons was allocated to young farmers and 3,442 applicants each received an extra 1,300 gallons under that scheme.

I have also provided for Milk Production Partnerships within the quota system in order to allow for flexibility in farming practice by combining two enterprises and quotas. Standard milk production partnerships were provided for in 2002. Following a review of the first year of the operation of the partnerships, I introduced new regulations to provide for the registration of new entrant/parent milk production partnerships.

These arrangements allow a qualified young farmer to be part of a milk production enterprise in partnership with his/her parent without having to establish separate facilities. Such partnerships provide an opportunity for trained young farmers to get established in the industry and have access to quota, as a priority category, under a milk quota restructuring scheme.

In the light of experience, I have introduced some further flexibility into the partnership arrangements. In the new milk quota regulations which I signed in the last few weeks, I have therefore made a number of amendments designed to help prospective partners.

Partnership arrangements within the milk quota system have a very useful role to play in providing for the type of flexibility necessary to respond to the demands on today's milk producers. The uptake in the new entrant-parent partnerships has been particularly encouraging. I will continue to keep the arrangement under review to ensure it is best suited to the needs of the sector.

There are also a number of tax incentives available to encourage young persons into farming, which include: 100% stock relief for young trained farmers for four years after transfer; 100% stamp duty relief on transfers of agricultural land and buildings to young trained farmers; 90% agricultural relief on capital acquisitions tax; income tax exemptions for land leased by farmers over 40 to non-connected persons; retirement relief on capital gains tax for farmers over 55.

In relation to education and training, Teagasc devote a considerable amount of time and resources into the promotion of farming as a career. National advertising campaigns are conducted twice each year promoting the full range of their education and training courses. In this regard, a total of €140,000 was spent in 2003 on advertising campaigns. In addition, career events are held at all eight colleges twice each year.

The purpose of the open days is promote the courses at the colleges and careers in agriculture and horticulture. Invitations are issued to all second level schools and to over 900 guidance counsellors to attend these events and these events are advertised in the national newspapers. In addition, parents and Teagasc clients are invited to attend. A detailed course prospectus is produced each year outlining the full range of Teagasc courses and these are also sent to every second level school and guidance counsellor. Teagasc aims to have a presence at all career guidance seminars and events and in addition Education Officers and College Teachers visit as many second level schools as possible to promote agricultural education and training. Details of all Teagasc careers events and the full text of the Teagasc prospectus are available for downloading from the Qualifax website. In addition, full details regarding courses and colleges are available on the Teagasc public website -[www.teagasc.ie](http://www.teagasc.ie).

### Milk Tests.

130. **Mr. P. Breen** asked the Minister for Agriculture and Food his plans to introduce independent milk tests. [20173/04]

**Minister for Agriculture and Food (Mr. Walsh):** The development of an independent milk testing service is a matter for the industry.

My Department already conducts regular checks on the results of butter fat testing carried out by milk processors. It also checks the calibration of the instruments used in milk processing establishments for measuring the fat and protein levels in milk collected from producers. It monitors the instrument used in measuring somatic cell levels in milk delivered to processors.

In addition, my Department conducts random administrative checks to ensure that the results of butter fat and protein tests are correctly transcribed into the calculation of the milk price paid to the producer.

### Grant Payments.

131. **Mr. Callanan** asked the Minister for Agriculture and Food when the new single payment, under the decoupling measure, will be made to farmers; and the amount of payment overall to Ireland. [19962/04]

142. **Mr. Penrose** asked the Minister for Agriculture and Food if his attention was drawn to complaints from farmers representatives that they will receive the new EU single payment for 2005 at the end of that year; and if he is aware that it may come too late for farmers. [20093/04]

148. **Mr. P. Breen** asked the Minister for Agriculture and Food when the new single farm payment will be made. [20172/04]

**Minister for Agriculture and Food (Mr. Walsh):** I propose to take Questions Nos. 131, 142 and 148 together.

The national ceiling for Ireland under the new single payment, provided for in European Council Regulation 1782/2004 is €1.322 billion and includes the dairy premium. Arrangements for the implementation of the new payment are being put in place with a view to ensuring that the new system becomes operational with effect from 1 January 2005. The EU regulations governing the scheme provide for payment to be made between 1 December of the year of application and 30 June of the following year. Some concern was expressed about payments being made towards the end of the year when farmers are accustomed to payments being made in two tranches under the existing schemes.

There are, however, advantages for farmers in getting their payment in a single instalment. It is important that the new arrangements operate effectively and smoothly in 2005.

### Beef Imports.

132. **Mr. Broughan** asked the Minister for Agri-

culture and Food the restrictions that are in place to prevent the risk of foot and mouth disease here from imported meat produced in Brazil. [20074/04]

163. **Mr. Ferris** asked the Minister for Agriculture and Food the precautions his Department is making in view of the confirmed outbreak of foot and mouth disease in Brazil. [20266/04]

164. **Mr. Ferris** asked the Minister for Agriculture and Food if his attention was drawn to the foot and mouth outbreak in Brazil and to the fact that the British Army in the Six Counties continues to use beef sourced from that country. [20267/04]

203. **Mr. Durkan** asked the Minister for Agriculture and Food if beef is imported here or via third countries in a way that might cause the spread of foot and mouth disease. [20535/04]

**Minister for Agriculture and Food (Mr. Walsh):** I propose to take Questions Nos. 132, 163, 164 and 203 together.

I am aware of the recent outbreak of foot and mouth disease in Brazil. The outbreak referred to was reported on 17 June 2004 in the Monte Alegre district in the state of Para. This state is already precluded from exporting beef to the EU because it has not been approved by the European Commission for that purpose. I understand that in this particular instance, the outbreak is in an isolated area more than 700 km from the borders of the zone recognised by the World Animal Health Organisation and by the European Commission as FMD free with vaccination.

On a more general note, there are mechanisms established at EU level for monitoring and controlling the risks associated with disease outbreaks in Brazil and other third countries. Commission “safeguard” decisions banning imports from particular countries or regions are considered by member states and the European Commission at the standing committee for the food chain and animal health at which officials from my Department attend. Additionally, third countries or regions wishing to export products of animal origin to the EU must be approved for that purpose by the European Commission.

In relation to the current case, no additional measures have been proposed by the European Commission. However, the situation is being kept under review by the Commission services.

Apart from this, detailed EU legislation lays down the conditions that member states must apply to the imports of products of animal origin from third countries. This harmonised legislation applies to all imports into the EU, including Northern Ireland, and imposes a series of health and supervisory requirements designed to ensure that imported products meet standards at least equivalent to those required for production in, and trade between, member states and imports from third countries. Harmonised controls are applied at the point of import to the EU ensure compliance with these rules.

### Genetically Modified Organisms.

133. **Mr. Costello** asked the Minister for Agriculture and Food his views on the use of genetically modified feed for animals; if his attention was drawn to the fact that the European Commission adopted a proposal to authorise placing the genetically modified maize line NK603 on the market; and his views on whether this decision might impact on the use of genetically modified animal feed here. [20075/04]

**Minister for Agriculture and Food (Mr. Walsh):** Prior to the coming into force last April of EU Regulation 1829/03 on GM food and feed there was no obligation on importers, manufacturers or retailers to label animal feedingstuffs as containing GM products. This allowed the industry to use any of the eight GM events approved prior to the moratorium in 1998 in feed without the necessity to declare their presence. The approved GM events related to four maize varieties; three rape varieties and one soya variety. If as expected the new NK603 maize variety is approved for feed use by the Commission shortly will be the first GM event for use in feed to be approved since the moratorium began.

I have recently signed a statutory instrument giving authorised officers of my Department the necessary powers to ensure that the new GM feed labelling legislation is fully complied with. I am confident that the operation of the new EU Regulation will ensure that importers, retailers and farmers will be in a much better position to make choices as to whether they want to use GM or non-GM feed from now on.

### Agriculture Industry.

134. **Mr. R. Bruton** asked the Minister for Agriculture and Food his views on whether lack of competitiveness in the economy will have a negative impact on agriculture. [20184/04]

**Minister for Agriculture and Food (Mr. Walsh):** Maintaining a competitive economy is vital to our future well-being. An erosion of our competitive position will have an impact on all sectors, not just the agri-food sector. Economy wide issues such as inflation, productivity and costs are being monitored, analysed and compared with the international economy and our main competitors.

The Irish agri-food sector is highly export dependent and international competitiveness is very important. My Department sponsored reports on competitiveness from Professor Gerry Boyle, NUI Maynooth and Carol Newman and Professor Alan Mathews from Trinity College. The reports have helped to enhance the understanding of competitiveness and to chart Ireland's position and compared it with our main agri-food competitors. Further work on competitiveness is being undertaken by Teagasc.

Given the importance of ensuring the competitiveness of the sector, I recently established the Agri-vision 2015 committee to revisit the Agri-

food 2010 report in light of changes to agriculture since its publication. For example, the mid-term CAP review, WTO negotiations, EU enlargement and most importantly the continuing competitive position of the sector. The 2015 committee is in the process of discussing these and other items affecting agriculture and will report shortly.

### Women in Agriculture.

135. **Mr. Deenihan** asked the Minister for Agriculture and Food his plans to encourage the involvement of women in agriculture. [20183/04]

**Minister for Agriculture and Food (Mr. Walsh):** In leading the development of Irish agriculture my objectives include the retention of the maximum number of farm families and ensuring that farming is an attractive career option for young people generally. Policies pursued by my Department are geared towards achieving these objectives and are administered in a gender-neutral fashion.

In relation to the recognition of the role of women in agriculture, I established an advisory committee, which reported in September 2000. The advisory committee's report contained 36 recommendations in total, covering a broad range of policy and operational areas, relating to 19 Departments and agencies. These areas were: statistical evaluation of women farmers; employment and training; information technology; social inclusion; representation, and personal finance-legal issues.

While recognising the contribution of women to Irish agriculture, it is clear from an analysis of the recommendations that the central concerns identified by the advisory committee related to issues affecting women in rural communities generally.

Notwithstanding the change of remit of my Department in 2002, my Department pursued the Advisory Committee's recommendations and produced a comprehensive progress report on the recommendations. This indicates that the recommendations directed at my Department have been implemented as far as practicable and that the broad range of issues raised by the Advisory Committee have been taken in to account by relevant government departments and agencies. I have arranged for a copy of the progress report to be sent to the Deputy.

Issues which may arise in the future regarding the role of women in rural communities can be pursued through the National Rural Development Forum, which operates under the aegis of the Department of Community, Rural and Gaeltacht Affairs and meets twice a year in open forum. Gender equality issues can be taken up with the gender equality unit in the Department of Justice, Equality and Law Reform.

One specific step which would help to encourage the involvement of women in agriculture is more female representation on the boards of state bodies under the aegis of my Department.

In this regard, all of the female appointments made since 1997 have been at my sole discretion and I am disappointed that the farming organisations have not used their nomination rights to nominate women to serve on these boards.

### Food Labelling.

136. **Mr. Cuffe** asked the Minister for Agriculture and Food the details of the requirement for full labelling of beef in the restaurant and catering sectors; and if he plans to extend the requirement to other forms of meat, vegetables and other foods. [20256/04]

**Minister for Agriculture and Food (Mr. Walsh):** I recently announced my intention to proceed with a legal requirement on the restaurant and catering sector to display country of origin in respect of beef served on their premises. This measure will come into effect once the necessary control and implementation arrangements are in place.

I made arrangements for this matter to be discussed in the Council of Agriculture Ministers during the Irish Presidency, as it is my view that there is a gap in the overall beef labelling regulations that ought to be filled. This was also the view of the food labelling group and the consumer liaison panel both of which I established. In the Council discussions there was little willingness on the part either of the EU Commission or other member states to extend the scope of the EU regulations to address this issue. However, the Commission did confirm that member states may adopt national compulsory measures under the Labelling Directive.

I have now formally notified the Commission of my intention to proceed in this area and my Department is making the necessary arrangements for the early introduction of this measure.

Once I have evaluated its effect I will consider the question of extending the scope of the regulations to other products. I would point out that the general labelling requirements set out in EU and National law apply to all food products sold at retail level.

### Farm Inspections.

137. **Mr. Allen** asked the Minister for Agriculture and Food the number and type of farm and stock inspections that a farmer may have to undergo. [20188/04]

**Minister for Agriculture and Food (Mr. Walsh):** The position is that under EU regulations governing the single payment scheme each member state is obliged to carry out a minimum number of on-farm checks each year to establish eligibility of land declared and ensure compliance with various management requirements and good agricultural and environmental conditions.

A minimum of 5% of farmers will be subject to on-farm checks on declared lands. The inspection approach will be similar to the annual area aid

inspections. Some of these checks will be carried out by way of remote sensing.

Farmers in receipt of the single payment scheme are also obliged to comply with the statutory management requirements on environment, identification and registration of animals, public, animal and plant health and animal welfare. Farmers are also obliged to keep their land in good agricultural and environmental condition. It will be necessary to inspect 1% of farmers to assess compliance with statutory management requirements with the exception of identification and registration of animals where 5% of applicants must be inspected.

My Department is in the process of drawing up an integrated control system for cross-compliance. My policy is to limit the number of on-farm checks. It is difficult to estimate the number of inspections overall, but there will be a significant reduction on the current number, which is approaching 20,000 on-farm checks per year.

I am conscious of the need to simplify the on-farm checks to the greatest extent possible consistent with a system that will be acceptable to the European Commission. Consultation will take place with all interested parties before 1 January next. I intend for farmers to be informed about the minimum standards that they will be expected to meet under the various directives, including the requirement to keep land in good agricultural and environmental condition.

### Live Exports.

138. **Mr. Crawford** asked the Minister for Agriculture and Food the number of live cattle exported to Egypt in each of the past ten years; the tonnage of meat exported to Egypt for the same period; and if he is satisfied with the trade. [20247/04]

**Minister for Agriculture and Food (Mr. Walsh):** Live cattle and beef exports to Egypt over the past 10 years were:

Year	Live Cattle (Head)	Beef Tonnes
2003	0	1,000
2002	0	0
2001	0	0
2000	0	150,000
1999	0	154,000
1998	0	120,000
1997	5,000	70,000
1996	106,000	40,000
1995	176,000	40,000
1994	253,000	56,674

With regard to live cattle exports to Egypt the position is that a ban exists on all EU live cattle imports. Proposals for a trial shipment of live cattle from Ireland were submitted to the Egyptian authorities in 1997 but these proposals were not implemented. The lack of a market for live cattle exports to Egypt had been, however, more

[Mr. Walsh.]  
 than offset by the volume of trade in beef exports to that country in the period up to 2001. The Egyptian market was re-opened to imports of Irish beef in late 2001 following an intensive political, technical and diplomatic campaign. Resumption of trade in commercial volumes had been hampered by conditions imposed by the Egyptian authorities on the type of cuts eligible for that market. Agreement was reached with the Egyptian authorities last September on the removal of these conditions and on new certification arrangements which now allow for a resumption in trade. An additional export refund of 30% over the normal rate was negotiated by Ireland in relation to trade with Egypt. The extent to which the Egyptian market will take volumes of beef will depend on commercial decisions by exporters, and will have regard not only to the returns available from that market but also to the commercial attractiveness of other markets, including those within the EU where there is currently a very high demand for Irish beef.

#### Grant Payments.

139. **Mr. Eamon Ryan** asked the Minister for Agriculture and Food the basis on which the Government advised Coillte Teoranta that it was eligible for forestry premia. [20242/04]

**Minister for Agriculture and Food (Mr. Walsh):** On the basis of indications from the European Commission the company was advised that it would, as a private law company, be eligible for the non farmer rate of forest premium.

Following consultations with the EU Commission in 1992 and up to 1999, when premium payments were terminated by the Commission, it was considered that as a private law company Coillte was eligible for the non farmer rate of forest premium.

*Question No. 140 answered with Question No. 109.*

#### Animal Carcass Disposal.

141. **Mr. Timmins** asked the Minister for Agriculture and Food his plans to dispose of the meat and bonemeal in storage. [20186/04]

**Minister for Agriculture and Food (Mr. Walsh):** Contracts have been concluded with three companies for the incineration of meal for which my Department has responsibility at facilities in Germany and the UK. Meat and bone meal produced since is the responsibility of the industry.

*Question No. 142 answered with Question No. 131.*

#### Departmental Staff.

143. **Mr. Gormley** asked the Minister for Agriculture and Food his views on the feedback from

graduates in agricultural science at the view expressed by an assessment board, charged with recruiting for his Department, that an applicant with a PhD in agriculture did not show a sufficiently broad range of relevant knowledge of Irish agriculture; his further views on whether there is a danger that agricultural graduates are being lost to his Department, Teagasc and other relevant agencies because of flawed assessment procedures; and his plans to address the matter. [20240/04]

**Minister for Agriculture and Food (Mr. Walsh):** Competitions for the recruitment of assistant agricultural inspectors are conducted by the independent Office of the Civil Service and Local Appointments Commission. I am satisfied that the selection methods utilised by it results in the appointment of the most suitable candidates.

#### Live Exports.

144. **Mr. P. McGrath** asked the Minister for Agriculture and Food the steps he has taken to re-establish the cattle trade with Libya. [20179/04]

**Minister for Agriculture and Food (Mr. Walsh):** An agreement signed with Libya in June 2000 provided that Ireland would be officially listed as a source country for all Libyan tenders for the supply of live cattle. Since then, however, the Libyan Foreign Minister indicated that it had not been possible to import live cattle because of what he called logistical problems and that Libya would buy beef directly. Libya subsequently issued tenders for the supply of beef and Ireland was included in the list of countries invited to tender. I understand that a number of Irish companies submitted bids at that time. Efforts at diplomatic and technical level are continuing to ensure that the agreement signed with Libya, in so far as it relates to cattle exports, is fully implemented.

#### Beef Imports.

145. **Mr. P. McGrath** asked the Minister for Agriculture and Food if he recently met the Food Safety Authority of Ireland to discuss the importation of non-EU beef. [20178/04]

**Minister for Agriculture and Food (Mr. Walsh):** My Department operates under service contracts with the Food Safety Authority of Ireland to enforce certain legislation on food. Included under the most recent three-year contract with that body, which commenced on 18 December 2002, is the operation of controls by my Department on the importation of animal products. Regular meetings are held with the FSAI in relation to the operation of import controls on animal products including meat from third countries.

The position in relation to imports of animal products, including beef from third countries is that conditions for such imports are laid down in detailed EU harmonised legislation. The main

thrust of that legislation is that the meat shall meet standards at least equivalent to those required for meat produced in the EU.

All meat imports must come from third countries or areas of third countries that are approved for export to the EU. In order to be an approved third country it must: appear on a list drawn up and updated on the basis of EU audits and guarantees given by the competent authority of the exporting country; have veterinary controls equivalent to those applicable in the EU, particularly in terms of legislation, hygiene conditions, animal health status, veterinary medicines controls, zoonoses controls and other food law; and residues programme approved by the European Commission must be in place.

The meat must be sourced from establishments that are approved and must bear a EU approved health mark. Exporting establishments must be approved and have standards equivalent to the requirements for EU export establishments, effective control systems and supervision by the competent authorities, traceability-labelling in accordance with the systems approved by the Food and Veterinary Office of the European Commission, FVO, and accepted and notified to the EU member states.

The FVO carries out inspections to ensure that only establishments that meet hygiene and health standards equivalent to those operating within the EU are approved for trade. Where the FVO considers that public health requirements are not being met, an establishment may be removed from the EU approved list. If an outbreak of animal disease occurs in a third country approval to export to the EU is suspended for the infected regions of the country, or the whole country, as appropriate, until the disease risk has been eliminated.

Importers of animal products, including meat, must be registered with my Department. They are required to give advance notice of importation. Following import they are required to keep records of importation available for inspection by my Department for a period of three years.

Imported meat must be accompanied by the appropriate commercial documentation showing country and approval number of the establishment of production and, in the case of meat imported from third countries, a health certificate conforming to the models set down in EU legislation. The meat must also be labelled.

While there is free movement for trade within the EU all consignments from third countries must first be landed at a Border inspection post, BIP, that has been approved by the FVO and must undergo documentary, identity and physical checks. These latter are carried out at frequencies laid down in EU law. In Ireland BIPs approved for the processing imports of animal products are located at Dublin Port and Shannon Airport. The FVO carries out monitoring and inspection of

each member states BIPs to ensure the conditions for import of animal products into Europe, provided under the harmonised legislation, are being correctly applied.

Once it has been established that imported meat has met all the required conditions it is released for free circulation within the community. Copies of the BIP clearance document and the health certificate must accompany the consignment to its destination. Imports failing to comply with these veterinary control checks may be detained for further examination. If non-compliance is established they are returned to the exporting country or destroyed.

Where there are concerns with regard to the effectiveness of controls being operated in an approved third country the European Commission, in consultation with the standing committee on animal health and the food chain, may introduce specific controls by means of a safeguard measure to ensure the protection of human and animal health.

Safeguard measures limiting or banning the export of animal products from EU countries or regions of countries may also be implemented where, for example, the conditions of an animal disease outbreak could seriously effect production and trade in animal products in the EU.

#### **Modulated Funds.**

146. **Mr. English** asked the Minister for Agriculture and Food the way modulated funds will be dealt with. [20168/04]

**Minister for Agriculture and Food (Mr. Walsh):** The European Commission has indicated that modulated funds will be available for use from 2006. Recently I commenced a consultation exercise with all interested parties on the use of modulated funds. I am confident that a decision will be taken well in advance of the 2006 deadline.

#### **Afforestation Programme.**

147. **Mr. Boyle** asked the Minister for Agriculture and Food, further to Question No. 107 of 27 May, and in view of the fact that the State funds reforestation that comprises more than 10,000 hectares a year and that much initial afforestation was planted in acid sensitive areas before the effects were known, if reforestation is subject to the acidification protocol and to his Department's suite of guidelines on the protection of water biodiversity. [20254/04]

**Minister for Agriculture and Food (Mr. Walsh):** The State does not now fund reforestation. The 10,000 hectares referred to by the Deputy is Coillte reforestation which has never been grant aided. All reforestation is subject to compliance with the Department's national forest



[Mr. Walsh.]  
standard, code of best forest practice and the forest service suite of environmental guidelines.

*Question No. 148 answered with Question No. 131.*

### Employment Statistics.

149. **Mr. Deenihan** asked the Taoiseach the number of working days lost through absenteeism in the work-place in Ireland in 2001, 2002 and 2003 respectively; and if he will make a statement on the matter. [20464/04]

**Minister of State at the Department of the Taoiseach (Ms Hanafin):** The exact information requested by the Deputy is not available. Statistics on days lost from work due to accidents and illnesses are available for 2002 and 2003 from the quarterly national household survey, or QNHS. Data on accidents and illnesses was not collected by the QNHS in 2001. Statistics on days lost due

to accidents and illnesses are set out in the following table:

Days lost due to accidents and illnesses 2002 & 2003

000s		
	Q1 2002	Q1 2003
Persons In Employment	1745.5	1772.0
<i>Injury</i>		
Total persons suffering injury	51.8	43.1
Days lost	857.3	610.4
<i>Illness</i>		
Total persons suffering illness	33.0	38.1
Days lost	583.7	675.7
Total Days Lost	1,441.0	1,286.1

Statistics on days lost from work due to industrial disputes are available from the CSO quarterly release on industrial disputes. Statistics on days lost due to industrial disputes are set out in the following table.

Table 2 Industrial disputes which began or were in progress in each quarter, 2001-2004

### Disputes in Progress

Year	Quarter	Disputes Which Began	Number of disputes <sup>(1)</sup>	Number of firms involved <sup>(1)</sup>	Workers involved <sup>(1)</sup>	Total days lost
2001	Quarter 1	9	11	10	21,189	90,427
	Quarter 2	10	10	44	13,099	19,706
	Quarter 3	3	4	4	422	3,810
	Quarter 4	2	2	2	302	670
	Total 2001	24	26	58	32,168	114,613
2002	Quarter 1	8	8	22	1,081	3,623
	Quarter 2	7	8	9	1,763	9,666
	Quarter 3	9	11	11	1,021	4,613
	Quarter 4	3	5	5	352	3,355
	Total 2002	27	27	43	3,553	21,257
2003	Quarter 1	4	5	5	459	3,081
	Quarter 2	9	9	17	1,298	29,196
	Quarter 3	4	6	6	641	938
	Quarter 4	6	8	8	1,197	4,267
	Total 2003	23	24	32	3,567	37,482
2004	Quarter 1	1	3	3	1,361	2,569

<sup>(1)</sup>The quarterly totals in these columns will not always add to the annual total since an industrial dispute can be in progress in more than one quarter

Additional statistics on absences from work due to holidays and sick leave, both paid and unpaid, for 2002 will be available from the CSO's new national employment survey. The results of this survey are due later this year.

### Departmental Agencies.

150. **Mr. Kenny** asked the Taoiseach if he will give details of all State or semi-State agencies and

boards under the aegis of his Department as of 1 January 1994; the number of State or semi-State agencies and boards under the aegis of his Department as of 1 January 2004; the date of the establishment of such agencies and boards in each case; and if he will make a statement on the matter. [19991/04]

**The Taoiseach:** Area Development Management Ltd., or ADM, was established as a not for

profit company under the aegis of the Department of the Taoiseach in 1992 by the Government in agreement with the European Commission to promote social inclusion, reconciliation and equality and to counter disadvantage through local social and economic development. Following the change of Government in 1997, responsibility for ADM moved from the Department of the Taoiseach to the Department of Tourism, Sport and Recreation. Responsibility currently resides with the Department of Community, Rural and Gaeltacht Affairs.

The second Information Society Commission was appointed on 30 November 2001 and is due to end on 31 December 2004. The commission is established as an independent advisory body to Government. It has a key role in shaping the evolving public policy framework for the development of the information society in Ireland. It reports directly to the Department of the Taoiseach and draws on high-level representation from the business community, the social partners and the public service. The commission's terms of reference are to contribute to the formulation of Government policy by highlighting the challenges and opportunities presented by information society developments; monitoring Ireland's performance in its evolution as an information society, both nationally and internationally; identifying areas of co-operation with other jurisdictions, including establishment of links with the Northern Ireland Information Age Initiative; and establishing working groups, as required, to provide expert advice on specific areas of public policy development.

The Law Reform Commission was established in 1975 under the Law Reform Commission Act 1975 as a statutory body corporate to keep the law of the State under review. The National Economic and Social Development Office, or NESDO, comprises the National Economic and Social Council, or NESC, the National Economic and Social Forum, or NESF, and the National Centre for Partnership and Performance, or NCPP. Legislation underpinning the establishment of NESDO has completed Second Stage in the Dáil and when enacted will place the three bodies on a statutory basis as part of the office. The National Economic and Social Council is a body under the aegis of the Department of the Taoiseach and was established on 2 November, 1973. Its main tasks are to advise the Government on the development of the national economy and the achievement of social justice. The National Economic and Social Forum is a body under the aegis of the Department of the Taoiseach and was set up by the Government in 1993. There are 62 members of the National Economic and Social Forum. Nominating bodies appoint 50, five members are ex-officio and five independent members are appointed by the Government. The Government also appoints the chairman and deputy chairman.

The role of the NESF is to monitor and analyse the implementation of specific measures and programmes identified in the context of social partnership arrangements, especially those concerned with the achievement of equality and social inclusion. The forum also facilitates public consultation on policy matters referred to it by Government from time to time. The forum was reconstituted for a further period of three years, up to May 2006.

The National Centre for Partnership and Performance, or NCPP, was established on a non-statutory basis on 26 July 2000, as one of the key recommendations of the Programme for Prosperity and Fairness in order to provide a strategic focus to the deepening of partnership and the improvement of performance in the workplace, in both the private and public sectors.

The Central Statistics Office, or CSO, was set up as a specialist national statistical agency in 1949 and was established on a statutory basis, as an independent body under the aegis of the Department of the Taoiseach by the Statistics Act 1993. The office collects, compiles and analyses economic and social statistical information. The National Statistics Board, or NSB, is a body under the aegis of the Department of the Taoiseach and was set up on a non-statutory basis in 1986 and on a statutory basis in 1994 following the implementation of the Statistics Act 1993.

#### **Census of Population Statistics.**

151. **Mr. Neville** asked the Taoiseach the number of separated and divorced persons in the State in 2003. [20362/04]

**Minister of State at the Department of the Taoiseach (Ms Hanafin):** The most comprehensive details in respect of the numbers of divorced and separated persons come from the census of population. The results of the 2002 census indicate that there were 99,000 separated persons and a further 35,000 divorced persons in the State on 28 April 2002.

#### **National Flag.**

152. **Mr. Cregan** asked the Taoiseach the rules, regulations and protocols in relation to raising and flying of the Irish flag on government Buildings throughout the city of Dublin; the locations and national institutions at which it is authorised or approved; if flying of the flag is on a seven day basis, five day basis, or is occasional; if discretion is left to local managers or laid down with regard to frequency, timing of removal and; if it is in order for the flag to be taken down during summer hours at 4.30 p.m. or 5.00 p.m. to save overtime; and if he will make a statement on the matter and outline procedure. [20398/04]

**The Taoiseach:** There are no statutory regulations with regard to flying of the national flag.

A booklet entitled "An Bhratach Náisiúnta - The National Flag", contains guidelines for the public, including state institutions, in respect of

[The Taoiseach.] flying the national flag. It is intended to be advisory rather than prescriptive and to facilitate the according of appropriate honour and respect to the national flag. A revised copy of the booklet was sent to all schools in the country and placed in the Houses of the Oireachtas Library on publication in 2001. It is available for sale from the Government publications sales office and can also be accessed on my Department's website.

The booklet advises on display, placing and precedence. It gives advice on the raising and lowering of the national flag, the times and occasions on which the flag is to be flown as well as practices to be avoided. There is no procedure for specifying approved or recognised locations or national institutions from which the flag is to be flown. However, all government Departments are asked to fly the national flag from buildings under their control on specific dates. In practice this has tended to be the Departments' headquarters and those subsidiary offices and regional centres equipped with flagpoles, which individual Departments deem appropriate.

In February of this year, the Department advised all Departments of the following occasions during 2004 on which the National Flag should be flown.

#### *Dublin*

1. St Patrick's Day, 17 March.
2. Easter Sunday, 11 April, and Easter Monday, 12 April.
3. The National Day of Commemoration, 11 July.
3. The Dublin Horse Show, 4-8 August.
5. Dublin Theatre Festival, 27 September-9 October.

#### *Outside Dublin*

1. St Patrick's Day, 17 March.
2. Easter Sunday, 11 April, and Easter Monday, 12 April.
3. The National Day of Commemoration, 11 July.
4. On the occasion of any significant local festivals and events.

The protocol for flying the national flag is intended to be applied in a common-sense way, adapted as necessary to suit local and individual situations and requirements. The underlying concern is that whenever the national flag is flown, it should be accorded due respect at all times.

#### **Work Permits.**

153. **Mr. Deenihan** asked the Tánaiste and Minister for Enterprise, Trade and Employment when a work permit will be issued to a person (details supplied); and if she will make a statement on the matter. [1997/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** I am informed that a work permit application in respect of the individual concerned was received on 14 May 2004 and a decision will be made shortly.

#### **Departmental Agencies.**

154. **Mr. Kenny** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will give details of all State or semi-State agencies and boards under the aegis of her Department as of 1 January 1994; the number of State or semi-State agencies and boards under the aegis of her Department as of 1 January 2004; the date of the establishment of such agencies and boards in each case; and if she will make a statement on the matter. [1992/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** As of 1 January 1994, the agencies and Boards under the aegis of the Department were: Forfás, established on 1 January 1994; IDA Ireland, established on 1 January 1994; Forbairt, established on 1 January 1994; Crafts Council of Ireland, established by the crafts sector in 1971 and incorporated as a company limited by guarantee in 1976; An Bord Tráchtála, established in 1991; Shannon Free Airport Development Company Limited, established on 28 January 1959; FÁS, established under the Labour Services Act 1987; FÁS International Consulting Limited, the memorandum of association of which was registered on 22 September 1988; Irish Steel, established 23 June 1947; Nitriigin Eireann Teoranta, established 3 October 1961; Kilkenny design workshop Limited, established 19 April 1963; the city and county enterprise boards, established in 1993 as companies limited by guarantee and granted formal statutory recognition under the Industrial Development Act 1995; the competition authority, established on 1 October 1991; the Labour Relations Commission, established on 21 January 1991; The Labour Court, established in 1946.

As of 1 January 2004, the agencies and boards under the aegis of the Department were: Forfás, IDA Ireland, Enterprise Ireland, established in 1998 with the amalgamation of the former agencies of Forbairt, An Bord Tráchtála and elements of the services to business function of Shannon Free Airport Development Company Limited; Crafts Council of Ireland, FÁS, FÁS International Consulting Limited, Science Foundation Ireland, established on 25 July 2003; the National Standards Authority of Ireland, established on 14 April 1997; the city and county enterprise boards, the Personal Injuries Assessment Board, established on 13 April 2004; the Competition Authority, the Labour Relations Commission and the Labour Court.

#### **Job Creation.**

155. **Mr. O'Connor** asked the Tánaiste and Minister for Enterprise, Trade and Employment

the position regarding efforts being made to create new jobs in Tallaght; if she will investigate claims that jobs intended for Tallaght were recently located elsewhere; and if she will make a statement on the matter. [20190/04]

156. **Mr. Crowe** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the fact that a store (details supplied) is to be located at Lisburn as opposed to Tallaght, at a loss of a potential one thousand jobs; if her attention has been further drawn to the disappointment felt by the people of Tallaght; and to the reason structural or other wise, for the decision to have the store located outside the State. [20205/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** I propose to take Questions Nos. 155 and 156 together.

Job creation is a day to day activity of the industrial development agencies. A number of overseas companies in the electronics, internationally traded services and software sector such as Google and Overture have established operations in the Tallaght area with support from IDA Ireland. In nearby Grangecastle, Clondalkin, there are two significant projects under way involving Wyeth biopharma which will create 1,300 jobs and Takeda chemical industries which will employ 60 people. IDA Ireland is also working with existing clients to assist them to move up to the value chain and increase employment potential. Last year, Enterprise Ireland approved 16 indigenous industry projects for the greater Tallaght area. Each of these is planning to create new jobs. Incubation space for start up companies is being provided through community enterprise centres and the South Dublin County Enterprise Board is also providing a range of supports and training. Enterprise Ireland also works closely with the Institute of Technology in Tallaght to encourage industry and third level partnerships. The remit of the development agencies does not extend to assisting retail outlets. Neither IDA Ireland nor Enterprise Ireland have had any discussions with the store in question. As far as I am aware, this particular store has neither confirmed nor denied that it was considering Tallaght as a location for one of its outlets. As with all projects, the final decision on where to locate a particular project rests with the promoter of that project. However, a number of large commercial developments are currently taking place in Tallaght which incorporate retail units. These will provide significant employment when completed and occupied.

#### Work Permits.

157. **Mr. Neville** asked the Tánaiste and Minister for Enterprise, Trade and Employment when a work permit will be processed for a person (details supplied) in County Limerick. [20551/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** I am informed that there is no record of a valid work permit

application in this case. Applications which are incomplete or incorrect are returned to the employer for completion. In the aftermath of EU enlargement, it is Government policy that employers should be able to source nearly all of their workforce needs from within the EU. Accordingly, only in cases where exceptional levels of skill and qualifications are needed for the job, and the employer has made meaningful attempts to find EEA nationals first, will my Department now consider work permit applications.

#### Departmental Agencies.

158. **Mr. Kenny** asked the Minister for Defence if he will give details of all State or semi-State agencies and boards under the aegis of his Department as of 1 January 1994; the number of State or semi-State agencies and Boards under the aegis of his Department as of 1 January 2004; the date of the establishment of such agencies and boards in each case; and if he will make a statement on the matter. [19993/04]

**Minister for Defence (Mr. M. Smith):** The agencies and boards under the aegis of my Department are as follows: the Army Pensions Board, established on 30 April 1927 pursuant to Section 5 of the Army Pensions Act 1927; the Irish Red Cross Society, established on 1 July 1939 pursuant to Section 1 of the Red Cross Act 1938; Coiste an Asgard, incorporated on 16 February 1987 as a company limited by guarantee under the Companies Acts. In addition to those listed is the Civil Defence Board, established on 5 June 2002 pursuant to the Civil Defence Act 2002.

#### Defence Forces Equipment.

159. **Mr. Gogarty** asked the Minister for Defence if a request has been made by the developer of Weston Aerodrome in Lucan, to allow it to install new navigational equipment, following the refusal by the Irish Aviation Authority to do so, in view of the fact that more airspace would be required, which would have to be negotiated from Baldonnel. [20044/04]

160. **Mr. Gogarty** asked the Minister for Defence if his attention has been drawn to facts (details supplied) in granting or refusing permission to the developer of Weston Aerodrome for additional airspace from Baldonnel in any application; and if he will make a statement on the matter. [20045/04]

**Minister for Defence (Mr. M. Smith):** I propose to take Questions Nos. 159 and 160 together.

No request has been received by the Department of Defence from the developer of Weston Aerodrome, Lucan, regarding the installation of new navigational equipment or to making available additional airspace from Casement Aerodrome, Baldonnel, to Weston Aerodrome. Airspace is a matter for the Irish Aviation Authority and I, as Minister for Defence, have no function in this matter. However, when issues arise involving airspace surrounding Casement Aerodrome

[Mr. M. Smith.]  
the IAA is obliged to consult with the Minister for Defence in the matter.

### FCA Training.

161. **Mr. O'Connor** asked the Minister for Defence if he will confirm plans for the development of the FCA in Tallaght, Dublin 24; and if he will make a statement on the matter. [20153/04]

**Minister for Defence (Mr. M. Smith):** On 15 January 2003 I approved, in principle, the report of the reserve Defence Forces review implementation board for the implementation of the recommendations of the special steering group on the reserve. The steering group, which I established to undertake a study of the reserve, reported to me in September 1999.

The steering group report proposed that a company be located at Casement Aerodrome Baldonnel. This company would cater for the greater Tallaght and Clondalkin areas. The process of planning is being carried forward by the military authorities. However, no final decisions will be made until I have had the opportunity to examine and approve the military proposals as a whole.

### Defence Forces Expenditure.

162. **Mr. Gormley** asked the Minister for Defence the amount Ireland spends as a proportion of GDP on defence; the way in which this compares to the EU average spent on defence as a proportion of GDP; and if he will make a statement on the matter. [20154/04]

**Minister for Defence (Mr. M. Smith):** Based on estimated GDP figures, defence expenditure in this country will be 0.6% of GDP in 2004. The latest year for which figures are available for other EU states is 2002 when average defence expenditure was 1.8% of GDP. The level of expenditure on defence in any particular country is influenced by a variety of factors, including that country's political and security environment, its history, demography and economy.

*Questions Nos. 163 and 164 answered with Question No. 132*

### Farm Waste Management.

165. **Mr. Sargent** asked the Minister for Agriculture and Food the policy of the Government on regulations with set-aside land in view of evidence that undried municipal sewage sludge is being spread on land (details supplied) at Ballinastran, County Wexford. [20572/04]

**Minister for Agriculture and Food (Mr. Walsh):** Under the provisions of the EU arable aid scheme, all applicants are required to ensure that their land eligible for payment, is maintained in good agricultural and environmental condition. In particular one of the management rules relating to land which is put in set-aside provides that the application of fertiliser, organic or inorganic, is allowed between 16 April and 31 October at levels that do not present an environmental hazard. My Department carries out rou-

ting inspections of selected applicants to ensure that these requirements are adhered to by farmers. If not the relevant penalties are imposed.

The re-use of sewage sludge in agriculture is fully regulated and is subject to compliance with the Waste Management (Use of Sewage Sludge in Agriculture) Regulations 1998, as amended, which give effect to Council Directive 86/278/EC on the protection of the environment and particularly of the soil when sewage sludge is used in agriculture.

### Food Labelling.

166. **Mr. Hayes** asked the Minister for Agriculture and Food his plans to introduce legislation compelling meat processors to include country of origin on all meat produce sold here. [20274/04]

**Minister for Agriculture and Food (Mr. Walsh):** All meat sold at retail level is subject to the general food labelling regulations. EU regulations on beef provide for compulsory labelling and include a requirement for operators involved in the marketing of beef within the EU to label their beef with an indication of the member state or third country where the animal was born, reared and slaughtered. The regulations, as they stand, do not apply to the catering and food service sector. To address this situation, I recently announced my intention to proceed with a legal requirement in the sector to display country of origin in respect of beef served on their premises and have informed the European Commission accordingly. When I have evaluated the effect of this measure, I intend to look at the possibility of extending similar labelling requirements to other meat species. I recently introduced regulations to require origin of poultry meat to be indicated in the case of loose unprocessed poultry meat imported from third countries. Previously, the requirement had only extended to pre-packaged unprocessed poultry meat from third countries.

167. **Dr. Twomey** asked the Minister for Agriculture and Food his views on the concerns of farmers regarding the traceability of agricultural products sold to consumers here. [20580/04]

**Minister for Agriculture and Food (Mr. Walsh):** Traceability is the key element in food safety. The purpose of traceability is to ensure that, if a problem is identified at any point in the food chain, the source of the problem can be quickly identified and that, if product has been contaminated in any way, it can be traced forward to ensure that it does not reach the consumer. Traceability systems work largely through records of product received by a food business operator and forwarded by that operator to the next point in the food chain.

We have very significant levels of resources employed and systems in place to provide robust traceability for agricultural products from its production right through to purchase or consumption by the consumer. At the production stage, excellent systems exist to trace animals to the point of

slaughter. Examples of these are the cattle movement monitoring system, or CMMS, the national sheep identification system and the national pig identification and tracing system. Processors are required to keep detailed records of throughput and retail and catering outlets have to keep records of suppliers. Traceability and labelling are frequently confused. As I mentioned, traceability is the ability to track products from its production right through to purchase or consumption by the consumer. Labelling is a tool used to inform the consumer. The concerns that farmers have expressed to me generally relate to the proper labelling of meat so as to give consumers sufficient information about the meat that they buy either in retail outlets or in catering establishments so that they can make an informed choice.

The food labelling group, which I established in 2002 to examine food labelling issues of concern to the consumer, was in full agreement that consumers have a right to information on the origin of the meat they cook in their homes or eat out. While the group could not agree on how origin should be defined, there was unanimous agreement that further research was necessary to establish consumers' wishes in this area. At my request the consumer liaison panel has carried out this research, the results of which were presented to me in December 2003. The findings of that research were that consumers purchasing meat at retail or catering outlets want to know the country of origin of the meat. In order to meet the demands of consumers as identified in the research, earlier this year I introduced two regulations on the labelling of poultry meat. The first of these regulations requires poultry meat loose and pre-packaged, originating in a country outside the EU to bear an indication of the country of origin when offered for sale in a retail premises. The second regulation requires information regarding class, price per unit weight, condition and slaughterhouse details in respect of loose poultry meat that is non-prepackaged meat, to be provided to the consumer. Heretofore, while these labelling indications have been com-

pulsory for pre-packaged poultry meat it had not been a requirement to provide this information for poultry meat sold loose.

In the beef sector, a recent review of the EU beef labelling regulations did not favour the extension of the labelling requirements to catering establishments on an EU wide basis. That review did not preclude individual member states from introducing rules within their own territory. I am firmly of the view that consumers, whether purchasing beef over the counter or choosing beef in restaurants and catering establishment, have a right to know the origin of the product. Therefore, I recently announced my decision to proceed immediately with a legal requirement on restaurants and catering establishments to indicate to their customer, the origin of beef sold on their premises. A regulation to implement this decision is being drafted.

On the food labelling issue in general, my primary aim is to protect consumer interest and to ensure that the consumer is properly informed. Ireland is a major exporter of food and food products and indeed there are also considerable imports, so it is imperative that the same standards are applied to the labelling of foods in every sector and that there is a level playing field for the food industry at all levels. I hope to achieve this through the implementation in as full a manner as possible of the recommendations of the food labelling group.

#### Departmental Bodies.

168. **Mr. Kenny** asked the Minister for Agriculture and Food if he will give details of all State or semi-State agencies and boards under the aegis of his Department as of 1 January 1994; the number of State or semi-State agencies and boards under the aegis of his Department as of 1 January 2004; the date of the establishment of such agencies and boards in each case; and if he will make a statement on the matter. [1999/04]

**Minister for Agriculture and Food (Mr. Walsh):** The information requested by the Deputy is as follows:

Name of State / Semi-State Agency or Board	Under aegis of Department at 1 January 1994	Under aegis of Department at 1 January 2004	Date of Establishment
Bord na gCon	Yes	No	11 July 1958
The Racing Board	Yes	No	22 June 1945
Coras Beostoic agus Feola (CBF)	Yes	No	25 July 1979
An Bord Bia	No	Yes	1 December 1994
National Milk Agency	No	Yes	30 December 1994
Irish National Stud Co. Ltd.	Yes	Yes	31 August 1946
Teagasc	Yes	Yes	8 September 1988
Coillte Teoranta	Yes	Yes	1 January 1989
An Bord Glas	Yes	Yes	22 March 1990
National Council for Forest Research and Development (COFORD)	Yes	Yes	15 April 1993

On 1 January 2004, there were seven State agencies or boards operating under the aegis of my Department.

#### Genetically Modified Organisms.

169. **Mr. Connolly** asked the Minister for Agriculture and Food if it is his intention to pursue a

[Mr. Connolly.]  
genetically modified free island policy as an integral part of the Ireland-the food island image; and if he will make a statement on the matter. [20039/04]

**Minister for Agriculture and Food (Mr. Walsh):** The rules governing the production and use of GMOs within the European Union are set down in legislation which applies across all member states. The legislation has been jointly adopted by the Council of Ministers and the European Parliament. Member states may adopt restrictions on the growing of GM crops but they must be crop specific and geographically limited.

The GM areas of direct relevance to my Department are those relating to the issue of the coexistence of GM crops alongside non-GM crops and controls on the authorisation and labelling of GM feed. The Commission has decided that co-existence should be addressed at member state level and has provided a series of guidelines to assist in dealing with the issues that arise. All member states, including Ireland, are in the process of drawing up strategies and best practices to provide for effective coexistence arrangements without contamination of non-GM crops. An interdepartmental working group has been set up by the Department of Agriculture and Food to examine this whole co-existence issue.

The growing and use of GMOs in Ireland must be managed to ensure that the green image which is associated with Ireland and its importance in the development and promotion of our food industry is protected. In this context it will be important to ensure that satisfactory arrangements are in place to provide for the growing of GM crops and the labelling and traceability of GM feed.

#### Grant Payments.

170. **Mr. Ring** asked the Minister for Agriculture and Food the number of persons who received forestry grants in 2003; the number of applicants eligible for grants in 2004; and the length of time on average it will take his Department officials to process applications for payment in 2004, as compared with 2003. [20041/04]

171. **Mr. Ring** asked the Minister for Agriculture and Food if the error which occurred in his Department in 2003, whereby the payment forms for forestry grants were not sent out on time to those eligible for grants will be averted in 2004; the reason payments are being held up now in view of the fact that the error was made by his Department; and if all payments will be expedited in 2004. [20042/04]

**Minister for Agriculture and Food (Mr. Walsh):** I propose to take Questions Nos. 170 and 171 together.

I am not aware of any error in application forms for forestry grant payments in 2003. A total of 1,026 afforestation grants were paid in 2003 and at least a similar amount estimated for 2004.

The average length of time for processing of grants applications in 2004 will be eight weeks from date of receipt of applications complete with all supporting documentation. This is in line with average turnaround time in 2003.

#### Grant Payments.

172. **Mr. Naughten** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Roscommon is having their premia reduced following an on-the-spot area aid inspection even though the formal decision stated that no penalty would be imposed if it did not affect premia calculations; if, in view of the fact that the forage area does not affect premia payments, all payments will be made in full; and if he will make a statement on the matter. [20059/04]

**Minister for Agriculture and Food (Mr. Walsh):** The person named applied for a total forage area of 72.93 hectares on his 2003 area aid application. During the course of an inspection of the applicant's lands a reduced area of 60.46 hectares of forage land was found. This resulted in a 20.63% overclaim penalty. However, no area linked penalties will apply to suckler cow premium or special beef premium payments where the area found is sufficient to support a stocking density of 1.8 livestock units per hectare or less.

The person named applied for premium on 23 animals under the 2003 suckler cow premium scheme. The application has been processed and payment amounting to €5,155.45 issued on 14 April 2004. This represents payment in full in respect of the number of animals applied on. Payment of €765.90 issued on 29 June 2004 in respect of animals qualifying under the suckler cow national envelope. Regarding the 2003 extensification premium, the position is that eligibility has been established and the person named can expect a payable order for €920 shortly.

173. **Mr. Neville** asked the Minister for Agriculture and Food when extensification payment will be awarded to a person (details supplied) in County Limerick. [20080/04]

**Minister for Agriculture and Food (Mr. Walsh):** On 10 June 2004, a sum of €240 was credited to the bank account of the person named, representing the extensification premium due to him on his three suckler cows.

#### Agenda 2000.

174. **Mr. Neville** asked the Minister for Agriculture and Food the position regarding the consideration of *force majeure* and exceptional circumstances in relation to establishment of entitlement under the mid-term review of the Agenda 2000 agreement single payment scheme for a person (details supplied) in County Limerick. [20081/04]

**Minister for Agriculture and Food (Mr. Walsh):** The person named submitted an appli-

cation form for consideration of *force majeure* or exceptional circumstances on 13 January 2004. The case has been examined and the person named has been notified that the application is successful. The reference year 2000 will not be used for the calculation of single payment entitlement, therefore the entitlements will be based on the reference years 2001 and 2002.

#### Commonage Division.

175. **Mr. McCormack** asked the Minister for Agriculture and Food the position regarding the involvement of the Land Commission in assisting shareholders in commonages to divide their commonages; if the Land Commission is actively involved in this matter now; if not, if this responsibility will be resumed by the Land Commission; and if he will make a statement on the matter. [20110/04]

**Minister for Agriculture and Food (Mr. Walsh):** For some time, my Department provided a commonage division and rearrangement service but this was discontinued in 1998 following a review of its operation and is now only engaged in the completion of cases already on hands. I have no plans to re-introduce this service.

#### Grant Payments.

176. **Mr. Ring** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Mayo has still not received a slaughter premium payment for 2002. [20132/04]

**Minister for Agriculture and Food (Mr. Walsh):** The person named originally had four animals slaughtered and deemed eligible under the 2002 slaughter premium scheme. Payment issued in full on these animals in April 2003. My Department contacted the person named during 2002 regarding the possible eligibility of a further eight animals. As the slaughter records for these animals were incorrect, eligibility under the 2002 slaughter premium scheme could not be established. However, these records have since been amended and the animals concerned deemed eligible under the 2002 scheme. Payment will issue later this week.

177. **Mr. Connaughton** asked the Minister for Agriculture and Food when the second instalment of the REP scheme will issue to a person (details supplied) in County Galway; and if he will make a statement on the matter. [20145/04]

**Minister for Agriculture and Food (Mr. Walsh):** Payment dated 10 June 2004 has been issued to the person named.

178. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason grants have not been awarded for top-up payments for suckler cows, the extensification 2003 and the beef premium 2003 to a person (details supplied) in County Galway; and if he will make a statement on the matter. [20146/04]

**Minister for Agriculture and Food (Mr. Walsh):** The 2003 area aid application for the person named was processed with an area determined for payment purposes of 49.51 hectares. Subsequently, it was established that the area contained buildings. There was no change in the total area determined, however, when the buildings were removed. The persons named applied for premium on 25 animals under the 2003 suckler cow premium scheme. The application has been processed for payment and the 80% advance instalment amounting to €4,483 issued on 16 October 2003 with a balancing payment for €1,120.75 issuing on 30 June 2004. These represent payment in full in respect of the 25 animals applied on. The person named submitted one application under the 2003 special beef premium scheme in respect of 11 animals on 23 May 2003. The 80% advance payment was paid on 20 October 2003 while the remaining 20% was issued on 24 June 2004.

Two payable orders amounting to €2,880 were issued to the persons named on 24 and 30 June 2004 representing their full 2003 extensification premium entitlement on a total of 36 animals that had already qualified for payment of 2003 suckler cow premium and special beef premium on their holding.

National envelope payments in respect of heifers not calving in 2003 and in respect of suckler cows or heifers calving for the first time in 2003 have begun recently. The persons named had animals qualifying under both category and payment will issue within the next week.

179. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason an area aid grant has not been awarded to a person (details supplied) in County Galway for 2003; and if he will make a statement on the matter. [20147/04]

**Minister for Agriculture and Food (Mr. Walsh):** According to my Department's records the person named did not submit a 2003 area aid application. As the person named is not registered under the herd number quoted, my Department does not know of any grants that are due to him.

180. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason an area aid payment has not issued to a person (details supplied) in County Galway in 2002; if an area aid payment will be made for 2003; and if he will make a statement on the matter. [20148/04]

**Minister for Agriculture and Food (Mr. Walsh):** The person named applied for a total forage area of 19.84 hectares on his 2002 area aid application. Forestry was subsequently verified on one parcel of land during the course of a cross compliance check with the forestry services. The revised area found was 18.27 hectares, which represents an overclaim of 8.59%. Where an overclaim of more than 3% or more than two hectares, but not exceeding 20% of the forage area



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declared is established, the forage area found is reduced by twice the difference between the area declared and the area found. The reduced area found following penalty was 15.13 hectares. In 2003, the person named declared a total forage area of 15.84 hectares of forage land and was fully processed with that area determined for payment purposes.

The person named applied for premium on 16 animals under both the 2002 and 2003 suckler cow premium schemes. Payments amounting to €3,586.40 in respect of each year has issued to the herd owner representing entitlement in full on 16 animals.

The extensification premium may only be paid where the stocking density of a holding does not exceed 1.80 livestock units per hectare. For the 2002 and 2003 premium, since respective stocking densities of 2.0032 and 2.1161 livestock units per hectare were found, the person named does not qualify for payment for either year. He was advised of the position for each year by letter.

#### Farm Retirement Scheme.

181. **Mr. McGinley** asked the Minister for Agriculture and Food the position regarding an application for the early retirement pension by a person (details supplied) in County Donegal; and when payment is likely to issue. [20149/04]

**Minister for Agriculture and Food (Mr. Walsh):** The application by the person named for the early retirement pension was received in my Department on 14 May 2004 and is being processed. The person named will be notified of the outcome when processing is complete. The protocol on direct payments to farmers sets a target of twelve weeks for the processing of a valid application to the stage of scheduling for payment if the case is selected for pre-payment inspection, and ten weeks if it is not selected.

#### Equine Industry.

182. **Mr. Healy** asked the Minister for Agriculture and Food if the breeding of thoroughbred horses including the standing of stallions at stud is regarded as agriculture or commercial; and if he will make a statement on the matter. [20199/04]

**Minister for Agriculture and Food (Mr. Walsh):** While commercial operations are involved in the breeding of thoroughbred horses, it is mainly an agricultural activity. As Minister for Agriculture and Food I am generally responsible for equine breeding concerns and I have responsibility for the Irish national stud, which carries on the business of stud farming on the lands of the national stud in County Kildare. In the EU, the breeding of horses is regarded as an agricultural activity.

#### Grant Payments.

183. **Mr. Perry** asked the Minister for Agriculture and Food if he will make a decision on the suckler cow premium appeal by a person (details supplied); and if he will make a statement on the matter. [20269/04]

**Minister for Agriculture and Food (Mr. Walsh):** The person named applied for premium on 26 animals under the 2003 suckler cow premium scheme. Correspondence issued to him on 6 January 2004 informing him that his application was being rejected as he did not comply with requirements with regard to inspection as set out in paragraph 32(d) of the terms and conditions of the scheme. The herd owner has sought a review of this decision and his case is currently being examined. He will be notified of the outcome as soon as possible.

184. **Mr. Connaughton** asked the Minister for Agriculture and Food when the 2003 extensification payment will issue to a person (details supplied) in County Galway; and if he will make a statement on the matter. [20374/04]

**Minister for Agriculture and Food (Mr. Walsh):** Under EU regulations, the 2003 extensification premium may only be paid where the stocking density of a holding does not exceed 1.80 livestock units per hectare. Since the stocking density of the holding in this case amounted to 1.9296 livestock units per hectare, the person named does not qualify for payment. He was advised of the position by letter within the last week.

185. **Mr. Ring** asked the Minister for Agriculture and Food when a person (details supplied) in County Mayo will receive their 20% suckler cow premium 2004 payment and their extensification payment for 2004. [20438/04]

**Minister for Agriculture and Food (Mr. Walsh):** The closing date for receipt of 2003 area aid applications was the 7 April 2003. In accordance with the relevant EU regulations late applications could still be accepted with a penalty up until 1 July 2003. The 2003 area aid application of the person named was received in the Department on 26 June 2003 and as a result a 26% penalty had to be applied to 2003 premia payments.

The father of the person named lodged an application for premium in respect of five animals under the 2003 suckler cow premium scheme on 25 June 2003. The application was processed for payment and the 80% advance instalment amounting to €896.60 issued to the applicant on 17 October 2003. At balancing payment stage a recalculation showed that following the application of the 26% late area aid penalty, no further payment was due under the suckler cow premium scheme and an amount of €67.24 was deemed to have been overpaid. It is proposed to deduct this overpayment from the €111 due in respect of the

suckler cow national envelope leaving a net amount of €43.76 due.

The amount payable under the extensification scheme is reduced to €296 when the 26% late area aid penalty is applied. Payment cannot however be made to the legal personal representative of the deceased until a copy of probate or other legal documents is submitted to the Department.

The district livestock office of my Department has been informed of the death of the applicant, that is, the father of the person named. Correspondence has issued to the solicitors acting in this case and they have been requested to furnish copy of probate or legal documents indicating to whom any payments outstanding should issue. A reply is awaited.

#### Land Rental Prices.

186. **Mr. Ring** asked the Minister for Agriculture and Food the effect the stacking of premium entitlements on owned land will have on land rental prices. [20439/04]

187. **Mr. Ring** asked the Minister for Agriculture and Food the measures that have been put in place to ensure that there is no abuse of the stacking entitlements in relation to the single payment scheme (details supplied); and if his Department will issue guideline prices for rented land based on previous years prices to avoid abuse of the system. [20440/04]

188. **Mr. Ring** asked the Minister for Agriculture and Food if the new 50% rule for stacking entitlements to the single payment scheme will only apply if rented land was no longer available; or if it will apply where land is only rented on an annual basis or when the lease period comes to an end. [20441/04]

189. **Mr. Ring** asked the Minister for Agriculture and Food the reason stack entitlements have been set at 50% of land farmed in the reference years, for the single payment scheme, rather than 80%; and if this rate will result in land that was previously rented being left idle to grow wild. [20442/04]

**Minister for Agriculture and Food (Mr. Walsh):** I propose to take Questions Nos. 186 to 189, inclusive, together.

The requirement that, to draw down the single payment, farmers would have to have 100% of the average land area that they had during the reference period would have resulted in serious problems for certain categories of Irish farmers. For instance, some 56,000 hectares of land has been planted with forestry during the period 2000 to 2003 and quite an amount of land has been acquired under compulsory purchase order by local authorities. In addition, certain farmers who had land rented or leased during the reference period may no longer have access to that land. Some 45,000 farmers depend to some extent on leased or rented land involving some 832,00 hec-

tares in 2000 according to Central Statistics Office data. The 100% requirement would therefore have undoubtedly contributed further to an increase in the cost of rented land from 2005 onwards.

The balance has to be in favour of active farmers who want to expand. It was for these reasons that I sought a derogation on the 100% land requirement and the 50% rule in the final text of the European Commission implementing rules addresses these issues. Under the single payment scheme, the farmer must declare all the hectares available to him or her in 2005 including any land leased. To avail of the stacking concession, the total area declared by the farmer must be equal to at least 50% of the average area declared during the reference period. Stacking can only take place where a lease agreement has expired. Consequently a farmer may not break a lease agreement to benefit from the provision. However, it is worth noting that there is no onus on an applicant to continue renting such land. The concessions for consolidating or stacking entitlements cannot be applied to any farmer who declares fewer hectares than entitlements because he or she disposed of land by way of sale or lease other than sale of land to a public authority for non-agricultural use.

The provisions may be applied to the following categories of farmers: farmers who have afforested some of their land since the beginning of the reference period; farmers who have disposed of land to a public authority for non-agricultural use; farmers who had land leased-rented in during the reference period but the lease-rental agreement has since expired; and farmers who declared lands situated in Northern Ireland during the reference period.

Where a farmer benefits from this concession all of his or her consolidated payment entitlements will be regarded as having come from the national reserve. The consolidated entitlements concerned cannot be sold or leased out for five years from the year of allocation and the farmer must use all entitlements himself or herself each year for a period of five years otherwise any entitlements not used, each year will revert to the national reserve. It would not be possible or appropriate for my Department to become involved in issuing guidelines prices for rented land.

#### Animal Feedstuffs.

190. **Mr. Timmins** asked the Minister for Agriculture and Food if his Department has a policy of a spiking feed samples prior to being submitted to laboratory for testing; if so, his views on whether this does not pose a threat of contamination; and if he will make a statement on the matter. [20443/04]

**Minister for Agriculture and Food (Mr. Walsh):** A small number of spiked samples were sent to the two laboratories involved in the microscopic examination of animal feed in 2003 to

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assess their performance. I am satisfied that these samples do not pose a threat of contamination. Both laboratories have standard operating procedures, which are strictly adhered to, to prevent such contamination. No case of contamination has been reported from either laboratory in 2003.

191. **Mr. Timmins** asked the Minister for Agriculture and Food the procedures for sterilising meat and bonemeal; the way in which bulk MBM is exported and the location; the amount stored here and location; and if he will make a statement on the matter. [20444/04]

**Minister for Agriculture and Food (Mr. Walsh):** The requirements for the handling and disposal of animal by-products, including meat and bonemeal, are set out in EU Regulation 1774/2002. The regulations, which are applicable in each member state, specify approved processing methods for sterilising meat and bone meal.

In Ireland, the approved processing method used to produce and sterilise meat and bone meal is the highest provided for by the regulations and involves the rendering of animal by-products at 133° celsius at 3 bars of pressure for 20 minutes. The processing of animal by-products, including rendering into meat and bonemeal is carried out at approved plants under the control of the veterinary inspectorate of my Department.

The production of animal by-products and, in turn, of meat and bonemeal is a necessary part of a livestock and meat processing industry. In the absence of any domestic facility for using this product either in industry or energy production, it must be exported for incineration to other EU countries. Currently, meat and bonemeal is exported for disposal by incineration or co-incineration in sealed container to approved premises in the United Kingdom or Germany. At present, approximately 191,000 tonnes of meat and bonemeal is held in approved stores throughout the country.

#### EU Directives.

192. **Mr. Naughten** asked the Minister for Agriculture and Food the result of discussions which took place between his officials and officials of the Department of the Environment, Heritage and Local Government regarding a sustaining progress review meeting held on 29 June 2004; and if he will make a statement on the matter. [20466/04]

**Minister for Agriculture and Food (Mr. Walsh):** The implementation of the nitrates directive is, in the first instance, a matter for the Minister for the Environment, Heritage and Local Government. He and I met the farming organisations on 30 June and again outlined the approach to be taken in implementing the directive. I believe that the discussions were very constructive. An action programme will be submitted

to the European Commission meeting Ireland's legal obligations under the directive, and there will also be proposals for arrangements under which farmers may operate above the general limit of 170 kg. of organic nitrogen which the directive lays down.

The Department of the Environment, Heritage and Local Government in conjunction with my Department is now in the process of making available a revised draft action programme for farmers and other interested parties to offer their views. The action programme and arrangements for derogations will ultimately require the approval of the European Commission. However it is my objective, shared by the Minister for the Environment, Heritage and Local Government, to minimise the burden of compliance on farmers generally and to ensure that the future of the commercial agriculture sector is safeguarded.

I welcome the announcement by the Minister for the Environment, Heritage and Local Government that he has appointed Mr. Denis Brosnan, former managing director and chairman of the Kerry Group, to advise on the proposed nitrates action programme. As independent adviser, Mr. Brosnan will play a leading role in the forthcoming consultation exercise and I am confident that he will make a major contribution to a successful outcome.

#### Food Labelling.

193. **Ms Cooper-Flynn** asked the Minister for Agriculture and Food when the compulsory labelling of all meat in restaurants and catering outlets will be introduced. [20486/04]

**Minister for Agriculture and Food (Mr. Walsh):** I recently announced my intention to proceed with a legal requirement on the restaurant and catering sector to display country of origin in respect of beef served on their premises. This measure will come into effect once the necessary control and implementation arrangements are in place. I made arrangements for this matter to be discussed in the Council of Agriculture Ministers during the Irish Presidency, as it is my view that there is a gap in the overall beef labelling regulations that ought to be filled. This was also the view of the food labelling group and the consumer liaison panel, both of which I established. In the Council discussions there was little willingness on the part of the European Commission or other member states to extend the scope of the EU regulations to address this issue. However, the Commission did confirm that member states may adopt national compulsory measures under the labelling directive.

I have formally notified the Commission of my intention to proceed in this area and my Department is making the necessary arrangements for the early introduction of this measure. Once I have evaluated its effect I will consider the question of extending the scope of the regulations to other products. The general labelling require-

ments set out in EU and national law apply to all food products sold at retail level.

#### District Milk Boards.

194. **Mr. Timmins** asked the Minister for Agriculture and Food the number of temporary workers that were employed by the Dublin district milk board when it ceased to exist; the outcome of these persons; if they received redundancy payment; if payments are due to them; and if he will make a statement on the matter. [20505/04]

**Minister for Agriculture and Food (Mr. Walsh):** There were seven seasonal temporary staff covered by the terms of the staff rationalisation agreement negotiated on the dissolution of the Dublin district milk board. They were offered voluntary early retirement on the same terms as the full-time temporary staff. This included a payment analogous to redundancy compensation. All seven declined this offer, choosing instead to offer their services to the new owners of the former milk board's business. There are no payments due to them from my Department.

195. **Mr. Timmins:** asked the Minister for Agriculture and Food the number of permanent workers employed by the Dublin district milk board when it ceased to exist; if they were personnel; if they were redeployed; the number still remaining in employment; the job description of same; and if he will make a statement on the matter. [20506/04]

**The Minister for Agriculture and Food (Mr. Walsh):** There were 67 full time staff employed by the Dublin District Milk Board at the time of its dissolution. They transferred first to the employ of the Interim Board and then to that of the new owners on the sale of the former Milk Board's business. Under the terms of the Staff Rationalisation Agreement they held a guaranteed option of redeployment to public sector employment in the event of their being made redundant by the new employer.

Some 48 of these have since been made redundant by the new employer and have exercised their option to return to public sector employment.

Of the remaining 19, five reached retirement without invoking their guarantee and one person left the employ of the new owner of his own volition. There remain thirteen staff in the employ of the new owner.

#### Farm Retirement Scheme.

196. **Mr. Neville** asked the Minister for Agriculture and Food the reason for discontinuance of a farm retirement pension to a person (details supplied) in County Limerick. [20510/04]

**Minister for Agriculture and Food (Mr. Walsh):** The person named is a participant in the 1994 scheme of early retirement from farming,

having entered that scheme in August 1997. It was necessary to suspend the pension in April 2004 because one of the leases had not been extended or a new lease put in place for part of the pension lands. A new lease has now been submitted to my Department and payment of the pension, including arrears, will resume at the end of July.

#### EU Directives.

197. **Mr. Durkan** asked the Minister for Agriculture and Food the extent to which he expects the nitrates directive to affect productivity in the agricultural sector; and if he will make a statement on the matter. [20529/04]

**Minister for Agriculture and Food (Mr. Walsh):** The implementation of the nitrates directive is, in the first instance, a matter for the Minister for the Environment, Heritage and Local Government. He and I met the farming organisations on 30 June and again outlined the approach to be taken in implementing the directive. An action programme will be submitted to the European Commission meeting Ireland's legal obligations under the directive, and separately from that there will also be proposals for arrangements under which farmers may operate above the general limit of 170 kg. of organic nitrogen which the directive lays down.

The Department of the Environment, Heritage and Local Government in conjunction with my Department is now in the process of making available a revised draft action programme for farmers and other interested parties to offer their views. The action programme and arrangements for derogations will ultimately require the approval of the European Commission. However it is my objective, shared by the Minister for the Environment, Heritage and Local Government, to minimise the burden of compliance on farmers generally and to ensure that the future of the commercial agriculture sector is safeguarded.

I welcome the announcement by the Minister for the Environment, Heritage and Local Government that he has appointed Mr. Denis Brosnan, former managing director and chairman of the Kerry Group, to advise on the proposed nitrates action programme. As independent adviser, Mr. Brosnan will play a leading role in the forthcoming consultation exercise and I am confident that he will make a major contribution to a successful outcome.

#### Departmental Correspondence.

198. **Mr. Durkan** asked the Minister for Agriculture and Food if he has received a submission from the ICSA in regard to genetically modified foods, the nitrates directive and other related matters; if he expects or intends to respond positively to this submission; and if he will make a statement on the matter. [20530/04]

**Minister for Agriculture and Food (Mr. Walsh):** With regard to the issue of genetically

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modified foods, I can confirm that a submission has been received from the Irish Cattle and Sheep Farmers Association, ICSA. An interdepartmental inter-agency working group has been established within my Department to examine, among other issues, the co-existence of GM crops with conventional crops and organic farming. The working group is meeting all the relevant stakeholders on GMO issues and would plan to meet representatives of the ICSA over the coming weeks to get their views.

The implementation of the nitrates directive is in the first instance a matter for the Minister for Environment, Heritage and Local Government. The Department of the Environment, Heritage and Local Government in conjunction with my Department published a draft action programme which was presented in December last to representatives of the main farming organisations and other stakeholders. Written submissions on the draft action programme have been received from some 70 stakeholders, including the ICSA. All views and submissions were considered in preparing a revised draft action programme.

The Department of the Environment, Heritage and Local Government in conjunction with my Department has now published a revised draft action programme giving effect to the nitrates directive and all stakeholders, including the ICSA, have been invited to make comments on it by 26 July.

199. **Mr. Durkan** asked the Minister for Agriculture and Food if he has received submissions from the IFA in the matter of the beef and dairy industry, the nitrates directive and other issues; if he expects or intends to respond positively to such submissions; and if he will make a statement on the matter. [20531/04]

**Minister for Agriculture and Food (Mr. Walsh):** Submissions received from the Irish Farmers Association, IFA, and other farming bodies on an ongoing basis which cover a wide range of matters. However, specific submissions relating to the beef and dairy industries have not recently been received from the IFA.

With regard to the implementation of the nitrates directive, this is in the first instance a matter for my colleague, the Minister for Environment, Heritage and Local Government. The Department of the Environment, Heritage and Local Government, in conjunction with my Department, published a draft action programme which was presented in December last to representatives of the main farming organisations and other stakeholders. Written submissions on the draft action programme have been received from some 70 stakeholders, including the IFA. All views and submissions were considered in preparing a revised draft action programme.

The Department of the Environment, Heritage and Local Government in conjunction with my Department has now published a revised draft

action programme giving effect to the nitrates directive and all stakeholders, including the IFA, have been invited to make comments on it by 26 July. The farm organisations convey their views on a regular basis on a range of issues. This is done quite frequently through meetings with me and my officials.

#### **Meat Industry.**

200. **Mr. Durkan** asked the Minister for Agriculture and Food the way in which he proposes to enhance the marketing of Irish beef and lamb at home and overseas; and if he will make a statement on the matter. [20532/04]

**Minister for Agriculture and Food (Mr. Walsh):** The marketing of Irish beef and lamb at home and abroad is primarily a matter for the industry itself, with the support of An Bord Bia, which has statutory responsibility in this area. I am satisfied that An Bord Bia successfully meets the objectives set for it in this respect. My Department and the Department of Foreign Affairs provide appropriate support to the overall marketing and promotional campaigns conducted by An Bord Bia and the industry in various markets.

My main role is to ensure that a competitive environment and an appropriate support system exist within which the sector can grow and prosper. The most fundamental and radical reform of agriculture policy was adopted last year at EU level and, as a consequence, I decided that all direct payments for cattle and sheep would be decoupled from production on 1 January next year. That decision will enable farmers in Ireland to focus more sharply on the market and the demands of the final consumer. It will enable farmers the freedom of choice at farm level, enabling them to respond more directly than heretofore on market signals.

I am satisfied that the decision to decouple from production will lead to an aggregate increase in farm incomes. I have created the conditions for the early introduction of mechanical classification in beef plants and Ireland will shortly be amongst the first EU countries to classify beef carcasses by mechanical means. This will not only enhance the producer processor supply chain but will also provide wider benefits to the industry as Ireland consolidates its position as a supplier of top quality beef to the consumer markets of the EU. Indeed the success of current policies is evident by the transformation in Ireland's export profile where the focus has been to broaden and expand market reach at EU retail level, thereby shifting orientation away from international commodity markets and into the higher priced internal EU marketplace. As a result, last year the EU market absorbed 83% of beef exports from Ireland in contrast to some 50% in the late 1990s.

Non-EU markets continue to be important outlets for Irish beef and the maintenance of an appropriate export refund policy, which I keep

under close review, is a key ingredient in the promotion of beef in third countries. Ireland continues to export the bulk of its lamb production although there has been a steady recovery in domestic consumption in recent years. I believe that the best way to enhance the marketing of Irish beef and lamb is to build on our already strong presence in the market and to continue to maximise efficiency levels at all stages of production and processing and continue to offer the type and quality of product required by the market.

#### **Food Labelling.**

201. **Mr. Durkan** asked the Minister for Agriculture and Food the extent to which he proposes to improve the labelling of quality Irish meat and meat products; and if he will make a statement on the matter. [20533/04]

**Minister for Agriculture and Food (Mr. Walsh):** All meat products sold at retail level in Ireland are subject to the general labelling requirements set out in national and EU legislation. In relation to beef, EU regulations provide for a detailed labelling system to be applied at retail sale which is over and above the general labelling provisions. There is, however, a gap in these requirements in so far as they do not apply at restaurant and catering sector level and I have announced my intention to proceed with a legal requirement that country of origin must be displayed in respect of beef served on such premises. This measure will come into effect once the necessary control and implementation arrangements are in place.

When I have evaluated the impact of this measure I will consider the question of extending the scope of the regulations to other meats.

#### **Meat Industry.**

202. **Mr. Durkan** asked the Minister for Agriculture and Food the extent to which restaurants and hotels at home and abroad have been contacted with a view to encouraging the use of Irish beef and lamb; and if he will make a statement on the matter. [20534/04]

204. **Mr. Durkan** asked the Minister for Agriculture and Food the means used to promote the use of Irish beef and lamb in hotels and restaurants throughout the country and abroad; and if he will make a statement on the matter. [20536/04]

**Minister for Agriculture and Food (Mr. Walsh):** I propose to take Questions Nos. 202 and 204 together.

I am very aware of the value of promoting Irish food at home and abroad and I take every opportunity available to me to promote the quality, wholesomeness and safety of Irish food produced by a modern, sophisticated and customer-oriented industry.

The food service industry is an important route to market and Bord Bia, which has statutory responsibility for marketing and promoting Irish food and drink at home and abroad, has programmes in place to promote Irish beef and lamb with the aim of securing access to the widest possible range of markets and specifically targeting the segments that give the best return to industry. Bord Bia recognises the importance of the food service segment of the market and is actively engaged in encouraging hotels and restaurants to source Irish beef and lamb at home and abroad.

Bord Bia has a clear strategy in place to build greater market share for Irish beef and lamb. A European meat forum was held in May to demonstrate the capability of the Irish meat industry. The forum attracted more than 200 of Europe's leading beef buyers to Dublin. As part of an intensive drive to attract new retail customers a Chefs Irish Beef Club has been launched in the United Kingdom, the Netherlands and France. A co-branding initiative has been set up with leading retailers in Italy to increase the visibility and awareness of the Irish beef brand in Ireland's largest market for premium beef. These initiatives are underpinned by retail promotions in individual markets, inward buyer visits and participation at international trade fairs such as CIBUS in Italy and SIAL in France.

The market position of Irish beef and lamb in supermarkets, speciality stores, hotels and restaurants has improved considerably in the United Kingdom and continental Europe as a result of these initiatives. In UK supermarkets alone, more than 75 million packs of beef carrying the Irish beef logo were sold last year. On the home market, Bord Bia operates the Féile Bia programme which is aimed specifically at the restaurant and hotel industry. The programme is run in co-operation with the Restaurants' Association of Ireland and the Irish Hotels Federation with the support of the farming community. Participating caterers enter into a commitment to source products from recognised quality assurance schemes and/or high quality local products. There are 1,300 Féile Bia members in Ireland and this will exceed 1,500 by year end.

*Question No. 203 answered with Question No. 132.*

*Question No. 204 answered with Question No. 202.*

#### **Animal Carcase Disposal.**

205. **Mr. Durkan** asked the Minister for Agriculture and Food the number of animals destroyed and disposed of in the beef destruction scheme; and if he will make a statement on the matter. [20537/04]

**Minister for Agriculture and Food (Mr. Walsh):** Under the purchase for destruction scheme 2001, approximately 278,000 animals were destroyed. This scheme was succeeded by

[Mr. Walsh.]  
the special purchase scheme which saw the purchase and disposal of some 66,500 tonnes of carcass beef. This tonnage equated approximately to 235,000 animals.

#### **Animal Feedstuffs.**

206. **Mr. Durkan** asked the Minister for Agriculture and Food if he has satisfied himself that all bonemeal imports into this country have ceased; and if he will make a statement on the matter. [20538/04]

**Minister for Agriculture and Food (Mr. Walsh):** Importation of meat and bonemeal or such products for any purpose to do with the farm animal and human food chain is prohibited. Under Community rules the importation of such products which have already been incorporated within pet foods and which are destined for meat eating animals is provided for subject to certain conditions. Data supplied by the Central Statistics Office indicates that the total quantity of pet food imported into this country during 2003 was 42,411 tonnes.

Importers of pet foods are required to register with my Department and give at least 24 hours notice of intention to import. In the case of pet food originating from an EU source it must come from an approved establishment and be accompanied to its destination with a commercial document or a health certificate signed by an official veterinarian on the competent authority of the member state of origin. In the case of importation from third countries it can only be imported under licence. In such cases it must originate in a country approved by the EU for trade in such products, have been produced in an approved establishment and be accompanied by a health certificate in accordance the provisions of Community legislation.

#### **World Trade Organisation.**

207. **Mr. Durkan** asked the Minister for Agriculture and Food the position in regard to progress in relation to prices at the WTO; and if he will make a statement on the matter. [20539/04]

**Minister for Agriculture and Food (Mr. Walsh):** : The ongoing negotiations on the new WTO agreement under the Doha development agenda deal with, *inter alia*, the levels of domestic support and border protection for agriculture. The negotiations are proceeding in Geneva with a view to reaching agreement on a framework for modalities or the broad general outline of a new agreement by the end of July. Negotiations on the details of a new agreement would follow any conclusions on the framework process. These further negotiations are likely to continue for several months and probably into 2005.

#### **Farm Retirement Scheme.**

208. **Mr. Durkan** asked the Minister for Agri-

culture and Food the number of applicants for farm retirement pension since the new scheme was introduced; the number approved or pending; and if he will make a statement on the matter. [20540/04]

**Minister for Agriculture and Food (Mr. Walsh):** A total of 2,359 applications have been received under the current early retirement scheme since it commenced in November 2000. Of these, 2,206 have been approved for payment, 65 have been refused, 70 are being processed and 18 were withdrawn. A number of the applications that were refused may yet be successful if the deficiencies identified in them are rectified.

#### **Food Labelling.**

209. **Mr. Durkan** asked the Minister for Agriculture and Food the success or otherwise of his efforts to discourage misleading re-labelling of meat or meat products; and if he will make a statement on the matter. [20541/04]

**Minister for Agriculture and Food (Mr. Walsh):** The general rules on the labelling of foodstuffs, including meat and meat products, are provided for under EU Council Directive 2000/13/EC as implemented in Ireland by the European Communities (Labelling, Presentation and Advertising of Foodstuffs) Regulations 2002, SI 483 of 2002. Specific provisions relate to the labelling of beef and poultry.

Where there is evidence that these requirements are not being met, the agency responsible for controlling the particular sector and for implementing the legislation should take the appropriate action. On the slaughtering and cutting plants under the control of my Department, my Department's veterinary inspectorate constantly monitor the procedures in place at these plants to ensure full compliance with the labelling requirements. It is a matter for the Food Safety Authority of Ireland, FSAI, in conjunction with the local authorities and health boards, to address any alleged breaches in the areas for which they have responsibility — the retail sector.

Arising out of the report of the food labelling group which I established to look at the labelling of food in general, it was decided to allocate overall responsibility for the enforcement of general and specific labelling in the food sector to the FSAI. This, in my view, will bring a more co-ordinated approach to the enforcement of food labelling rules and will ensure a greater degree of compliance. The extension of the beef labelling regulations, which I announced recently, to the restaurant and catering sector will also provide greater assurance to consumers in that sector as to the origin and integrity of the product being sold.

#### **Dairy Industry.**

210. **Mr. Durkan** asked the Minister for Agriculture and Food his plans for the future and suc-

cess of the dairy industry; and if he will make a statement on the matter. [20542/04]

**Minister for Agriculture and Food (Mr. Walsh):** The future of the Irish dairy sector will be influenced by a range of factors, some of which relate to commercial aspects of international supply and demand and others to developments in CAP and WTO. The extent to which the industry equips itself in all aspects to deal with international competition will be a key element in its long term success.

The implementation of the mid term reform, MTR, of the CAP and the enlargement of the EU which took place on 1 May 2004 are key factors. The enlargement of the EU will provide increased marketing opportunities in the new member states while also bringing increased competition on the EU market. The MTR, by setting new intervention limits and reducing intervention prices, has highlighted the need to become less reliant on commodity products and to increase the added value nature of our output. This was also identified by the Prospectus report which concluded that the future success of the industry was dependent on a number of factors including its ability to increase scale and efficiency, reduce costs, and increase research and development. There is a real need to ensure that our product mix meets the demands of the marketplace and allows for reasonable return on production.

I have met with most of the major players in the dairy sector in order to discuss the implementation of strategies for the future and to identify any areas where I may be able to assist or facilitate with the changes required in the Irish dairy industry. It is clear that the Prospectus report provided the industry in general with an opportunity to examine its strengths and weaknesses and, to consider the best options for its future development, against the background of international benchmarks. While my Department and the other relevant state agencies will provide whatever assistance is possible in this process, the ultimate decisions in relation to processing structure and product mix are a matter for the management and boards of the individual undertakings.

On production at farm level, producers will also have to look at increasing the scale of their operations, reducing costs where possible, and improving the quality and composition of the milk they produce. The MTR has ensured the extension of the quota regime until 2014-15. There is a clear need now, more than ever, to assist those who wish to expand their operations within this new environment. The decision which I made to bring forward the decoupling of the dairy premium to 2005 should help those who wish to expand. Producers who have activated their entitlement will be able to cease production while retaining the direct payment, thus freeing up additional quota for those who remain in production.

In May last, my Department organised a meeting of representatives of the main bodies in the industry, to address the key issues arising in the quota regime, with particular emphasis on the restructuring of milk quota. The views put forward at that meeting will contribute to the ongoing debate on the main issues that face the sector at this juncture and in particular to decisions in relation to future quota restructuring. It will continue to be my policy that milk quota becoming available in Ireland benefits, as far as possible, those active, committed producers who need to expand and on whom the future of the industry depends. The year 2004 has seen strong demand for dairy products on the EU and international markets and while there have been reductions in export refund levels recently, this reflects the extent to which markets have strengthened and the improved level of demand for EU exports. I am hopeful that the current period of strengthening markets for dairy products will continue into the future.

I will continue to monitor market developments to ensure that all of the EU market management mechanisms available are utilised in the best interests of the industry. I am pleased to see the Irish dairy sector taking advantage of this current positive market situation and I am confident that the industry will continue to grow, develop and increase its presence on the competitive international dairy markets.

#### **Milk Quota.**

211. **Mr. Healy-Rae** asked the Minister for Agriculture and Food if consideration will be given to farmers who lost out on their entitlements while supplying milk during the base years of 1,2 and 3 are not able to return to milking for various reasons; and if he will make a statement on the matter. [20571/04]

**Minister for Agriculture and Food (Mr. Walsh):** Under the EU regulations on the single payment scheme, the decoupled dairy premium is based on the eligible milk quota held by dairy farmers on 31 March 2005. To be eligible a dairy farmer must have delivered milk during the 2004-05 milk quota year or prior to 15 May 2005. The premium is not based on milk production or quota held in the reference years for the single payment scheme, 2000-02, and, therefore, a former producer who has already disposed of his or her quota will not be eligible for any dairy premium payment.

However, certain categories of farmers will be eligible to apply for entitlements from the national reserve. Among these are farmers who, on or before 29 September 2003, participated in a scheme for the conversion of their production from one type of farming enterprise to another. Eligibility criteria will be established for this category as well as for the other categories. Application forms will be available in the autumn in relation to these particular cases.



[Mr. Walsh.]

In the case of a dairy farmer who holds a quota but cannot utilise it during the 2004-2005 milk quota year on the grounds of *force majeure*-exceptional circumstances, he-she may be eligible for the decoupled dairy premium even where he or she temporarily leases the non-utilised quota. In such cases producers must make application to my Department and get prior approval. Details of the scheme for farmers who consider that their milk production during the 2004-2005 milk quota year was adversely affected by *force majeure*-exceptional circumstances and who wish to temporarily lease the quota and secure entitlement to the dairy premium will be announced in the next week or so.

#### Tax Code.

212. **Mr. B. O’Keeffe** asked the Minister for Finance if it is his intention to amend the Valuation Act 2001 in view of the severe imposition it is placing on community halls, not taking into account community uses other than bar facilities; and if he will apply a rating system to bars within community facilities exempting all other community activities in same. [20007/04]

**Minister for Finance (Mr. McCreevy):** I have no plans to amend the valuation legislation as it applies to community halls-clubhouses. The Valuation Act 2001 provides that community halls such as clubhouses which are not licensed to sell alcohol and whose facilities are not used primarily for profit or gain are not rateable. However, the Act provides that where a club is licensed to sell alcohol the entire premises occupied by that club is rateable. In many clubs there can be an overlap in the use of club facilities for both the sale of alcohol and ordinary club activities. Rating the commercial only element of all clubs would cause practical difficulties in identifying the commercial licensed element.

The sale of alcohol is a commercial activity and these premises are competing with other commercial premises. The effect of removing any category of rateable property from the valuation base would be to increase the rates burden on other ratepayers. Where a community hall or a sports club ceases to be licensed for the sale of alcohol it will no longer be rateable.

#### Disabled Drivers.

213. **Mr. O’Dowd** asked the Minister for Finance the progress to date on the Interdepartmental Report of the Review Group on the disabled drivers and disabled passengers (tax concessions) scheme. [19966/04]

**Minister for Finance (Mr. McCreevy):** As I said in a reply to a previous parliamentary question, I received the interdepartmental report of the review group on the disabled drivers’ and dis-

abled passengers’ (tax concessions) scheme in September 2002 and it has been under consideration in my Department. The report is a substantive one which needs to be carefully studied. This process has now been completed and the report was published on my Department’s website on Friday 2 July. Copies of the report are also available from my Department.

#### Decentralisation Programme.

214. **Mr. Deenihan** asked the Minister for Finance the timescale for the decentralisation of 50 Revenue Commissioners jobs to Listowel, County Kerry; if a site has been identified for the new office; the number of civil servants who have volunteered to relocate to Listowel; and if he will make a statement on the matter. [19979/04]

**Minister for Finance (Mr. McCreevy):** Progress on decentralisation of Revenue staff to Listowel is dependent on a number of factors including the availability of suitable accommodation in that location. Discussions are ongoing with the Office of Public Works and it is hoped to have a decision on the location of the site in the near future. The number of civil and public servants who have volunteered to relocate to Listowel will not be known until preliminary information from the central applications facility becomes available after 8 July 2004.

#### Tax Code.

215. **Mr. J. O’Keeffe** asked the Minister for Finance if his attention has been drawn to the fact that the development of child care centres is being restricted and impeded by the imposition of rates on such centres; and if he has proposals in this regard. [19980/04]

**Minister for Finance (Mr. McCreevy):** I have no plans to provide for special treatment of child care centres under the Valuation Act. The Valuation Act 2001 maintained the long-standing position that commercial facilities, including child care facilities such as play schools, preschools, 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, the rental value of the property. Any ratepayer 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 inde-

pendent valuation tribunal. There is a further right of appeal to the High Court and ultimately to the Supreme Court on a point of law.

In recent years, the Government has carefully considered the whole area of child care and its cost. In that context, the core objective of Government policy in the area of child support is the provision of assistance to parents which offers real choice and is beneficial to all children. As a matter of policy, the Government has decided that child benefit will be the main fiscal instrument through which support will be provided to parents with dependant children. Since 1997, child benefit rates have increased by more than 230% compared to a projected increase in inflation of only 28% during the period 1997 to 2004.

My colleague the Minister for Justice, Equality and Law Reform has overall responsibility for the formulation of national policy on child care. In that context, the establishment of the €436.7 million Equal Opportunities Childcare Programme 2000 — 2006, EOCP, with funding provided by the European Union and the Exchequer under the national development plan and the anti-inflationary package, aims to increase the supply

of centre based child care places by 50% or, approximately 28,400, by programme end. I understand that, to date, more than €250 million has been allocated in funding under the EOCP.

#### Departmental Agencies.

216. **Mr. Kenny** asked the Minister for Finance if he will give details of all State or semi-State agencies and boards under the aegis of his Department as of 1 January 1994; the number of State or semi-State agencies and Boards under the aegis of his Department as of 1 January 2004; the date of the establishment of such agencies and boards in each case; and if he will make a statement on the matter. [1999/04]

**Minister for Finance (Mr. McCreevy):** The following table sets out the name and date of establishment of State or semi-State agencies and boards under the aegis of my Department as of 1 January 2004.

The ACC and ICC, which were established in 1927 and 1933 respectively and are now privatised, were also under the aegis of my Department on 1 January 1994. State or semi-State agencies and boards under the aegis of the Department of Finance as of 1 January 2004 are as follows:

State, Semi-State agency or Board	Year of Establishment
Office of Public Works	1831
Valuation Office	1836
Office of the Appeals Commissioners	1842
Office of the Revenue Commissioners	1923
Civil Service Commission	1923
State Laboratory	1924
Credit Union Advisory Committee	1967
Review Body on Higher Remuneration in the Public Sector	1969
Office of the Ombudsman	1984
National Lottery Company	1986
Valuation Tribunal	1988
Disabled Drivers' Medical Board of Appeal	1989
National Treasury Management Agency	1990
National Treasury Management Agency Advisory Committee	1990
Civil Service Disciplinary Code of Appeals Board	1991
Independent Mediation Officer under the Civil Service Grievance Procedure	1991
Civil Service Arbitration Board	1994
Office of the Information Commissioner	1998
Investor Compensation Company Limited	1998
Special EU Programmes Body	1999
Public Service Benchmarking Body	2000
Office of the Standards in Public Office Commission [replaced the Public Offices Commission which was established in 1995]	2001
National Pensions Reserve Fund Commission	2001
State Claims Agency Policy Committee	2001
The Interim Board of the Civil Service Childcare Agency	2002
Ordnance Survey Ireland [replaced interim Board of the Ordnance which was appointed in 1997]	2002
Central Bank and Financial Services Authority of Ireland [replaced the Central Bank of Ireland which was established in 1943]	2003
National Development Finance Agency	2003
Irish Financial Services Regulatory Authority	2003

### Tax Code.

217. **Mr. Durkan** asked the Minister for Finance if income tax refund is due in the case of a person (details supplied) in County Kildare who has been off work since October 2003; and if he will make a statement on the matter. [20119/04]

**Minister for Finance (Mr. McCreevy):** I am advised by the Revenue Commissioners that a review of the taxpayer's liability to income tax for the year 2003 has now been completed and a PAYE balancing statement, together with a refund cheque issued on 5 July 2004.

218. **Mr. Durkan** asked the Minister for Finance when a P45 will issue in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [20139/04]

**Minister for Finance (Mr. McCreevy):** I am advised by the Revenue Commissioners that, following a telephone call to the former employer of the person named in the details supplied, her former employer sent a form P45 to the taxpayer at her home address on 25 June 2004.

219. **Ms Shortall** asked the Minister for Finance if income tax can be claimed back in cases in which part of the income arose from a social welfare overpayment and the overpayment is subsequently repaid; and if he will make a statement on the matter. [20155/04]

**Minister for Finance (Mr. McCreevy):** I am informed by the Revenue Commissioners that in cases where an overpayment of a taxable social welfare payment has arisen and the overpayment has subsequently been repaid to the Department of Social and Family Affairs, Revenue will, on

application from the taxpayer, review his or her income tax liability for the relevant year(s) of assessment.

In making such application, the taxpayer should submit evidence that he or she has repaid the relevant amount to the Department of Social and Family Affairs. In carrying out a review of an individual's tax liability for a tax year, the amount of the social welfare payment previously assessed to tax will be reduced by the amount repaid by the individual to the Department of Social and Family Affairs and any tax overpaid will be refunded to the taxpayer.

However, it should be noted that there are statutory time limits in place in respect of claims for a repayment of tax. For example, for the tax year 2003 and subsequent years the claim for repayment must be made within four years after the end of the relevant tax year. If the Deputy wishes to forward details of a particular case, or cases, to the Revenue Commissioners, they are prepared to determine whether or not a refund is due.

220. **Mr. Haughey** asked the Minister for Finance the details of the tax allowance scheme for orthodontic and other dental treatment; and if he will make a statement on the matter. [20209/04]

**Minister for Finance (Mr. McCreevy):** Tax relief is available, under the heading of health expenses, on certain qualifying dental expenses. Routine dental care does not qualify for tax relief — tax relief is not available for the cost of scaling, extraction and filling of teeth and the provision and repair of artificial teeth and dentures.

The following specialised dental treatments qualify for tax relief:

	Description
Bridgework	Dental treatment consisting of an enamel-retained bridge or a tooth-supported bridge.
Crowns	These are restorations fabricated outside the mouth and are permanently cemented to existing tooth tissue
Tip replacing	This is regarded as a crown where a large part of the tooth needs to be replaced and the replacement is made outside the mouth
Veneers/Rembrant Type Etched Fillings	These are a form of crown
Endodontics Root Canal Treatment	This involves the filling of the nerve canal and not the filling of teeth
Gold Inlays	These are a smaller version of a gold crown. (Only allowable if fabricated outside the mouth).
Gold Posts	These are inserts in the nerve canal of a tooth, to hold a crown
Orthodontic Treatment	This involves the provision of braces and similar treatments
Periodontal Treatment	<ul style="list-style-type: none"> <li>• Root Planing — a treatment of periodontal (gum) disease.</li> <li>• Curettage and Debridement — part of root planing.</li> <li>• Gum flaps — a gum treatment.</li> <li>• Chrome Cobalt Splint — if used in connection with periodontal treatment. (If it contains teeth, relief is not allowable).</li> <li>• Dental implants following treatment of periodontal (gum) disease, which included bone grafting and bone augmentation.</li> </ul>
Surgical Extraction of Impacted Wisdom Teeth	Relief is allowable when undertaken in a hospital, or by a dentist in a dental surgery. Certification from the hospital/dentist will be required to obtain tax relief. The removal of teeth in any other circumstances does not qualify.

To claim such relief, the individual must submit to his or her tax office a completed health expenses claim form, known as form Med 1. This is completed by the individual making the tax claim. They must also submit a completed form Med 2. This form is completed by the dentist who carried out the dental work.

As with all health expenses claims, tax relief cannot be claimed in respect of any expenditure which has been or will be reimbursed to the individual or where a compensation payment has been or will be made in respect of such expenditure; and the first €125 of any medical-dental expenses incurred in any tax year or, if the claim relates to two or more persons, the first €250. Tax relief may, under the heading of health expenses, be claimed by an individual in respect of expenditure incurred on his or her own behalf or on behalf of his or her dependants. A dependant of an individual is any relative of the individual making the claim or any other person who at any time during the year of claim is aged 65 years or over or who is permanently incapacitated by reason of mental or physical infirmity. A relative is defined as husband, wife, ancestor, lineal descendant, brother or sister, mother or father of the individual's spouse, brother or sister of the

individual's spouse, spouse of the individual's son or daughter, the individual's child or any other child, who, for the year of the claim, is in his or her custody and maintained at his or her expense and under 18 years of age, or if over 18 years of age, is receiving full-time education.

Further information regarding tax relief under the heading of health expenses is available on the Revenue website at [www.revenue.ie](http://www.revenue.ie).

#### Motor Fuels.

221. **Mr. O'Shea** asked the Minister for Finance the number of persons charged with the illegal use of green diesel in 2003 and to date in 2004; the number of convictions secured; the different categories of charges and convictions in both periods; and if he will make a statement on the matter. [20221/04]

**Minister for Finance (Mr. McCreevy):** I am advised by the Revenue Commissioners that their enforcement programmes include ones aimed at detecting the illegal use of marked gas oil. The following table gives the details of the proceedings initiated and of the number of convictions secured in 2003 and in 2004 to date. Additionally it provides details of the charges involved.

Proceedings instituted (persons charged)		Numbers convicted		Categories of Charges	Description of Charge
2003	year to date 2004	2003	year to date 2004		
198	107	145	79	S. 102 (1) (b) (i) F.A 1999 S. 102 (1) (b) (ii) F.A 1999 S. 102 (1) (b) (iii) F.A 1999	Keeping/using in the fuel tank any mineral oil on which mineral oil tax at the appropriate standard rate has not been paid. Keeping/using in the fuel tank any mineral oil containing one or more markers prescribed by regulations under section 104 Finance Act, 1999 Keeping/using in the fuel tank any substance where the Importation of mineral oil containing such substance is prohibited by regulation made under section 104 Finance Act, 1999.

#### Decentralisation Programme.

222. **Mr. R. Bruton** asked the Minister for Finance the number of persons who have applied to take up the offer of relocation under the decentralisation programme through the central admissions facility due to close on 8 July 2004; the distribution of applicants classified by the location for which they have applied; and by the grade they hold within the public service. [20333/04]

**Minister for Finance (Mr. McCreevy):** The central applications facility, CAF, is being operated by the Civil Service Commission. It was launched on 12 May 2004 and was due to close for priority applications on 8 July. However, this period has

now been extended to 7 September 2004. Information and analysis of the type requested by the Deputy on applications to the CAF will be available later this week and will be provided as soon as possible to the various interested parties including the decentralisation implementation group, staff and management interests and so on. The information will be made publicly available.

#### Departmental Correspondence.

223. **Mr. Gormley** asked the Minister for Foreign Affairs the position regarding the complaint made to the Irish embassy from the White House with respect to an interview (details supplied);

[Mr. Gormley.]

and if he will make a statement on the matter.  
[20234/04]

**Minister for Foreign Affairs (Mr. Cowen):** On 24 June, following the conclusion of the interview in question, a member of the White House staff contacted the embassy of Ireland in Washington to express, informally, some concern about the manner in which the interview was conducted. The embassy passed these concerns to my Department in Dublin.

No request for action was made nor was any taken by the Department in relation to this matter which, as far as the Government is concerned, is now closed.

#### Overseas Development Aid.

224. **Mr. R. Bruton** asked the Minister for Foreign Affairs the increase in millions of euro in overseas development aid in 2003 and 2004 over the previous years and the increase in 2005, 2006 and 2007 which would be necessary if the 2007 target of 0.7% of gross national product were to be reached using Department of Finance projection for the growth in the nominal value of GNP; and if he will make a statement on the Government's policy in relation to this target. [20470/04]

**Minister of State at the Department of Foreign Affairs (Mr. Kitt):** Provisional outturn figures indicate that overall expenditure on overseas development aid in 2003 amounted to €451 million, an increase of €29 million on 2002 expenditure. The allocation to Vote 29 — International Co-operation — in 2004 is €400 million while elements of ODA administered by other Departments are expected to total some €80 million. Total spending on ODA, therefore, is expected to approach €480 million in 2004, the highest ever in the history of the programme. This level of expenditure demonstrates the strong commitment of the Government to the attainment of the UN target.

The Department of Finance budget 2004 forecasts for GNP growth indicate that GNP will increase to €126 billion in 2005 and to €134.9 billion in 2006. An official Department of Finance forecast for 2007 has not yet issued. However, applying the projected percentage increase for 2006 — 7.06% in 2007 — would indicate that GNP would reach €144.4 billion in 2007. On the basis of these GNP forecasts, total ODA equivalent to 0.7% of GNP would be of the order of €1 billion.

In percentage terms, Ireland is one of the world's leading donors — we are in joint seventh place — and well ahead of the EU average. The Government hopes that increased allocations, the scale and timing of which will be considered on an ongoing basis, will be possible over the coming years with a view to the achievement of our objective.

#### Departmental Bodies.

225. **Mr. Kenny** asked the Minister for Foreign Affairs if he will give details of all State or semi-State agencies and boards under the aegis of his Department as of 1 January 1994; the number of State or semi-State agencies and boards under the aegis of his Department as of 1 January 2004; the date of the establishment of such agencies and boards in each case; and if he will make a statement on the matter. [19996/04]

**Minister for Foreign Affairs (Mr. Cowen):** The following were the agencies under the aegis of the Department of Foreign Affairs as of 1 January 1994 and of 1 January 2004: 1 January 1994 — the Agency for Personnel Services Overseas, APSO, was established in 1973 as a semi-state body operating under the aegis of the Department of Foreign Affairs, with a board of directors appointed by the Minister for Foreign Affairs. APSO was integrated into the Department of Foreign Affairs on 1 January 2004; a statutory body, the Ireland-United States Commission for Educational Exchange, known as the Fulbright commission, was established in 1992 and implements the Fulbright programme in Ireland; the refugee agency was established by the Government in 1991 as a non-statutory body under the aegis of the Department. Its role is to co-ordinate the admission, reception and resettlement of programme refugees — refugees admitted to Ireland under Government decision in response to a request from UNHCR. The board of the agency was appointed by the Minister for a two year period. Funding for the agency is provided through an annual grant in aid from the Department. On, 2 April 2001, the refugee agency was incorporated into the reception and integration agency under the aegis of the Minister for Justice, Equality and Law Reform; 1 January 2004 — the advisory board of Ireland Aid was established in August 2002 operating under the aegis of the Department of Foreign Affairs with a board of directors appointed by the Minister for Foreign Affairs. Its name was changed to the advisory board for Development Co-operation Ireland in September 2003.

#### EU-US Summit.

226. **Mr. Connolly** asked the Minister for Foreign Affairs the outcome of the recent EU-US Summit with particular reference to the treatment of Iraqi prisoners in Abu Ghraib prison in Baghdad and the various nationalities held without prisoner status in Guantanamo, Cuba; and if he will make a statement on the matter. [20014/04]

**Minister for Foreign Affairs (Mr. Cowen):** The successful outcome of the EU-US Summit at Dromoland Castle on 26 June was the culmination of six months of hard work for the Irish Presidency and marked important progress in the improvement of EU-US relations. The atmosphere of the meeting was very positive and for-

ward-looking and a range of important political and economic issues were discussed. The summit adopted seven joint declarations covering an array of important international issues.

At the summit, the Taoiseach raised the issue of human rights abuses by the occupying powers. As president of the European Union, his mandate was to express the agreed position of the European Union, as reflected in the conclusions from the European Council of 17 June 2004. He expressed EU concern at the mistreatment of prisoners and urged President Bush to strongly consider the recommendations contained in the recent report issued by the Office of the United Nations High Commissioner for Human Rights. President Bush emphasised his disgust at what had happened and reiterated his determination to rectify matters.

On the issue of terrorism, the Taoiseach also noted that while we must be rigorous in combating terrorism, we cannot allow our common values to be sacrificed. He also took the opportunity of President Bush's visit to raise the issue of the treatment and status of detainees in Guantanamo Bay, Cuba. I would additionally make the point that the international community, through the unanimous recent adoption by the United Nations Security Council of Resolution 1546 of 2004, is now working together in support of the political transition process leading to the establishment of a democratic Iraq. We agreed a joint declaration on Iraq at the EU-US Summit which demonstrates our shared determination to put past differences behind us and to work together in the interest of the Iraqi people.

#### **Foreign Conflicts.**

227. **Mr. Connolly** asked the Minister for Foreign Affairs if he will report on the situation in Iraq; and if he will make a statement on the matter. [20015/04]

**Minister for Foreign Affairs (Mr. Cowen):** The Government remains concerned about the security situation in Iraq. Terrorists continue to be active and are carrying out suicide bombings and attacks on civilians as well as on military targets. We are pleased that fighting has died down in Najaf and Fallujah. It is very regrettable that there have been some civilian casualties resulting from coalition forces targeting houses in Fallujah, in the belief that these were being used as safe-houses by al-Qaeda militants. The Government has urged the coalition forces to make every conceivable effort to avoid civilian casualties.

The capture and killing of hostages continue. We utterly condemn the recent brutal and savage execution of South Korean civilian Kim Sun-Il. I reiterate our call for the immediate and safe release of all hostages in Iraq and for an end to the practice of kidnapping. At the recent European Council, Ireland and our EU partners regretted that the campaign of terrorist violence in Iraq is prolonging the suffering of the Iraqi people by posing difficulties for political progress

and economic reconstruction in Iraq. The Council welcomed the commitment under United Nations Security Council Resolution 1546 of all parties to act in accordance with international law, including obligations under international humanitarian law, and called on them to ensure observance of these obligations. Our objective is to see a secure, stable, unified, prosperous and democratic Iraq that will make a positive contribution to the stability of the region and work constructively with its neighbours and with the international community to meet shared challenges.

I welcomed the transfer of sovereignty to the Iraqi interim Government on 28 June. I wish it every success in its mission to govern Iraq to the stage where free and fair elections can take place and offer our full and sustained support.

#### **EU Membership.**

228. **Mr. Connolly** asked the Minister for Foreign Affairs the position regarding the EU application of the Republic of Croatia; and if he will make a statement on the matter. [20016/04]

**Minister for Foreign Affairs (Mr. Cowen):** Croatia applied for membership of the European Union in February 2003. In April 2003, the General Affairs and External Relations Council requested the Commission to prepare its opinion on the application. The opinion was completed in April 2004. I am pleased that the European Council in Brussels on 18 June decided, on the basis of the Commission opinion, that Croatia is a candidate country for membership of the EU and that the accession process should be launched. The European Council decided to convene a bilateral intergovernmental conference with Croatia early in 2005 in order to begin negotiations.

In preparation for the opening of negotiations with Croatia, the Council will agree a general negotiating framework, taking full account of the experience of the current enlargement process. As requested by the European Council, the Commission is preparing an evaluation in this regard and will prepare a pre-accession strategy for Croatia, including the necessary financial instrument. The negotiations with Croatia will be based on Croatia's own merits and the pace of progress will depend solely on the fulfilment of the requirements for membership.

At the start of Ireland's Presidency of the EU, the Government set as an objective the maintenance of the priority attached to the western Balkans through the strengthened policy framework for relations between the EU and the region. This framework provides for individual progress by the countries of the western Balkans towards integration into European structures, in the context of closer regional co-operation. The June European Council reaffirmed its commitment to the agenda agreed at the EU-western Balkans Summit in Thessaloniki in June last year, which makes clear that the future of the Western Balkans rests within the European Union. The

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achievement of candidate status by Croatia, in addition to the progress over the past six months in implementing the Thessaloniki agenda, should be an encouragement to the other countries of the western Balkans to pursue the detailed reform process which will enable closer relations with the EU. I believe that it underlines the seriousness of the commitment made by the European Union that the stabilisation and association process is a framework for closer relations, based on the implementation of wide-ranging reforms, leading to eventual accession by the countries of the Western Balkans.

229. **Mr. Connolly** asked the Minister for Foreign Affairs the position regarding the EU application of Bulgaria; and if he will make a statement on the matter. [20017/04]

230. **Mr. Connolly** asked the Minister for Foreign Affairs the position regarding the EU application of Romania; and if he will make a statement on the matter. [20018/04]

**Minister for Foreign Affairs (Mr. Cowen):** I propose to take Questions Nos. 229 and 230 together.

The European Council in December 2003 laid down a timetable for the accession of both Bulgaria and Romania. It envisaged the conclusion of negotiations with both countries in 2004, signature of the accession treaty in early 2005 and accession in January 2007, if each country is ready.

The European Council on 17-18 June 2004 noted with great satisfaction that all of the outstanding chapters in the negotiations with Bulgaria had been provisionally closed and that Romania had also made important progress and is substantially closer to achieving the goal of concluding its negotiations by the end of this year. The Council further stated that drafting of the accession treaty for both countries should begin this month, with a view to signature as early as possible in 2005. Both countries were urged to intensify their efforts in order to be ready for membership in January 2007.

#### **Departmental Funding.**

231. **Mr. Connolly** asked the Minister for Foreign Affairs his views on Irish emigrant welfare; the extent to which the Government has been enabled to assist emigrant groups; and if he will make a statement on the matter. [20019/04]

**Minister for Foreign Affairs (Mr. Cowen):** The Government has been providing assistance to Irish emigrants abroad for many years. It has also demonstrated its commitment to protecting and supporting those abroad by establishing the task force on policy regarding emigrants in December 2001. The purpose of the task force was to address the special needs of those Irish emigrants abroad who are particularly marginalised or at greatest risk of exclusion and, to develop a coher-

ent, long-term approach to our emigrants and their needs.

The DION fund for Irish emigrants in Britain was set up by the Government in 1984 in response to concerns about their situation. In line with the recommendations of the task force report on emigrants, responsibility for the DION fund was transferred to the Department of Foreign Affairs from the Department of Enterprise, Trade and Employment on 5 February 2003. The DION fund is administered by the Irish Embassy in London through the DION committee.

The total amount allocated in grants by the DION committee since 1984 is now almost €18 million. The DION fund has increased from €762,000 in 1997 to €3,570,000 this year. Included in the allocation to DION this year is funding for a project by the Federation of Irish Societies for a five year capacity building project to enable it to expand and develop the range of services on offer to its member organisations, to better identify the needs of elderly and vulnerable Irish people in Britain and to improve the services provided to these people.

Since the early 1990s, the Department of Foreign Affairs has been providing grants to voluntary organisations providing welfare assistance to Irish emigrants in the United States. The purpose is to assist groups responding to the needs — particularly acute at that time — of undocumented Irish people in the US. Although that particular problem was resolved to some extent by the Donnelly and Morrison visa schemes, there are still a significant number of Irish people in this situation. There is, also, a continuing need for immigrant welfare advice, employment referral, social services entitlements, access to further education, acquisition of US citizenship and so on, mainly to recently-arrived young Irish immigrants. With the tightening of US immigration controls following 11 September 2001, the need for such services is growing.

Since 1996, small annual grants are being given to three immigrant welfare organisations in Australia. The purpose is to assist organisations providing emigrant services to elderly and young Irish emigrants. The total allocation for emigrant services in the Vote for Foreign Affairs this year is €4 million. This represents an increase of €1 million or one third over 2003. I have decided that €3.57 million will be allocated to the DION fund for services to Irish emigrants in the UK, €400,000 will be allocated to Irish welfare agencies in the US, €48,000 will go to agencies in Australia. I have also made provision for grants to ÉAN, the umbrella body for voluntary agencies in Ireland providing services to emigrants and to the Irish Commission for Prisoners Overseas.

In the near future, a dedicated unit will be set up in my Department with the objective of ensuring that the Government's response to the particular needs of our vulnerable emigrants is focused and prioritised to the greatest degree possible. It will help co-ordinate the provision of

services to the Irish abroad and will work intensively with the Departments and voluntary agencies concerned to carry forward the implementation of the task force's report. I will be making a further announcement on the establishment of this dedicated unit very shortly. I hope to be in a position to allocate further funds to emigrant services later this year from savings within the Vote for the Department of Foreign Affairs.

### **Nuclear Programme.**

232. **Mr. Connolly** asked the Minister for Foreign Affairs his views on Iran's expressed intention to resume building equipment essential for a nuclear power programme, despite its signed agreement to the contrary with three major European Powers, France, Britain and Germany; and if he will make a statement on the matter. [20020/04]

**Minister for Foreign Affairs (Mr. Cowen):** It has been almost two years since Iran's undeclared nuclear programme was first brought to the attention of the International Atomic Energy Agency, IAEA, and the director general of the agency has presented five reports on the matter since June 2003.

Britain, France and Germany have been to the fore in engaging with Iran on these issues and these efforts have been welcomed by the European Union as a whole. In October 2003, the three foreign ministers concluded an agreed statement in Tehran whereby Iran agreed, as a confidence building measure, to suspend voluntarily all enrichment-related and reprocessing activities as defined by the IAEA.

The IAEA board of governors has also called upon Iran to suspend such activities and welcomed Iran's announced decision to do so. The most recent resolution, adopted by the board on 18 June 2004, reflects this but also expresses regret that these commitments have not been comprehensively implemented and calls on Iran immediately to correct all remaining shortcomings. The EU statement at the June board of governors, delivered by Ireland in its capacity as Presidency of the Union, referred to the importance of the IAEA being in a position to verify fully Iran's announced suspension.

Subsequent to these developments, Iran informed the IAEA on 23 June 2004 that it intended to resume manufacture of centrifuge components and assembly and testing of centrifuges. I regret this announcement and would urge Iran to reconsider this decision and to continue its suspension of all enrichment-related and reprocessing activities. Such suspension has been endorsed by the board of governors and is an important confidence-building measure, particularly while unresolved issues relating to Iran's nuclear programme continue to be examined by the IAEA.

I also continue to call on Iran to extend full and proactive co-operation to the IAEA in a spirit of full transparency and to take all necessary steps,

on an urgent basis, to help resolve all remaining questions in relation to its nuclear programme. Ireland, together with our EU partners, will continue to monitor developments ahead of the next scheduled consideration of this issue by the IAEA board of governors in September.

### **Illegal Immigrants.**

233. **Mr. Connolly** asked the Minister for Foreign Affairs the details of the initiatives indicated to him by the US President at their recent meeting, aimed at regularising the position of undocumented Irish persons in the US. [20036/04]

235. **Mr. O'Connor** asked the Minister for Foreign Affairs if he has raised with the Government of the United States of America the issue of Irish citizens living illegally in America; if his attention has been drawn to the huge interest in this issue among many here; the position regarding the issue; and if he will make a statement on the matter. [20191/04]

238. **Mr. Ring** asked the Minister for Foreign Affairs if during his recent discussions he raised with President Bush the issue of the Irish illegals in America and if so, the response of President Bush; and if he will make a statement on the matter. [20472/04]

**Minister for Foreign Affairs (Mr. Cowen):** I propose to take Questions Nos. 233, 235 and 238 together.

In our capacity as President of the European Union, Ireland hosted the EU-US Summit on 26 June. Before the summit commenced, the Taoiseach and I took advantage of the visit of President Bush and his colleagues to raise a number of issues bilaterally with them. The situation of the undocumented Irish in the United States was one of these issues. The response from President Bush was sympathetic. He indicated that he would like to see this issue resolved, and he recalled that he had proposed to Congress that the status of the undocumented should be regularised, thereby enabling them to come and go as they wished. He also indicated that he was pro-immigration. However, he also made the point that any proposals will have to be approved by Congress.

This is merely the latest in a series of bilateral contacts with US political leaders on this subject. When I visited Washington in March, I met a number of prominent politicians there and took the opportunity to flag our concerns about the position of Irish immigrants in the US. In particular, I welcomed the proposals made earlier this year by President Bush, by Senators Tom Daschle and Chuck Hagel, and more recently by Senator Edward Kennedy.

I believe that all these proposals represent genuine efforts to deal with the situation of the undocumented in the US in a constructive and sympathetic way. While there appears to be no prospect of a formal amnesty for the undocumented at the present time, the Daschle-Hagel



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and the Kennedy proposals in particular appear to offer undocumented Irish people an opportunity to obtain permanent legal residency. These proposals will have to be approved by the US Congress and it is too early to say what changes or amendments may be made in the course of their consideration by Congress.

I will continue to monitor the progress of both initiatives through the US Congress closely in the coming months. In the meantime, I am aware that, as a result of increased security controls following the terrorist attacks of 11 September 2001, it is becoming harder for undocumented foreign nationals in the US to obtain social security cards and driving licences. While we will continue to do what we can, from a humanitarian point of view, for Irish citizens who are affected by these new controls, the best hope for the future is early progress on the legislative proposals to regularise the status of the undocumented in the US. Through the ongoing efforts of our embassy in Washington and through my own contacts and those of my Cabinet colleagues with political leaders in the US, I will continue to encourage and support measures that would benefit Irish citizens in the US.

#### Visa Applications.

234. **Mr. J. O’Keeffe** asked the Minister for Foreign Affairs if arrangements will be made to ensure that documents with a re-entry Visa are issued immediately to a person (details supplied) in County Cork. [20126/04]

**Minister for Foreign Affairs (Mr. Cowen):** The passport of the person concerned was returned to him by registered post on 1 July with the relevant re-entry visa inserted.

*Question No. 235 answered with Question No. 233.*

#### Passport Applications.

236. **Mr. G. Mitchell** asked the Minister for Foreign Affairs when a refund will be issued for a replacement passport for a person (details supplied) in Dublin 12; and if he will make a statement on the matter. [20337/04]

**Minister for Foreign Affairs (Mr. Cowen):** The delay in finalising this matter is regretted. I am advised that payment was issued today.

#### Departmental Representations.

237. **Mr. G. Mitchell** asked the Minister for Foreign Affairs if he will arrange for the staff or representatives of his Department to make contact and advise an Irish citizen (details supplied) resident in Ibiza on her entitlements; and if he will make a statement on the matter. [20471/04]

**Minister for Foreign Affairs (Mr. Cowen):** On my instructions, the Embassy in Madrid contacted the individual concerned, who was very

appreciative. I understand that the matter relates to a legal dispute with her former employers dating back to October 2002. The individual concerned has informed the embassy that in the light of the most recent legal advice she has received, she is now confident that the matter will soon be resolved to her satisfaction. We will continue to offer her all possible consular assistance.

*Question No. 238 answered with Question No. 233.*

#### State Visits.

239. **Mr. J. Higgins** asked the Minister for Foreign Affairs the details of the arms and armaments brought into the State by any agency of the US Government in relation to the visit by President Bush. [20577/04]

**Minister for Foreign Affairs (Mr. Cowen):** Matters pertaining to the security of visiting Heads of State are the responsibility of the security authorities in this jurisdiction. It is not the practice to provide specific details of security arrangements relating to the visit of a foreign Head of State.

#### Special Educational Needs.

240. **Mr. Durkan** asked the Minister for Education and Science if a grant can or will be offered to a person (details supplied) in County Kildare to convert a room in their home for educational purposes; and if he will make a statement on the matter. [20118/04]

257. **Mr. Durkan** asked the Minister for Education and Science if a tuition grant can or will be offered for home teaching for a person (details supplied) in County Kildare; and if he will make a statement on the matter. [20115/04]

**Minister for Education and Science (Mr. N. Dempsey):** I propose to take Questions Nos. 240 and 257 together.

My Department has no record of having received an application for home tuition for the pupil in question. Any application received will be considered. Application forms are available from my Department’s special education section, Cornamaddy, Athlone, County Westmeath.

My Department does not provide grant assistance towards the cost of converting private accommodation for educational purposes. The officials in my Department’s special education section will be happy to discuss the matter of special education provision for the child in question should the family wish to make contact directly.

#### Higher Education Grants.

241. **Mr. Neville** asked the Minister for Education and Science the courses in psychotherapy and counselling which are assisted under the higher education scheme. [19971/04]

**Minister for Education and Science (Mr. N. Dempsey):** A specific list of the courses that are

assisted under the higher education scheme is not available. However, the higher education grants scheme operates under the Local Authorities (Higher Education Grants) Acts 1968 to 1992 and the annual higher education grants scheme, which I approve, sets out a definition of an approved course for the purposes of the scheme. Courses that fall within the definition of an approved course in an approved institution are, therefore, assisted under the higher education scheme.

An approved course is defined to mean, a full-time undergraduate course of not less than two year's duration or a full-time postgraduate course of not less than one year's duration pursued in an approved institution listed in the scheme. The approved institutions mainly comprise the publicly funded third level institutions; a full-time undergraduate course of not less than two years' duration pursued in a university or third level institution which is maintained or assisted by recurrent grants from public funds in another EU member state with the exception of the following: courses in colleges of further and higher education other than courses which are at higher national diploma level or higher; courses provided in a college which are offered in private commercial third level colleges and which are validated by that college; courses in colleges akin to private commercial colleges in Ireland; a full-time undergraduate course of a minimum duration of one year in one of the approved institutions listed in the scheme which represents progression from a FETAC, NCVA, level 2 award qualification and which leads to the award of a qualification of third level standard following a terminal examination; and a full-time undergraduate course of a minimum duration of one year in one of the approved institutions listed in the scheme which represents progression from a national diploma course to an add-on degree course.

#### **Special Educational Needs.**

242. **Mr. Perry** asked the Minister for Education and Science when a resource teacher for a school (details supplied) in County Sligo will be appointed in view of the fact that assessments have already been carried out; the reason for the delay; and if he will make a statement on the matter. [19974/04]

**Minister for Education and Science (Mr. N. Dempsey):** I can confirm that my Department has received applications from the school referred to by the Deputy for special education resources, SER. It is my intention that all applications for SER received by 30 June 2004 which includes three applications from the school in question, will be responded to before the commencement of the 2004-05 school year.

The teacher allocations involved will be made in the context of a new weighted system which I announced recently. An additional 350 teacher posts are being provided to facilitate the introduction of the new system. The new system will

involve a general weighted allocation for all primary schools to cater for pupils with higher incidence special educational needs, for example, those with borderline mild and mild general learning disability, specific learning disability, and also those with learning support needs. It will also allow for individual allocations in respect of pupils with lower incidence special educational needs. The weighted allocation will be made as follows: in the most disadvantaged schools as per the urban dimension of Giving Children an Even Break, a teacher of pupils with special educational needs will be allocated for every 80 pupils to cater for the subset of pupils with higher incidence special needs; in all boys schools, the ratio will be one teacher for every 140 pupils; in mixed schools, or all girls schools with an enrolment of greater than 30% boys, one for every 150 pupils; and in all girls schools including schools with mixed junior classes but with 30% or less boys overall, one for every 200 pupils.

It is intended that the details of the new model will be set out in a comprehensive circular to issue to schools for the commencement of the new school year. The weighted allocation will enable teaching support to be provided to pupils with higher incidence special educational needs and this will obviate the need for schools to submit individual applications for pupils in the higher incidence categories. Schools may continue to apply for specific teacher allocations in respect of pupils with lower incidence disabilities. My Department now proposes to devise clusters in respect of allocations to be made under the weighted model. Sanction for the filling of posts will be considered in the context of these clusters and the weighted arrangements. The Department will communicate with schools in this regard before the commencement of the coming school year.

#### **School Transport.**

243. **Mr. Timmins** asked the Minister for Education and Science the position in relation to a person (details supplied) in County Wicklow whose child will be attending school in Ballycoonell in September 2004; if in view of the circumstances this can be arranged; and if he will make a statement on the matter. [19976/04]

**Minister for Education and Science (Mr. N. Dempsey):** A report on this case has been requested from Bus Éireann. The Deputy will be advised of the position when the report has been received and assessed.

#### **Residential Institutions Redress Scheme.**

244. **Mr. O'Shea** asked the Minister for Education and Science the proposals he has to add institutions (details supplied) which cater for the deaf to the list of institutions covered by the Residential Institutions Redress Act 2002; and if he will make a statement on the matter. [19987/04]

**Minister for Education and Science (Mr. N. Dempsey):** At present 128 institutions are listed on the Schedule to the Residential Institutions Redress Act. Section 4 of the Act enables additional institutions that are identified as reformatory schools, industrial schools, orphanages, children's homes and special schools, in which children were placed and resident and in respect of which a public body had a regulatory or inspection function, to be added to the Schedule.

My Department has received correspondence from both individuals and survivor groups identifying a number of additional institutions that may be eligible for inclusion in the Schedule. Discussions have taken place between my Department and other Departments that may have provided a regulatory or inspection function in the operation of these facilities in order to ascertain whether these institutions are in fact eligible for inclusion. The initial information received in some cases was limited due to the long period that had elapsed since these institutions were closed and therefore the process of verifying each of these institutions has been time consuming and is continuing. While inquiries have not yet been completed in respect of all institutions, I am considering proposals which will enable progress to be made in relation to those institutions in respect of which the inquiries have been completed and these proposals are at an advanced stage.

Two of the institutions referred to by the Deputy are already listed on the Schedule of the Act.

#### Departmental Bodies.

245. **Mr. Kenny** asked the Minister for Education and Science if he will give details of all State or semi-State agencies and boards under the aegis of his Department as of 1 January 1994; the number of State or semi-State agencies and boards under the aegis of his Department as of 1 January 2004; the date of the establishment of such agencies and boards in each case; and if he will make a statement on the matter. [19997/04]

**Minister for Education and Science (Mr. N. Dempsey):** The information requested by the Deputy is being compiled by my Department. I will forward the information directly to the Deputy as soon as it is compiled.

#### Schools Building Projects.

246. **Mr. Crawford** asked the Minister for Education and Science the situation regarding the promised restructuring and extension of a school (details supplied) in County Cavan; if the management, teachers and pupils will be a priority; and if he will make a statement on the matter. [20021/04]

**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](http://www.education.ie). This project is at early stages of architectural planning. It has been assigned a band 3 rating by my Department in accordance with the published criteria for prioritising large-scale projects.

My officials are reviewing all projects, which were not authorised to proceed as part of the 2004 school building programme, with a view to including them as part of a multi-annual school building programme from 2005 and I expect to be in a position to make further announcements on this matter in the course of the year. The proposed project for the school referred to by the Deputy will be considered in this regard.

#### Special Educational Needs.

247. **Dr. Cowley** asked the Minister for Education and Science the reason a person (details supplied) in County Mayo has been refused resource teaching. [20022/04]

266. **Mr. Ring** asked the Minister for Education and Science when a person (details supplied) in County Mayo can expect to receive resource teaching hours; and when they can receive the learning support they need in the school. [20197/04]

**Minister for Education and Science (Mr. N. Dempsey):** I propose to take Questions Nos. 247 and 266 together.

I can confirm that my Department recently responded to the application for special needs teaching support for the pupil in question. Based on the documentation received from the school, this child did not qualify for special needs teaching support under the terms of my Department's circular 08/02. However, I can confirm that additional correspondence has been received from the school in question in recent days in support of the application. It is envisaged that the case will be reviewed in the context of this additional correspondence.

My Department has developed a new weighted system for the allocation of teaching supports to pupils with special needs. An additional 350 teacher posts are being provided to facilitate the introduction of the new system. The new system will involve a general weighted allocation for all primary schools to cater for pupils with higher incidence special educational needs, for example, those with borderline mild and mild general learning disability, specific learning disability, and also those with learning support needs. It will also allow for individual allocations in respect of pupils with lower incidence special educational needs. The weighted allocation will be made as follows: in the most disadvantaged schools as per the urban dimension of Giving Children an Even Break, a teacher of pupils with special educational needs will be allocated for every 80 pupils to cater for the subset of pupils with higher incidence special needs; in all boys schools, the ratio will be one teacher for every 140 pupils; in

mixed schools, or all girls schools with an enrolment of greater than 30% boys, one for every 150 pupils; and in all girls schools including schools with mixed junior classes but with 30% or less boys overall, one for every 200 pupils. It is intended that the details of the new model will be set out in a comprehensive circular to issue to schools for the commencement of the new school year. The weighted allocation will enable teaching support to be provided to pupils with higher incidence special educational needs and this will obviate the need for schools to submit individual applications for pupils in the higher incidence categories.

Schools may continue to apply for specific teacher allocations in respect of pupils with lower incidence disabilities. My Department now proposes to devise clusters in respect of allocations to be made under the weighted model. Sanction for the filling of posts will be considered in the context of these clusters and the weighted arrangements. The Department will communicate with schools in this regard before the commencement of the coming school year.

#### School Placement.

248. **Mr. Carey** asked the Minister for Education and Science if provision exists in recently enacted education legislation which allows a parent who has primary custody of a child whose other parent they are separated to decide on the school which should be selected for the child's education without the other parent's consent; and if he will make a statement on the matter. [20024/04]

**Minister for Education and Science (Mr. N. Dempsey):** Article 42 of the Constitution provides an absolute right of parents to choose the form of education they provide or to have provided to their children. Primary legislation gives effect to this right and includes the Education Act 1998 and the Education (Welfare) Act 2000. The Education for Persons with Special Educational Needs Bill 2003 will further strengthen the right parents to secure enrolment in a school best able to meet the needs of their child.

None of the foregoing legislation specifically distinguishes between parents who act in concert and those who disagree and are separated, divorced or unmarried. However each provides that "parent" shall be interpreted to include a foster parent, a guardian appointed under the Guardianship of Children Acts, 1964 to 1997, or other person acting in *loco parentis* who has a child in his or her care subject to any statutory power or order of a court and, in the case of a child who has been adopted under the Adoption Acts, 1952 to 1998, or, where the child has been adopted outside the State, means the adopter or adopters or the surviving adopter. Enrolment of children is, in the first instance, a matter for boards of management rather than my Department and they must address the circumstances of each case while

respecting any order made by the court in relation to the custody and welfare of the child.

#### Special Educational Needs.

249. **Mr. McHugh** asked the Minister for Education and Science further to Question No. 256 of 1 October 2003 the reason the 2.5 resource teaching hours per week sanctioned for the person in September 2003 was never provided; when the resource teaching hours sanctioned in September 2003 will be provided; if extra compensating hours will be provided due to non delivery of the services as promised in September 2003 in order that this person will not be victimised; and if he will make a statement on the matter. [20025/04]

**Minister for Education and Science (Mr. N. Dempsey):** As previously indicated to the Deputy, my Department sanctioned 2.5 hours resource teaching support for the pupil in question on 25 September 2003. The responsibility for putting this resource in place rests with the school authorities.

The Deputy may be aware that my Department has recently developed a new weighted system for the allocation of teaching supports to pupils with special needs. An additional 350 teacher posts are being provided to facilitate the introduction of the new system. The new system will involve a general weighted allocation for all primary schools to cater for pupils with higher incidence special educational needs, for example, those with borderline mild and mild general learning disability, specific learning disability, and also those with learning support needs. It will also allow for individual allocations in respect of pupils with lower incidence special educational needs.

The weighted allocation will be made as follows: in the most disadvantaged schools as per the urban dimension of Giving Children an Even Break, a teacher of pupils with special educational needs will be allocated for every 80 pupils to cater for the subset of pupils with higher incidence special needs; in all boys schools, the ratio will be one teacher for every 140 pupils; in mixed schools, or all girls schools with an enrolment of greater than 30% boys, one for every 150 pupils; and, in all girls schools including schools with mixed junior classes but with 30% or less boys overall, one for every 200 pupils.

It is intended that the details of the new model will be set out in a comprehensive circular to issue to schools for the commencement of the new school year.

The weighted allocation will enable teaching support to be provided to pupils with higher incidence special educational needs and this will obviate the need for schools to submit individual applications for pupils in the higher incidence categories. Schools may continue to apply for specific teacher allocations in respect of pupils with lower incidence disabilities.

My Department now proposes to devise clusters in respect of allocations to be made under

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the weighted model. Sanction for the filling of posts will be considered in the context of these clusters and the weighted arrangements. The Department will communicate with schools in this regard before the commencement of the coming school year.

#### Youth Services.

250. **Mr. McHugh** asked the Minister for Education and Science if he will allocate €6.62 million to help put outstanding elements of the Youth Work Act 2001 in place and facilitate implementation of the first two years of the national youth work development plan; and if he will make a statement on the matter. [20034/04]

264. **Ms O. Mitchell** asked the Minister for Education and Science his plans to expand the funds allocated to youth work in order to roll out the provisions of the Youth Work Act 2001 and ensure the implementation of the national youth development plan. [20144/04]

**Minister for Education and Science (Mr. N. Dempsey):** I propose to take Questions Nos. 250 and 264 together.

The funding for the youth affairs section of my Department for 2004 is €28.624 million which is an increase of 5.5% over the 2003 allocation of €27.123 million. This allocation includes an amount of €0.5 million which has been made available in 2004 towards the implementation of the national youth work development plan.

The Youth Work Act 2001 was enacted on 1st December 2001 and provides a statutory basis for the development of youth work in Ireland. It was never the intention that the Act would be implemented fully at once. Section 1 of the Act provides for sections to be commenced at different stages. To date, sections 2-7, 17, 18 and 24 have been commenced. A sub-committee of the national youth work advisory committee was established to make recommendations on the requirements necessary for the implementation of the various sections of the Act. This sub-committee comprises representatives of both statutory and voluntary sectors, as well as my Department. The work of this sub-committee is ongoing and preparatory work is also being carried out in regard to sections 19, 20 and 25 of the Act. The implementation of further sections of the Act will depend on the availability of the necessary resources. Whilst it has not been found possible to make funding available for this purpose in the 2004 Estimates, it is my intention that further discussions will take place between my Department and the IVEA-CEO association and the National Youth Council of Ireland in the context of the Estimates for 2005. These discussions will take place as appropriate and necessary.

With regard to the national youth work development plan, work is under way on the first two priorities identified, that is the implementation of a child protection training programme

for the youth work sector and the appointment of an assessor of youth work. The implementation of further elements of the plan will be progressed on a priority basis, having regard to available funding resources. Work has commenced on the identification of other priority areas in the light of the increased funding available for this purpose in 2004.

251. **Mr. McHugh** asked the Minister for Education and Science if he will allocate €3.38 million to allow current core funding of youth programmes and youth work with disadvantaged young persons to continue as promoted by Foróige; and if he will make a statement on the matter. [20035/04]

**Minister for Education and Science (Mr. N. Dempsey):** The funding for the youth affairs section of my Department for 2004 is €28.624 million which is an increase of 5.5% over the 2003 allocation of €27.123 million. This allocation includes an amount of €500,000 which has been made available in 2004 towards the implementation of the national youth work development plan.

A significant proportion of the funding available to the youth affairs section is expended each year on the special projects for youth scheme which specifically targets young people in disadvantaged areas. There are currently 164 special projects in receipt of funding under this scheme. In 2003 a total of €12.504 million was allocated for the special projects for youth scheme.

#### Schools Building Projects.

252. **Mr. Kehoe** asked the Minister for Education and Science the position regarding the findings of the McCarthy report; further to Question No. 144 of 2 April 2003, when a decision will be taken on the way in which best to respond to the issues identified; and if he will make a statement on the matter. [20050/04]

**Minister for Education and Science (Mr. N. Dempsey):** The school planning section of my Department recently prepared a discussion paper for the trustees of the schools concerned based on Dr. McCarthy's report and other relevant data. Submissions on the paper have been invited from the trustees. In addition, the school planning section has held discussions with the local authorities of the area in question to ascertain the extent, pace of delivery and projected housing occupancy rates of any proposed new residential developments.

Based on the content of the submissions from the trustees and an analysis of proposed housing developments and their impact on demographic trends, a final document outlining the future of educational infrastructural provision in the area will be produced. I expect this document to be available to the trustees by early autumn at which point the next steps in the process will be discussed with them.

### Special Educational Needs.

253. **Mr. Naughten** asked the Minister for Education and Science if further to Question No. 118 of 24 June, 2004, when it is envisaged to inform the school; and if he will make a statement on the matter. [20054/04]

**Minister for Education and Science (Mr. N. Dempsey):** It is my intention that all applications for special educational resources received by 30 June 2004 including the application for the person in question will be responded to before the commencement of the 2004-05 school year.

254. **Mr. Naughten** asked the Minister for Education and Science if he will approve resource teacher support for a person (details supplied); the reason for the delay in approving the support; and if he will make a statement on the matter. [20058/04]

**Minister for Education and Science (Mr. N. Dempsey):** I can confirm that my Department received an application for special education resources (SER) for the pupil referred to by the Deputy.

It is my intention that all applications for special education resources received by 30 June 2004 will be responded to before the commencement of the 2004-05 school year. Applications for resource teacher support that were received between 15 February and 31 August 2003 for which a response is outstanding have been considered and schools have now been notified of the outcome. This outcome indicates to schools the resources that may be put in place immediately. Applications received after 31 August 2003 and by 30 June 2004, including the one for the person in question, will be processed in the near future and the outcome will be notified to schools before the commencement of the 2004-05 school year.

The teacher allocations involved will be made in the context of a new weighted system which I announced recently. An additional 350 teacher posts are being provided to facilitate the introduction of the new system. The new system will involve a general weighted allocation for all primary schools to cater for pupils with higher incidence special educational needs, for example, those with borderline mild and mild general learning disability, specific learning disability, and also those with learning support needs. It will also allow for individual allocations in respect of pupils with lower incidence special educational needs.

The weighted allocation will be made as follows: in the most disadvantaged schools as per the urban dimension of Giving Children an Even Break, a teacher of pupils with special educational needs will be allocated for every 80 pupils to cater for the subset of pupils with higher incidence special needs; in all boys schools, the ratio will be one teacher for every 140 pupils; in mixed schools, or all girls schools with an enrolment of greater than 30% boys, one for every 150

pupils; and, in all girls schools including schools with mixed junior classes but with 30% or less boys overall, one for every 200 pupils. It is intended that the details of the new model will be set out in a comprehensive circular to issue to schools for the commencement of the new school year.

The weighted allocation will enable teaching support to be provided to pupils with higher incidence special educational needs and this will obviate the need for schools to submit individual applications for pupils in the higher incidence categories. Schools may continue to apply for specific teacher allocations in respect of pupils with lower incidence disabilities.

My Department now proposes to devise clusters in respect of allocations to be made under the weighted model. Sanction for the filling of posts will be considered in the context of these clusters and the weighted arrangements. The Department will communicate with schools in this regard before the commencement of the coming school year.

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 their behaviour is such that they are a danger to themselves or other pupils. The criteria used for the assessment of the need for special needs assistant support is outlined in the Department's circular 07/02 which may be accessed on my Department's website, [www.education.ie](http://www.education.ie), under the heading Children with Special Needs.

I wish to refer the Deputy to circular SP ED 09/04 which may also be accessed on my Department's website. The circular advises schools that have applied for special needs assistant support that they will be advised of the outcome of their applications as soon as possible in advance of the next school year.

### Physical Education Facilities.

255. **Mr. McGuinness** asked the Minister for Education and Science the progress in providing funding to a college (details supplied) in County Kilkenny for a community leisure and recreation facility; and if he will make a statement on the matter. [20084/04]

**Minister for Education and Science (Mr. N. Dempsey):** An application for a PE hall at the school to which the Deputy refers is being assessed in the context of the school's long-term projected enrolment. All projects that are not proceeding to construction as part of the 2004 school building programme will be included as part of a multi-annual programme from 2005 onwards, further details of which will be announced later.

### Special Educational Needs.

256. **Mr. Stanton** asked the Minister for Education and Science if he has received a request

[Mr. Stanton.]  
for special needs or resource teacher assistance for a person (details supplied) in County Cork; if so, the action he will take to assist this person; and if he will make a statement on the matter.  
[20106/04]

**Minister for Education and Science (Mr. N. Dempsey):** I can confirm that my Department received an application for special education resources, SER, for the pupil referred to by the Deputy.

It is my intention that all applications for special education resources received by 30 June 2004 will be responded to before the commencement of the 2004-05 school year. Applications for resource teacher support that were received between 15 February and 31 August 2003 for which a response is outstanding have been considered and schools have now been notified of the outcome. This outcome indicates to schools the resources that may be put in place immediately. Applications received after 31 August 2003 and by 30 June 2004, including the one for the person in question, will be processed in the near future and the outcome will be notified to schools before the commencement of the 2004-05 school year.

The teacher allocations involved will be made in the context of a new weighted system which I announced recently. An additional 350 teacher posts are being provided to facilitate the introduction of the new system. The new system will involve a general weighted allocation for all primary schools to cater for pupils with higher incidence special educational needs, for example, those with borderline mild and mild general learning disability, specific learning disability, and also those with learning support needs. It will also allow for individual allocations in respect of pupils with lower incidence special educational needs.

The weighted allocation will be made as follows: in the most disadvantaged schools as per the urban dimension of Giving Children an Even Break, a teacher of pupils with special educational needs will be allocated for every 80 pupils to cater for the subset of pupils with higher incidence special needs; in all boys schools, the ratio will be one teacher for every 140 pupils; in mixed schools, or all girls schools with an enrolment of greater than 30% boys, one for every 150 pupils; and, in all girls schools including schools with mixed junior classes but with 30% or less boys overall, one for every 200 pupils. It is intended that the details of the new model will be set out in a comprehensive circular to issue to schools for the commencement of the new school year.

The weighted allocation will enable teaching support to be provided to pupils with higher incidence special educational needs and this will obviate the need for schools to submit individual applications for pupils in the higher incidence categories. Schools may continue to apply for spec-

ific teacher allocations in respect of pupils with lower incidence disabilities.

My Department now proposes to devise clusters in respect of allocations to be made under the weighted model. Sanction for the filling of posts will be considered in the context of these clusters and the weighted arrangements. The Department will communicate with schools in this regard before the commencement of the coming school year.

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 their behaviour is such that they are a danger to themselves or other pupils. The criteria used for the assessment of the need for special needs assistant support is outlined in the Department's circular 07/02 which may be accessed on my Department's website, [www.education.ie](http://www.education.ie), under the heading Children with Special Needs.

I refer the Deputy to circular SP ED 09/04 which may also be accessed on my Department's website. The circular advises schools that have applied for special needs assistant support that they will be advised of the outcome of their applications as soon as possible in advance of the next school year.

*Question No. 257 answered with Question No. 240.*

#### **School Security.**

258. **Mr. O'Connor** asked the Minister for Education and Science if immediate and emergency action will be taken in respect of the worsening vandalism at a school (details supplied) in Dublin 24; if his attention has been drawn to the deep concern of the local community in the matter; and if he will respond to the demands of the school. [20116/04]

**Minister for Education and Science (Mr. N. Dempsey):** I can appreciate the concerns of the school community in question at the wanton vandalism of school property. In the first instance though, the management authorities of the school should report the matter to the local Garda. The local Garda are best placed to provide practical advice and support and to make recommendations as to how best to mitigate the potential risk to the school. I understand that most Garda stations have a crime prevention officer on the staff who will work with the management authorities in this matter. It is open to the school's management authorities to apply under the 2005 summer works scheme, details of which will be announced later this year, for funding for security measures required at the school as recommended by the Garda.

#### **Residential Institutions Redress Scheme.**

259. **Mr. Kenny** asked the Minister for Education and Science the total value of properties

handed over, to date, to the State as a result of the deal between the State and the religious orders to fund compensation awards by the redress board; if these properties are classified as previously transferred properties or future properties; when he expects the religious orders to reach the agreed contribution of €128 million in total; and if he will make a statement on the matter. [20117/04]

**Minister for Education and Science (Mr. N. Dempsey):** The indemnity agreement provided that the property contribution of the congregations was to be divided into two separate and distinct schedules of properties. The first schedule relates to properties to be transferred from the congregations to the State, State agencies and local authorities after the date of the signing of the indemnity agreement on 5 June 2002. The total value of these property transfers for the purposes of the indemnity agreement was to be €36.54 million. I can confirm that agreement in principle has been reached with the religious congregations on the transfer of properties to that amount.

The second schedule related to properties transferred from the congregations to the State, State agencies, local authorities or voluntary organisations between the 11 May 1999 and the date of the signing of the indemnity agreement on 5 June 2002. The total value of these property transfers for the purposes of the indemnity agreement was to be €40.32 million. I can confirm that, at this stage, transfers of properties to the value of approximately €27 million have been agreed in principle. A number of other properties have been identified which have the potential to finalise this schedule in the near future.

I do not intend to give details regarding the identity of the properties at this point. However, I would hope to be in a position to publish the full list of properties in the very near future.

#### **Special Educational Needs.**

260. **Mr. Howlin** asked the Minister for Education and Science when a decision will be made on the application from a school (details supplied) in County Wexford to have a special unit provided to care for autistic pupils; if his attention has been drawn to the fact that there are four children in this school suffering from Asperger's syndrome and that further autistic children intend to enrol in the school in September 2004; and if he will make a statement on the matter. [20140/04]

**Minister for Education and Science (Mr. N. Dempsey):** I am aware that an application for an autistic spectrum disorder unit for the school referred to by the Deputy has been received in my Department. My officials are currently liaising with the national educational psychological services regarding this application and a response will issue to the school in question as quickly as possible.

#### **Residential Institutions Redress Scheme.**

261. **Mr. Connaughton** asked the Minister for Education and Science the number of victim cases which have been finalised to date under the residential institutions redress scheme; the average award given; the number of applications now on hand; the number of victims who have rejected the award and gone to the review committee; the number who have presented their cases to court; the level of award given by the court; and if he will make a statement on the matter. [20141/04]

**Minister for Education and Science (Mr. N. Dempsey):** The Residential Institutions Redress Board and the Residential Institutions Redress Review Committee are independent of my Department. However, on the basis of the most recent information available from the Residential Institutions Redress Board, the board has received 3,945 applications. To date, the board has made offers to 1,370 individual applicants. The average award is approximately €77,000. A total of 33 cases have been referred to the review committee, of which 23 have been heard.

The board provides regular updates as to the number of claims received on its website, *www.rirb.ie*. The redress board has recently finalising its first annual report which covers the period 16 December 2002 to 31 December 2003. The report has been laid before each of the Houses of the Oireachtas.

Court settlements have been reached in relation to three cases. While the details of these settlements are confidential, I can confirm that the settlement in each case was within the guidelines for the level of awards that can be made by the Redress Board, as provided for in the Residential Institutions Redress Act (section 17) Regulations 2002.

#### **Youth Services.**

262. **Mr. Kenny** asked the Minister for Education and Science the plans his Department has in relation to sustaining the level of services at an association (details supplied) in County Cork; and if he will make a statement on the matter. [20142/04]

**Minister for Education and Science (Mr. N. Dempsey):** The YMCA organisation under its support training and enterprise programme, STEP, operates five centres at locations in Cork, County Cork, Dublin and Donegal which are aimed primarily at early school leavers. Financial assistance towards the operating costs of these particular STEP projects is provided by County Cork Vocational Educational Committee, with assistance from my Department. Support for these measures is continuing in 2004.

Separately, my officials have made enquiries in the matter and it is understood that the issue raised by the Deputy may relate to the question of the filling of the position of manager of the community employment scheme in the YMCA



[Mr. N. Dempsey.]  
centre, Cobh. This issue does not fall into my area of responsibility.

### Schools Building Projects.

263. **Ms O. Mitchell** asked the Minister for Education and Science the status of the long promised new Sandycove parish school to serve the developing Stepside and Leopardstown area. [20143/04]

**Minister for Education and Science (Mr. N. Dempsey):** I am pleased to inform the Deputy that the school to which she refers has been granted provisional recognition and it will commence operation on the 1 September 2004. The school will be known as Holy Trinity national school. The school planning section of my Department is currently liaising with the chairperson of the board of management with regard to the procurement of temporary accommodation for the school.

*Question No. 264 taken with Question No. 250.*

### Special Educational Needs.

265. **Mr. P. Breen** asked the Minister for Education and Science when a special needs assistant will be appointed for a person (details supplied) in County Clare; and if he will make a statement on the matter. [20192/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department has received two applications for special educational resources SER, from the school referred to by the Deputy including an application for the pupil in question. 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, NEPS. 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.

*Question No. 266 taken with Question No. 247*

### School Transport.

267. **Mr. Healy** asked the Minister for Education and Science if he will urgently approve the continuation of the Knockmeal (details supplied) school transport service which has been in operation for the past twenty years and which is threatened with withdrawal; and if he will make a statement on the matter. [20198/04]

**Minister for Education and Science (Mr. N. Dempsey):** Catchment boundary transport may continue to be provided from the nearest pick-up point within the catchment area in question subject to there being spare accommodation avail-

able on the bus after all fully eligible pupils to that centre have been facilitated.

### Disadvantaged Status.

268. **Mr. Cregan** asked the Minister for Education and Science if a school (details supplied) in Dublin 3 is being considered for disadvantaged status; the other schools nearby which have disadvantaged status; the action the school needs to take to obtain disadvantaged status; and if he will make a statement on the matter. [20222/04]

**Minister for Education and Science (Mr. N. Dempsey):** I am currently finalising a detailed review of all education disadvantage schemes, with a view to ensuring a fully integrated and cohesive strategy is adopted in this area for the future. Any decision to expand or extend any of the initiatives aimed at tackling educational disadvantage is being considered in the context of this review, the outcome of which I hope to announce shortly.

### School Transport.

269. **Mr. Ring** asked the Minister for Education and Science the reason school transport is not being provided for a person (details supplied) in County Mayo; if this person's case will be reassessed and transport provided for them. [20238/04]

**Minister for Education and Science (Mr. N. Dempsey):** A report on this case has been requested from the relevant transport liaison officer. The Deputy will be advised of the position when the report has been received and assessed.

### Special Educational Needs.

270. **Mr. Perry** asked the Minister for Education and Science the reason that sanction for the unit specifically for autism at a school (details supplied) has not been received from his Department; if his attention has been drawn to the fact that the NEP service is reviewing the psychology files of the children and that sanction in writing cannot be given until this process is completed; the reason the process is taking a very long time; if he will sanction it immediately; and if he will make a statement on the matter. [20263/04]

**Minister for Education and Science (Mr. N. Dempsey):** I am aware that an application for an autistic spectrum disorder unit for the school referred to by the Deputy has been received in my Department. My officials are currently liaising with the national educational psychological services regarding this application and a response will issue to the school in question as quickly as possible.

271. **Mr. Durkan** asked the Minister for Education and Science if a person (details supplied) will continue to receive funding for specialist one to one teaching; and if he will make a statement on the matter. [20264/04]

**Minister for Education and Science (Mr. N. Dempsey):** The person in question currently attends a school for physically disabled children. The current recommended pupil-teacher ratio for this disability category is 10:1. I understand that the class currently operates at a ratio of 5:1. My officials are continuing to liaise with my Department's inspectorate and the school concerning the pupil's specific educational needs.

#### **School Accommodation.**

272. **Mr. O'Connor** asked the Minister for Education and Science if he will take immediate action in respect of the need to protect a school (details supplied) in Dublin 24 from ongoing vandalism; if he will investigate the matter; and if he will make a statement on the matter. [20265/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department's school building section approved a grant of €63,860 in July 2003 for the provision of security-lighting, fire and intruder alarm systems at the school referred to by the Deputy. The school in question did not make an application for security works under the 2004 summer works scheme nor is there an application for such funding on hand. It is open to the management authorities of the school to apply for security measures under the 2005 summer works scheme, details of which will be announced later this year. In the meantime, the authorities may use funding under the grant scheme for minor works to address any immediate needs at the school.

#### **School Transport.**

273. **Mr. J. O'Keeffe** asked the Minister for Education and Science if sanction will be given for an extension to the school transport scheme for a school (details supplied) in County Cork. [20329/04]

**Minister for Education and Science (Mr. N. Dempsey):** A report on this case has been requested from Bus Éireann. The Deputy will be advised of the position when the report has been received and assessed.

#### **School Discipline.**

274. **Mr. Stanton** asked the Minister for Education and Science, further to Question No. 236 of 29 June 2004, the number of appeals against expulsion in the post-primary sector and in the primary sector, which were successful in 2003 and in 2004; and if he will make a statement on the matter. [20358/04]

**Minister for Education and Science (Mr. N. Dempsey):** In the calendar year 2003, one appeal in relation to permanent exclusion was received at primary level. That appeal was resolved at facilitation and did not proceed to a hearing. At post-primary level there were 34 appeals received

in relation to permanent exclusion. Of these four were withdrawn, one was resolved at local level, and nine were resolved at facilitation. Of the remaining 20 appeals, seven were upheld and 13 were not upheld at hearing.

In the period from 1 January to 30 June 2004, there were no appeals in relation to permanent exclusion at primary level. In the same period at post-primary level 28 appeals in relation to permanent exclusion have been received. Of these six were withdrawn, one was resolved at local level, and nine were resolved at facilitation. Of the remaining 12 appeals, three were upheld and nine were not upheld at hearing.

#### **School Accommodation.**

275. **Mr. Healy** asked the Minister for Education and Science if he will approve, as an urgent priority funding for the construction of a sports hall at a school (details supplied); and if he will make a statement on the matter. [20368/04]

**Minister for Education and Science (Mr. N. Dempsey):** An application for a sports hall at the school referred to by the Deputy is in the early stages of architectural planning. The project is included in section 9 of the 2004 school building programme.

All projects, including that for the school in question, that are not going to construction as part of the 2004 school building programme are currently being re-evaluated with a view to including them as part of a multi-annual programme from 2005 onwards. I expect to be in a position to make further announcement on this matter later this year.

#### **Teachers' Remuneration.**

276. **Ms Enright** asked the Minister for Education and Science if there are negotiations between his Department and resource teachers on the issue of salary and their place on the salary scale; if his Department has made proposals on this, particularly in terms of back payment and points on the scale; if the back payment will date back to the starting positions of the teachers; and if he will make a statement on the matter. [20369/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department has had ongoing discussions with the managerial representatives and teacher unions with regard to the implementation of the Part Time Workers Act. In that context a circular was recently issued by my Department to primary schools outlining interim arrangements for payment of part-time teachers. It also stated that a further circular would issue regarding the payment of arrears. Arrears shall be paid back to 20 December 2001, or date of appointment of the person, whichever is the latest. The terms will only apply to teachers who are deemed to be fully qualified.

[Mr. N. Dempsey.]

Circular Pay 11/04 is set out as follows:

To the Management Authorities of Primary Schools

Revision of Rates of Pay for Part-Time Teachers

1. The Minister for Education and Science wishes to inform Management Authorities of Primary Schools of the new interim pay arrangements for part-time resource teachers employed in the 2003/2004 school year.
2. Fully Qualified Regular Part-Time Resource Teachers:  
Fully qualified regular part-time resource teachers who are employed for a regular number of hours each week over the course of the full school year may be paid at the rate of €35.50 per hour w.e.f. 1st June 2004. This interim rate which is based on the 2nd point of the scale together with a pass degree allowance and which is inclusive of 40% holiday pay should be paid for every hour worked. This rate will be adjusted in due course to reflect previous reckonable teaching experience and qualifications of individual teachers.  
  
Arrears for hours worked over the period 1st September 2003 to 31st May 2004 should be calculated using the following rates  
  
€32.43 per hour for the period 1st September 2003 to 31st December 2003.  
  
€35.50 per hour for the period 1st January 2004 to 31st May 2004.  
  
These rates will be adjusted in due course to reflect previous reckonable teaching experience and qualifications of individual teachers.
3. Unqualified Part-Time Resource Teachers:  
Unqualified part-time resource teachers should be paid at the rate of €27.12 per hour together with holiday pay of 8% in accordance with the provisions of the Organisation of Working Time Act 1997.
4. Reconciliation Process 2003/2004:  
Outstanding payments to schools will include arrears (under this circular) for the 2003/2004 school year, on receipt of a fully completed reconciliation form (Appendix 1 — attached)  
\*N.B. Please insert the hourly rate (qualified/unqualified) the part time teacher should have been receiving during this school year
5. Other Arrears:  
The issue of arrears of pay for the period 20th December 2001 to 31st August 2002 and the 2002/2003 school year will be addressed in a further Circular.
6. This Circular may also be accessed on the Department's web site at [www.education.ie](http://www.education.ie). It is located in the Education Personnel/Payroll Division section of the web site.
7. Management authorities are requested to bring the details outlined in this Circular to the attention of part-time teachers employed in the schools. You are also requested to give a copy of the Circular to the parents' representatives on the Board of Management.
8. Qualification Queries:  
Please refer to *Circular 25/00* for clarification on the relevant qualifications of your Part-Time teacher. It is located in the Information/Department of Education & Science/Circulars section of the web site.
9. Payment during Holiday Periods (Summer Holidays etc.):  
If the part time teacher has an entitlement to "sign on" during the holiday periods (this is a matter for the local Social Welfare Office to determine) the employer (School) will have to supply a letter to the Social Welfare Office outlining some/all of the following information — The number of hours the teacher worked in a particular period, the number of days worked in that period and the percentage of holiday pay included in the hourly rate paid to that teacher. — (if the teacher is on the qualified rate please emphasise that this is inclusive of 40% holiday pay). Any queries regarding this matter should be referred to your local Social Welfare Office.
10. Helpline:  
Should you have any queries concerning this circular, please phone our helpline on (090) 6484188. It will be open between the hours of 10am and 11am each day up to Friday 18th June 2004.

Liam Hughes,  
Principal Officer,  
June 2004.

REFUND OF PAYMENT TO PART TIME TEACHERS — 2003/2004 YEAR

School: \_\_\_\_\_

Address: \_\_\_\_\_

Roll No: \_\_\_\_\_

School Tel. no. \_\_\_\_\_ Fax. No. \_\_\_\_\_ Email \_\_\_\_\_

Name of Part-Time Teacher: \_\_\_\_\_ Resource / Learning Support / Special Subject  
(Please delete as appropriate)

Is the teacher qualified or unqualified (please refer to point 8 of Circular above)

\_\_\_\_\_

Teacher's PPSN (RSI) No. \_\_\_\_\_

Number of hours sanctioned : Term 1: \_\_\_\_\_ Term 2: \_\_\_\_\_ Term 3: \_\_\_\_\_

	No. of weeks worked	No. of hours per week	Total hours worked (not including public holidays)	No. of public holidays claimed (if any)	*Rate of pay Per hour (€)
September 2003					
October 2003					
November 2003					
December 2003					
January 2004					
February 2004					
March 2004					
April 2004					
May 2004					
June 2004					

Total grant received in 1st moiety (Winter 2003)	€
Total grant received in 2nd moiety (Spring 2004)	€

\*Please refer to the enclosed circular in respect of the appropriate hourly rate to insert in the column above

i.e. Qualified teacher- Hourly rate:	1/9/03 — 31/12/03	€32.43
	1/1/04 to date	€35.50
Unqualified teacher-Hourly rate:	1/9/03 to date	€27.12

Please note that the qualified pay rates are inclusive of holiday pay

I certify that the above return is accurate

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Chairperson/Principal B.O.M.

\*Very Important — If you have more than one part-time teacher employed in your school (i.e. If a teacher was replaced while on maternity leave etc) please complete a separate form for each one:

**Special Educational Needs.**

277. Ms Enright asked the Minister for Education and Science his views on the pace of deliv-

ery of suitably qualified special needs and resource teachers from the teacher training college; the numbers graduating with a diploma in this area each year and the percentage of these

[Ms Enright.]

as part of the overall teaching body at primary and post-primary level; and if he will make a statement on the matter. [20370/04]

**Minister for Education and Science (Mr. N. Dempsey):** At the outset, it is important to state that the existing full-time pre-service primary teacher training courses in the colleges of education contain appropriate elements to assist teachers in dealing with the full range of pupils, including those with special educational needs.

At second level, there are inputs to both the higher diploma in education and the education degree programmes in the University of Limerick, as part of a general alertness orientation programme, on the variety of pupils' learning difficulties which teachers may encounter in the classroom.

In recent years my Department has adopted a strategy designed to greatly expand the provision of continuing professional development for personnel working with pupils with special educational needs. This training provision aims to provide development and support at individual teacher level, and, crucially, at whole school staff level.

In particular, it is the policy of my Department to provide for a range additional and continuing professional development programmes to further enhance the skills of teachers working with pupils with special educational needs. The additional training provision is specifically designed to address the complex range and variety of training needs in this area.

In this regard I have authorised, in consultation with the colleges of education, a major expansion in the range of postgraduate training for teachers in this area. My Department is currently providing support for 160 places on a postgraduate diploma programme in special educational needs; 12 places on an applied behavioural analysis programme; 20 places on a postgraduate programme in autism; 16 places on a masters programme; 160 on the postgraduate programme in learning support. This major increase will further add to the number of teachers who have similarly developed their skills over past years. To cite as a percentage the current annual number of places, substantial as it is, on postgraduate programmes would not reflect the true position in relation to the level of teachers with additional skills in this area.

In September 2003, I also authorised the establishment of the special education support service which currently provides a range of training and support for teachers at local level. This service is developing training teams which will further support teachers working with children with special educational needs in primary and post-primary schools.

The number of places made available at postgraduate level and the overall in-service requirement in this area are kept under ongoing review.

### Departmental Funding.

278. **Ms Enright** asked the Minister for Education and Science if he will consider increasing the grant of €350,000 to a school (details supplied) County Tipperary in view of the fact that the estimated cost of the works involved are substantially higher than that figure, leaving a huge shortfall in funding to be raised by a small community in a school made up of 49 families; if he can look at this as a matter of urgency; and if he will make a statement on the matter. [20371/04]

**Minister for Education and Science (Mr. N. Dempsey):** The school referred to by the Deputy was invited to participate in a devolved initiative to enable it provide additional permanent accommodation within a maximum grant level of €350,000.

This initiative devolves control to school authorities over the planning and construction phases of small-scale additional permanent accommodation works.

If there is a shortfall in funding, the options open to the board of management are as follows: reduce the scale of the works to stay within the limit of the grant; use funds allocated by the Department under the terms of the grant scheme for minor works to supplement the grant provided such funds are not required for more urgent and immediate works; or, fund the balance of the works from their own resources.

My Department does not intend increasing the amount of the grant offered to the school. This provision is necessary because a central tenet of the devolved scheme is that a school authority, granted discretion and guaranteed funding to enable immediate progress on its accommodation needs, must equally accept responsibility for prioritisation, control of costs and ensuring value for money.

### Special Educational Needs.

279. **Ms Enright** asked the Minister for Education and Science if his attention has been drawn to the fact that the Dyslexia Association of Ireland workshops are now being made subject to income tax and that as a result the financial burden being placed on parents has severely increased; when he expects the school system to be able to fully meet the needs of children with dyslexia in order that parents are not forced to seek outside assistance, if he will financially assist this added cost in the interim; and if he will make a statement on the matter. [20372/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department has received representations from certain branches of the Dyslexia Association of Ireland expressing concern at the escalating costs of running their workshops, particularly in the context of current taxation laws which they say is resulting in increased costs for the association and by extension for the parents of the children availing of the service. Issues

relating to tax affairs generally are a matter for the Revenue Commissioners. The question of compliance with tax regulations is a matter between the Dyslexia Association of Ireland and the individual teachers concerned.

My Department has provided annual funding of €63,500 to the Dyslexia Association of Ireland since 1999. This funding has helped the association to operate an information service for members and the public. In addition, this funding has assisted in meeting the costs associated with the attendance of some children from disadvantaged backgrounds at workshops and programmes organised by the association.

I am satisfied that there have been significant improvements in the level of school-based education services for children with dyslexia in recent years. Such children have, up to now, generally been catered for on an integrated basis in ordinary primary schools where they can be supported by the learning support teacher service or the resource teacher service. At present, there are approximately 2,600 resource teachers and 1,531 learning support teachers in the primary system.

Where the condition is of a more serious nature, provision can be made in one of the four special schools or 23 special classes attached to ordinary primary schools and dedicated to the needs of children with dyslexia. All special schools and special classes for such children operate at a reduced pupil teacher ratio of 9:1.

My Department also provides funding to schools for the purchase of specialised equipment such as computers to assist children with special needs with their education, including children with dyslexia, where recommended by relevant professionals. Schools can apply, through the special education section of my Department for this support. Supporting documentation should include reports of psychological and other relevant professional assessments.

My Department has recently developed a new weighted system of allocation of teaching supports for special needs pupils, including those with dyslexia. The allocation of an additional 350 teaching posts for special needs and a new system for the allocation of resources for special needs in primary schools have now been approved.

The new system will involve a general weighted allocation for all primary schools to cater for pupils with higher incidence special educational needs, such as borderline mild and mild general learning disability and specific learning disability, such as dyslexia, and those with learning support needs. It will also allow for individual allocations in respect of pupils with lower incidence special educational needs.

The weighted allocation will be made as follows: in the most disadvantaged schools, as per the urban dimension of Giving Children an Even Break, a teacher of pupils with special educational needs will be allocated for every 80 pupils to cater for the subset of pupils with higher incidence special needs; in all boys schools, the

ratio will be one teacher for every 140 pupils; in mixed schools, or all girls schools with an enrolment of greater than 30% boys, one for every 150 pupils; and, in all girls schools including schools with mixed junior classes but with 30% or less boys overall, one for every 200 pupils.

In addition, all schools will be able to apply for separate specific allocations in respect of pupils with lower incidence disabilities.

It is intended that the details of the new model will be set out in a comprehensive circular to issue to schools for the commencement of the new school year.

#### School Transport.

280. **Ms Enright** asked the Minister for Education and Science if he has considered the school transport appeal of a school (details supplied), outlining the historical, educational and sociological reasons the service should be retained; if his attention has been drawn to the fact that this is a Gaeltacht school; and if he will make a statement on the matter. [20373/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department is arranging to have the relevant documentation forwarded to the school transport appeals board.

#### School Accommodation.

281. **Mr. Crawford** asked the Minister for Education and Science if he will report on an application for a school (details supplied) in County Monaghan regarding its urgent need for additional teachers and for additional accommodation; if his attention has been drawn to the fact that classes are being held in a room where teachers cannot get anywhere near the pupils due to the fact that there is only room for tables and chairs; his views on whether this is a poor environment for children with special needs to be educated; and if he will make a statement on the matter. [20376/04]

**Minister for Education and Science (Mr. N. Dempsey):** The staffing of a primary school is determined by reference to the enrolment of the school on 30 September of the previous school year. The actual number of mainstream posts sanctioned is determined by reference to a staffing schedule and is finalised for a particular year following discussions with the education partners.

The mainstream staffing of the school referred to by the Deputy for the current school year is a principal and seven mainstream class teachers based on the enrolment of 196 pupils on 30 September 2002.

Based on the enrolment on 30 September 2003 of 203 pupils, the mainstream staffing for the school year 2004-05 will remain at principal and seven mainstream class teachers. The agreed appointment figure for the eighth mainstream class teacher is 209 pupils.

It is open to the board of management of a primary school to submit an appeal under certain

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 criteria to an independent appeals board, which was established to adjudicate on appeals on mainstream staffing allocations in primary schools. Details of the criteria and application date for appeal were issued recently to all primary schools.

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](http://www.education.ie). This project is at stage 3, or Developed Sketch Scheme, of architectural planning. It has been assigned a band 2 rating by my Department in accordance with the published criteria for prioritising large-scale projects.

It is planned to progress this project to advanced architectural planning during 2004.

Indicative timescales have been included for large-scale projects proceeding to tender in 2004. The budget announcement regarding multi-annual capital envelopes will enable me to adopt a multi-annual framework for the school building programme, which in turn will give greater clarity regarding projects that are not progressing to tender in this year's programme including the school referred to by the Deputy. I will make a further announcement in that regard during the year.

282. **Mr. Crawford** asked the Minister for Education and Science if he will give an update on the application from a school (details supplied) in County Cavan for funding an extension to their school; if he will agree to examine this need under the pilot scheme; and if he will make a statement on the matter. [20377/04]

**Minister for Education and Science (Mr. N. Dempsey):** When I published the 2004 school building programme, I outlined that my strategy going forward will be grounded in capital investment based on multi-annual allocations. My officials are currently reviewing all projects, which were not authorised to proceed as part of the 2004 school building programme, with a view to including them as part of a multi-annual programme from 2005 and I expect to be in a position to make further announcements on this matter in the course of the year.

The proposed project at St. Killian's national school, Mullagh, County Cavan, and the suitability of this project for inclusion under the pilot initiative will be considered in this review.

#### Special Educational Needs.

283. **Mr. Noonan** asked the Minister for Education and Science if he will sanction the re-appointment of a special needs teacher for a pupil (details supplied) in County Cork; and if he will make a statement on the matter. [20378/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department has received an application for an increase in special needs assistant support for the pupil concerned.

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 their behaviour is such that they are a danger to themselves or other pupils. The criteria used for the assessment of the need for special needs assistant support is outlined in my Department's Circular 07/02. This circular may be accessed on my Department's website under Children with Special Needs.

My Department continues to review existing arrangements for the allocation of special educational supports to primary schools. The basic purpose of the review is to ensure that each school has the level of resources required to cater for its pupils with special educational needs.

Since 1998, the number of special needs assistants in primary schools has grown from about 300 to in excess of 5,500 full-time and part-time posts. I wish to assure the Deputy that special needs assistants posts will be retained in schools where there is a continuing care need in accordance with Circular 07/02.

Account is being taken of existing levels of special needs assistant support allocation in schools. In cases where a reduction in the level of special needs assistant support is proposed, there will be provision for schools to appeal, having regard to the care needs of the pupils concerned. Details of the appeals mechanism will be set out in a communication to schools.

I refer the Deputy to Circular SP ED 09/04 which may be accessed on my Department's website [www.education.ie](http://www.education.ie) under Children with Special Needs. The circular advises schools that have applied for special needs assistant support that they will be advised of the outcome of their applications as soon as possible in advance of the next school year. This includes the application for the pupil referred to by the Deputy.

#### School Transport.

284. **Mr. McGuinness** asked the Minister for Education and Science if school transport will be arranged in the case of a person (details supplied) in County Carlow who must attend Loreto secondary school, Kilkenny, as their educational needs cannot be met in Borris in view of the fact that they need to study physics to pursue their educational goals; and if he will expedite a positive response to their application. [20379/04]

**Minister for Education and Science (Mr. N. Dempsey):** A report on this case has been requested from the relevant transport liaison officer. The Deputy will be advised of the position when the report has been received and assessed. However, for the purposes of the post-primary education scheme, the country has been divided into catchment areas, each of which has its own post-primary centre. While it is the prerogative of parents to send their children to the school of their choice, it is not the object of the school transport scheme to facilitate parents in

exercising that choice. Recognised post-primary pupils who live at least three miles from the post-primary centre of the catchment area in which they reside, are eligible for transport under the scheme to that centre.

Eligible pupils who wish to attend a post-primary centre other than their appropriate one may be allowed transport from within the catchment boundary of the centre being attended, subject to there being spare accommodation available on the service after all fully eligible pupils have been facilitated and provided that no additional State cost is incurred.

#### **Special Educational Needs.**

285. **Mr. Deenihan** asked the Minister for Education and Science if a special needs assistant will be approved for a person (details supplied) in County Kerry; and if he will make a statement on the matter. [20447/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department has received an application for special needs assistant support to cater for the needs of a number of pupils in the school, including the pupil in question.

This application is being considered at present and a response will issue to the school authorities as quickly as possible.

286. **Mr. N. O’Keeffe** asked the Minister for Education and Science if his Department will ensure that a special chair and school table will be provided at a primary school for a person (details supplied) in County Cork with special needs. [20449/04]

**Minister for Education and Science (Mr. N. Dempsey):** I am pleased to inform the Deputy that my Department’s school building section has approved funding for the provision of a classroom chair and desk for the pupil in question.

287. **Mr. N. O’Keeffe** asked the Minister for Education and Science if learning support teaching will be in place by September 2004 for a person (details supplied) in County Cork with special needs. [20450/04]

**Minister for Education and Science (Mr. N. Dempsey):** The school currently has the services of a shared learning support teacher. In Circular 24/03, which issued to all schools in September 2003, my Department stated its intention to engage in discussions with representative interests with a view to developing a weighted system of teacher allocations for special needs teaching. Since then significant developments have taken place and, in consultation with representative interests, a new system for the allocation of teaching resources for special needs in primary schools has now been approved.

I am satisfied that the new weighted model of teacher allocation for pupils with special educational and learning support needs will significantly improve the level of service provided for

such pupils. To facilitate the introduction of the new system, an additional 350 posts are being made available. This will bring the total number of such posts for pupils with low achievement and special educational needs to almost 4,500.

The new system will involve a general weighted allocation for all primary schools to cater for pupils with learning support needs and those with higher incidence special needs, such as borderline mild and mild general learning disability and dyslexia. It will also allow for individual allocations in respect of pupils with more acute needs.

The general weighted allocation system will greatly reduce the need for individual applications and supporting psychological assessments and will put resources in place on a more systematic basis, thereby giving schools more certainty over their resource levels. This will allow for better planning in schools, greater flexibility in identifying and intervening earlier with regard to pupils’ special needs, as well as making the posts more attractive to qualified teachers.

The previous allocation system placed significant demands on principals, teachers and psychologists. It has also proven to be time-consuming, thereby delaying the allocation of resources for special needs. Action had to be taken to reform the system and the model now being introduced will, over time, significantly improve the capacity of the system to cater for children with special needs in a speedier, more effective way. The revised system will reduce the administrative burden on schools and allow them to concentrate on the delivery of services to pupils with special needs. It will also allow psychologists to devote more time to advising teachers on planning for individual children and for whole school provision.

My Department has communicated with schools in relation to their allocations. Permission will be given to fill all specific allocations immediately. The general weighted allocations will be filled following the determination of clustering and reallocation arrangements. To ease the transition to the new system, my Department has already agreed not to redeploy teachers from full-time posts via the panel redeployment process.

It is intended that the details of the new model will be set out in a comprehensive circular to issue to schools for the commencement of the new school year.

#### **Site Acquisitions.**

288. **Mr. Deenihan** asked the Minister for Education and Science the position regarding the provision of a new national school at Blennerville, Tralee, County Kerry; and if he will make a statement on the matter. [20451/04]

**Minister for Education and Science (Mr. N. Dempsey):** The Office of Public Works, which acts on behalf of my Department in the procurement of sites, has been asked to investigate and report on suitable sites for the proposed new school. While a number of sites have been iden-



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tified, investigations in this regard have yet to be completed. I am sure that the Deputy will appreciate that due to commercial sensitivity I am unable to give further information in relation to the site purchase at this time.

### Special Educational Needs.

289. **Mr. R. Bruton** asked the Minister for Education and Science the present status of plans to have a second level class for students with Asperger's syndrome at a school (details supplied) in Dublin 3; and if he will make a statement on the matter. [20452/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department is actively engaged in pursuing the development of a second level programme for children with Asperger's syndrome on Dublin's northside. Discussions are ongoing to address issues relating to accommodation needs and the levels of teaching and other supports required to facilitate this development.

### Departmental Funding.

290. **Ms Enright** asked the Minister for Education and Science his views on the statement of his predecessor in 2001 that there is a big gap to be bridged between the funding for secondary schools and other second level schools; the way in which he intends to bridge this gap; and if he will make a statement on the matter. [20453/04]

**Minister for Education and Science (Mr. N. Dempsey):** I am aware of the traditional anomalies that have evolved in the funding arrangements for different school types at second level. At the core of all arrangements is a reliance upon capitulation as the principle determinant of funding. There are however significant differences in the approaches to the funding of back-up services such as for secretaries and caretakers. This Government and its predecessor have removed some of the anomalies and the process continues.

The standard *per capita* grant for voluntary secondary schools has been significantly increased in recent years and now amounts to €274 per pupil as against the rate of €224.74 that applied in 1997. For disadvantaged schools, the increase has brought the per capita grant to €312 per pupil.

This significant increases builds on my commitment towards enhanced "equalisation" funding measures for voluntary secondary schools. In addition to the *per capita* grant of €25 that was introduced under the school services support initiative for second level schools in September 2000 and now stands at €99, secondary schools have benefited from further increases bringing the grant for such schools to €131 per pupil from January last. This *per capita* grant is in addition to a range of equalisation grants of up to some €15,500 per school per annum that were also approved for voluntary secondary schools. For a secondary school with 500 pupils, this amounts to additional "equalisation" funding of almost

€30,000 per annum and overall additional support services funding of approximately €80,000 per annum. Schools are afforded considerable flexibility in the use of these resources to cater for the needs of their pupils. As the funding provided under the schools support services fund is flexible, schools are permitted discretion as to the manner in which support services are provided. In particular it allows schools with difficulties in provision for secretaries and caretakers the additional funding to make a meaningful impact.

A measure of the increase in overall funding for secondary schools is that by comparison with 1997, a secondary school with 500 pupils now receives extra annual funding of over €105,000 per annum.

I am committed to improving further the funding position of voluntary secondary schools in the light of available resources and to addressing the issue of equity highlighted by the voluntary school sector.

### School Accommodation.

291. **Ms Enright** asked the Minister for Education and Science if his attention has been drawn to the extremely poor conditions at a school (details supplied) in County Offaly, where they have been forced to convert their only cloak-rooms into resource teaching rooms, are using a dilapidated 34 year old prefab, which was only supposed to be used for two years; if his attention has further been drawn to the fact that the school has a growing enrolment; when it can expect progress to be made on the provision of new facilities at the school; and if he will make a statement on the matter. [20454/04]

**Minister for Education and Science (Mr. N. Dempsey):** The need for additional accommodation at the school to which the Deputy refers will be considered in the context of a review which is being undertaken of all projects that did not proceed as part of the 2004 school building programme, with a view to including it as part of a multi-annual school building programme from 2005, details of which will be announced later in the year.

### Teaching Qualifications.

292. **Ms Enright** asked the Minister for Education and Science if changes are anticipated in the Irish requirement for qualification as a primary school teacher, for those who already hold a degree, and who want to teach at junior primary level; and if he will make a statement on the matter. [20455/04]

**Minister for Education and Science (Mr. N. Dempsey):** As part of the minimum academic entry requirements specified by my Department for the postgraduate diploma in primary teaching, all candidates must have a minimum of a grade C at higher level in Irish in the leaving certificate or an approved equivalent. This requirement embodies both the written and oral element of

a student's proficiency in Irish. My Department considers it to be the minimum standard in Irish necessary for students entering a teacher training course which will equip them to teach Irish to pupils at all levels in primary schools.

In relation to teachers who have qualified outside the State, they may be given recognition to teach in primary schools. Once their qualifications have been assessed and accepted by the Department they may be granted provisional recognition to commence teaching in mainstream primary schools or restricted recognition to teach only in special schools or classes where Irish is not a curricular requirement. Holders of provisional recognition are given five years in which they must pass the written, aural and oral parts of an examination in the Irish language, An Scrúdú le hAghaidh Cailíochta sa Ghaeilge (SCG).

Until such time as a teacher passes the SCG, they are not considered fully qualified as a teacher in a mainstream national school. Candidates are expected to have knowledge of the teaching methods of Irish as a mother tongue and as a second language to primary school children. They are also expected to have knowledge of strategies to promote the use of Irish as a language of communication and as a teaching medium.

The Deputy will be aware that I established a working group to review all aspects of the syllabus and examination for the Scrúdú le hAghaidh Cailíochta sa Ghaeilge in 2001. Institúid Teangeolaíochta Éireann, the colleges of education, primary school management organisations, INTO, the National Parents Council — Primary — and the National Council for Curriculum and Assessment all were represented on this working group. Organisations were invited to submit proposals as part of the review of the SCG and all such proposals were given full consideration by the working group in preparing its report. The review group has given full consideration to the standard of Irish required in the examinations.

The report of the working group has now been finalised and published on the Department's website. I have implemented some of its recommendations already regarding the overall standard required to pass the various modules of the examination.

The report recommended that candidates who already hold a degree with Irish as a major subject to degree level and who previously have been exempted from paper II of the SCG examination, should be exempted from all modules of the SCG apart from the practical examination which will be introduced for the April 2005 sitting of the SCG examination. I will implement this recommendation to take effect from April 2005 onwards. Therefore, with effect from April 2005, SCG candidates who have a recognised degree with Irish as a major subject will be required to pass the practical examination only.

### Schools Building Projects.

293. **Ms Enright** asked the Minister for Education and Science the reason an application for school accommodation for a school (details supplied) in County Offaly has not been included on the school building programme; the status of the application; and when he expects work to commence on the school; if it will be listed on the programme before work commences; and if he will make a statement on the matter. [20456/04]

**Minister for Education and Science (Mr. N. Dempsey):** When publishing the 2004 school building programme, I outlined that my strategy going forward will be grounded in capital investment based on multi-annual allocations. My officials are reviewing all projects which were not authorised to proceed to construction as part of the 2004 school building programme, with a view to including them as part of a multi-annual school building programme from 2005 onwards. The school referred to by the Deputy will be included in this review. I expect to be in a position to make further announcements in this matter in the course of the year.

### Special Educational Needs.

294. **Ms Enright** asked the Minister for Education and Science if his attention has been drawn to the ending of eight special needs assistants contracts in a school (details supplied) in Dublin 24, the reason for the delay in making a decision on these applications; when a decision will be made; and if he will make a statement on the matter. [20457/04]

**Minister for Education and Science (Mr. N. Dempsey):** I can confirm that my Department has received a number of applications for special needs assistant support from the school referred to by the Deputy. 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 their behaviour is such that they are a danger to themselves or other pupils. The criteria used for the assessment of the need for special needs assistant support is outlined in my Department's Circular 07/02. This circular may be accessed on my Department's website under Children with Special Needs.

My Department continues to review existing arrangements for the allocation of special educational supports to primary schools. The basic purpose of the review is to ensure that each school has the level of resources required to cater for its pupils with special educational needs.

Since 1998, the number of special needs assistants in primary schools has grown from about 300 to in excess of 5,500 full-time and part-time posts. I assure the Deputy that special needs assistants posts will be retained in schools where there is a continuing care need in accordance with Circular 07/02.

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As advised under circular 09/04, which is also available on my Department's website, schools that have applied for special needs assistant support including the one referred to by the Deputy will be advised of the outcome of their applications as soon as possible in advance of the next school year.

Account is being taken of existing levels of special needs assistant support allocation in schools. In cases where a reduction in the level of special needs assistant support is proposed, there will be provision for schools to appeal, having regard to the care needs of the pupils concerned. Details of the appeals mechanism will be set out in a communication to schools.

#### **School Accommodation.**

295. **Ms Enright** asked the Minister for Education and Science if his attention has been drawn to a letter from a school (details supplied) in County Clare to him dated 11 June 2004; his response to the issues raised in that letter. [20458/04]

**Minister for Education and Science (Mr. N. Dempsey):** I wish to confirm that I have received a letter from the school referred to by the Deputy. My Department's school building section is currently considering the issues raised in the letter and I will be in a position to issue a response shortly.

#### **Special Educational Needs.**

296. **Mr. Crawford** asked the Minister for Education and Science if arrangements will be made to provide a classroom assistant for a person (details supplied) in County Monaghan; and if he will make a statement on the matter. [20459/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department allocates 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 support are made to my Department by the relevant school authority. Each application is considered on the basis of the assessed needs of the pupil(s) involved and the nature and level of the support provided is determined on the advice of the psychological service.

An application for additional resources for the pupil referred to by the Deputy has been made by Monaghan Collegiate School for the 2004-2005 school year. The application is currently under consideration in my Department and the school will be notified of the outcome as soon as possible.

#### **Schools Refurbishment.**

297. **Mr. Healy** asked the Minister for Education and Science if he will include refurbishment works at the Central Technical Institute, Clonmel, in the capital works pro-

gramme 2005; and if he will make a statement on the matter. [20460/04]

**Minister for Education and Science (Mr. N. Dempsey):** I assume the Deputy is referring to roof refurbishment works at the school in question. I am pleased to inform the Deputy that this project is included in the summer works scheme for 2004. The school will receive grant aid in the sum of €40,000 this year to carry out the works.

298. **Mr. Healy** asked the Minister for Education and Science if he will approve the €1.9 million needed for the capital refurbishment of a school (details supplied) in County Tipperary; and if he will make a statement on the matter. [20461/04]

**Minister for Education and Science (Mr. N. Dempsey):** When publishing the 2004 school building programme, I outlined that my strategy going forward will be grounded in capital investment based on multi-annual allocations. My officials are reviewing all projects which were not authorised to proceed to construction as part of the 2004 school building programme, with a view to including them as part of a multi-annual school building programme from 2005 onwards. The school referred to by the Deputy will be included in this review. I expect to be in a position to make further announcements in this matter in the course of the year.

#### **Site Acquisitions.**

299. **Mr. Healy** asked the Minister for Education and Science the position regarding the request by Tipperary SR VEC for approval to the purchase of land at the rear of a centre (details supplied) in County Tipperary to facilitate the amalgamation of the three second level schools in Carrick-on-Suir; and if he will make a statement on the matter. [20462/04]

**Minister for Education and Science (Mr. N. Dempsey):** As the Deputy will be aware, agreement has been reached with the management authorities of the three existing post-primary schools in Carrick-on-Suir to develop a single post-primary school in the centre. The question of the purchase of a suitable site for the proposed new school is currently under consideration in my Department. The Deputy will appreciate, however, that due to the commercial sensitivities of site acquisition, I am unable to comment on the potential purchase of specific sites.

#### **Special Educational Needs.**

300. **Mr. M. Higgins** asked the Minister for Education and Science if his attention has been drawn to the unacceptable state of affairs as it currently pertains regarding the need for, and lack of, assistants for children with special needs in the primary education sector throughout the country; the steps he intends to take to ameliorate this state of affairs, which is resulting in vital

years being lost to those children in dire need of such assistance. [20463/04]

**Minister for Education and Science (Mr. Dempsey):** Since 1998, the number of special needs assistants in primary schools has grown from about 300 to in excess of 5,500 full-time and part-time posts.

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 their behaviour is such that they are a danger to themselves or other pupils. The criteria used for the assessment of the need for special needs assistant support is outlined in my Department's circular 07/02. This circular may be accessed on my Department's website under "Children with Special Needs". My Department continues to review the existing arrangements for the allocation of special educational supports to primary schools. The basic purpose of the review is to ensure that each school has the level of resources required to cater for its pupils with special educational needs.

I am anxious to ensure that special education support services are properly targeted at the children who require them and that the substantially increased resources which are being made available in the special educational area have the desired effect of ensuring that all children assessed as having special needs receive the support they require. Schools which have applied for special needs assistant support will be advised of the outcome of their applications as soon as possible in advance of the next school year. Account is being taken of existing levels of SNA support allocation in schools. In cases where a reduction in the level of special needs assistant support is proposed, there will be provision for schools to appeal, having regard to the care needs of the pupils concerned. Details of the appeals mechanism will be set out in a communication to schools. I wish to assure the Deputy that special needs assistants posts will be retained in schools where there is a continuing care need in accordance with circular 07/02.

#### **Modern Language Teaching.**

301. **Ms B. Moynihan-Cronin** asked the Minister for Education and Science if an application made by the board of management of a school (details supplied) in County Kerry will be approved for a pilot foreign language programme; and if he will make a statement on the matter. [20487/04]

**Minister for Education and Science (Mr. Dempsey):** The pilot programme for modern languages was introduced to 270 primary schools in 1998. As this was a pilot project it was not possible to accommodate all of the schools applying for inclusion. Approximately 1,300 schools applied for inclusion in the project at the outset and were considered under a number of clear cri-

teria such as gender balance, urban-rural mix and socio-economic context. Approximately 20% of the selected schools selected initially were designated by my Department as disadvantaged.

The application of the school referred to for inclusion in the modern languages Initiative at primary level has been approved in principle by the initiative's consultative group and the school has been placed on a waiting list for inclusion on the Initiative. While it is not possible to accommodate all schools who apply for inclusion in the Initiative it is proposed to carry out a review of the Initiative in the near future with a view to increasing the number of participating schools to the maximum extent that budgetary considerations will permit.

#### **Higher Education Grants.**

302. **Ms O'Sullivan** asked the Minister for Education and Science his views on whether it is unfair that the maximum grant a student under 23 who lives adjacent to their third level college can obtain is €1,800 for the 2003-04 academic year, while a student over 23 in the same location can receive €4495; if he will address this inequality; and if he will make a statement on the matter. [20488/04]

**Minister for Education and Science (Mr. Dempsey):** Under the student support schemes, maintenance grants are payable at either the adjacent or the non-adjacent rate. The adjacent rate of maintenance grant is payable where the grant holder's normal residence is 15 miles or less from the college which he or she is attending. The non-adjacent rate of maintenance grant is payable in all other cases, with the exception of all eligible mature students who, with effect from the 1999-2000 academic year, qualify for the higher non-adjacent rate of grant. In each case the shortest, most direct route to college is measured to establish the distance concerned.

#### **School Transport.**

303. **Mr. Wall** asked the Minister for Education and Science if his Department will consider providing funding to persons (details supplied) to permit their children to obtain transport to their school; and if he will make a statement on the matter. [20489/04]

**Minister for Education and Science (Mr. Dempsey):** My Department's school transport section is investigating the matter and the Deputy will be informed of the position, as soon as possible.

#### **Special Educational Needs.**

304. **Mr. G. Mitchell** asked the Minister for Education and Science the reasons for the reduction in the learning support and resource teaching hours from 17 hours per week to six hours per week in a school (details supplied) in Dublin 12; if he expects to improve the education

[Mr. G. Mitchell.]  
of the children receiving this valuable learning assistance; and if he will make a statement on the matter. [20504/04]

309. **Ms Shortall** asked the Minister for Education and Science if his attention has been drawn to the fact that as a result of a recent circular regarding the weighting of special education teachers a school (details supplied) will lose eight of the 17 hours previously allocated to it for special needs support; if his attention has further been drawn to the fact that this number of hours is even less than the total number of hours allocated by NEPS for individual students; and if, in view of the reduction of special teaching days from five to three at the school he will immediately reinstate the eight teaching hours. [20559/04]

**Minister for Education and Science (Mr. Dempsey):** I propose to take Questions Nos. 304 and 309 together.

The school referred to by the Deputy has been recently advised of its teacher allocation under the new weighted system. The advice confirms that the school currently exceeds its entitlement under the weighted system by 11 part-time teaching hours. An additional 350 teacher posts are being provided to facilitate the introduction of the new system. The new system will involve a general weighted allocation for all primary schools to cater for pupils with higher incidence special educational needs, for example, those with borderline mild and mild general learning disability, specific learning disability, and also those with learning support needs. It will also allow for individual allocations in respect of pupils with lower incidence special educational needs.

The weighted allocation will be made as follows. In the most disadvantaged schools as per the urban dimension of Giving Children an Even Break, a teacher of pupils with special educational needs will be allocated for every 80 pupils to cater for the subset of pupils with higher incidence special needs; in all boys schools, the ratio will be one teacher for every 140 pupils; in mixed schools, or all girls schools with an enrolment of greater than 30% boys, one for every 150 pupils; and in all girls schools including schools with mixed junior classes but with 30% or less boys overall, one for every 200 pupils.

It is intended that the details of the new model will be set out in a comprehensive circular to issue to schools for the commencement of the new school year. The weighted allocation will enable teaching support to be provided to pupils with higher incidence special educational needs and this will obviate the need for schools to submit individual applications for pupils in the higher incidence categories. Schools may continue to apply for specific teacher allocations in respect of pupils with lower incidence disabilities.

My Department now proposes to devise clusters in respect of allocations to be made under

the weighted model. Sanction for the filling of posts will be considered in the context of these clusters and the weighted arrangements. My officials will communicate with schools in this regard before the commencement of the coming school year. My Department has agreed not to redeploy teachers from full-time posts via the panel redeployment process during the current school year. The position in relation to surplus part-time hours currently in the school will be the subject of a further communication when clustering and reallocation arrangements have been finalised.

#### **Educational Projects.**

305. **Mr. McGuinness** asked the Minister for Education and Science if a project sponsored by Youthlynx, John Street, Kilkenny, namely, the individual learning programme under the school completion programme will be funded by his Department; and if he will comment on the submission made to his Department in this regard. [20509/04]

**Minister for Education and Science (Mr. Dempsey):** The programme to which the Deputy refers is part of the Kilkenny School Completion Programme, SCP. The local management groups of the school completion programme projects are required to assess the needs of marginalised educationally disadvantaged young people at local level and devise integrated costed, focused, targeted annual retention plans that support these young people in their school, home and community life. The retention plans for 2004-5 have been submitted to my Department for approval.

The project will be notified of my Department's decision when their retention plan is approved in July.

#### **Schools Building Projects.**

306. **Ms O'Sullivan** asked the Minister for Education and Science when the application for capital funding for a school (details supplied) in County Kildare will be progressed in view of the fact that it remains at band two status even though the application was made eight years ago and the catchment area is growing rapidly in population; and if he will make a statement on the matter. [20522/04]

**Minister for Education and Science (Mr. Dempsey):** I presume the Deputy is referring to a post-primary school development in the centre in question. A large-scale building project for that school is listed in section 8 of the 2004 school building programme which is published on my Department's website at [www.education.ie](http://www.education.ie). This project is at stage 4/5 — detail design-bills of quantities — of architectural planning. It has been assigned a 'band 2' rating by my Department in accordance with the published criteria for prioritising large-scale projects.

Indicative timescales have been included for large-scale projects proceeding to tender in 2004.

The budget announcement regarding multi-annual capital envelopes will enable me to adopt a multi-annual framework for the school building programme, which in turn will give greater clarity regarding projects that are not progressing to tender in this year's programme including the school referred to by the Deputy. I will make a further announcement in that regard during the year.

#### School Absenteeism.

307. **Mr. Stanton** asked the Minister for Education and Science the reason he did not supply the specific information requested in Parliamentary Question No. 162 of 30 June 2004, that is the number of prosecutions relating to school attendance in 2003 up to the establishment of the National Educational Welfare Board; the number of such prosecutions in 2002, 2001 and 2000; if he will now make this information available; and the number of these prosecutions in each of the respective years mentioned which resulted in convictions; and if he will make a statement on the matter. [20523/04]

**Minister for Education and Science (Mr. Dempsey):** The published data in my Department's annual statistical reports indicate that the number of children committed to care, under the Children Acts 1908 to 1957, due to non-attendance at school, were eight in 2000, 16 in 2001 and ten in 2002. Data in respect of 2003 are not yet available.

Responsibility for the enforcement of school attendance rested with four local authorities in the cities of Dublin, Cork and Waterford and with the gardai for the remainder of the country prior to the establishment of the National Educational Welfare Board in July 2002. My Department has sought data on the number of prosecutions relating to school attendance for 2000 to 2002 from these agencies and will arrange to make it available to the Deputy.

#### Schools Building Projects.

308. **Mr. Connaughton** asked the Minister for Education and Science if he will provide additional funding of €50,000 for the provision of a safe parking and loading bay, upgrading of the sewerage system, repair of a leaking roof and other matters as a consequence of the building of the permanent classroom at a school (details supplied) in County Galway; and if he will make a statement on the matter. [20526/04]

**Minister for Education and Science (Mr. 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.

*Question No. 309 answered with Question No. 304.*

#### Special Educational Needs.

310. **Ms Shortall** asked the Minister for Education and Science the arrangements which are being put in place to cater for the educational needs of a person (details supplied) in Dublin 11; if support will be provided from September 2004 onwards; and if he will make a statement on the matter. [20560/04]

**Minister for Education and Science (Mr. Dempsey):** My Department has no record of receiving an application for special education needs for the child referred to by the Deputy. All applications for SEN support received in my Department by 30 June 2004 will be responded to before the commencement of the 2004-5 school year. The arrangements for processing applications received after the closing date will be advised to schools in due course.

311. **Mr. F. McGrath** asked the Minister for Education and Science the position regarding services for children with autism on the northside of Dublin; and his plans for future services. [20567/04]

**Minister for Education and Science (Mr. Dempsey):** Children with autism have access to a range of special support services. Those attending mainstream schools are generally catered for with the support of a special needs teacher and special needs assistant services. There are currently in the region of 2,600 resource teachers and approximately 5,500 special needs assistants allocated to primary schools nationwide. The level of support provided in any particular case is determined by the professionally assessed needs of the individual child.

To date, in the region of 130 special classes dedicated to children with autism have been established within the primary sector. Thirteen of these classes are based on the northside of Dublin, including two for pupils with Asberger's syndrome. There are also three pre-school classes for pupils with autism in the area. Each such class operates at a maximum pupil teacher ratio of 6:1 and each class also has the support of at least two special needs assistants. Further such classes are being established on an ongoing basis in response to assessed needs.

There are currently seven facilities in the State, operating on a pilot basis, that use alternative educational methods for teaching children on the autistic spectrum, one of which is CABAS in Kilbarrack, Dublin. The CABAS teaching method employs a comprehensive application of behaviour analysis to schooling approach. While children are awaiting a suitable educational placement, the Department may sanction home tuition as an interim measure, if appropriate.

In 2001, a programme to extend education services through the month of July in the case of

[Mr. Dempsey.]

special schools and mainstream primary schools with special classes catering for children with autism commenced. The Deputy may be interested to know that future teacher allocations for pupils with special needs will be made in the context of a new weighted system which I announced recently. An additional 350 teacher posts are being provided to facilitate the introduction of the new system. The new system will involve a general weighted allocation for all primary schools to cater for pupils with higher incidence special educational needs, for example, those with borderline mild and mild general learning disability, specific learning disability, and also those with learning support needs. It will also allow for individual allocations in respect of pupils with lower incidence special educational needs, including those with autism.

312. **Mr. F. McGrath** asked the Minister for Education and Science if a special needs assistant will be granted to a person (details supplied) in Dublin 4; and if they will be given the maximum support. [20568/04]

**Minister for Education and Science (Mr. Dempsey):** The school to which the Deputy refers currently has an enrolment of 50 pupils and the staffing complement consists of a principal, 11 mainstream class teachers and 14 full-time special needs assistants. The application for additional resources for the pupil in question is being considered in light of the current resources at the school and the recommended level of support as outlined in the report of the Special Education Review Committee, SERC. The recommended pupil teacher ratio for schools designated for physically disabled children is 10:1 and the recommended ratio for SNA support is one SNA for every class. A decision relating to the application will be conveyed to the school authorities shortly.

313. **Mr. F. McGrath** asked the Minister for Education and Science if urgent assistance will be given to a person (details supplied) in Dublin 8 by granting the €5,000 to fund their July programme at Enable Ireland, Sandymount, Dublin 4. [20569/04]

**Minister for Education and Science (Mr. Dempsey):** As previously confirmed, the July education programme is available to schools catering for pupils with autism and severe and profound general learning disabilities. The provision to include other categories of disability in the programme has not been developed at this time. The school to which the Deputy refers is categorised as a special school for pupils with physical disabilities and therefore does not fall within the remit of the current July programme. I regret that it is not possible to provide grant assistance in this instance.

314. **Mr. Aylward** asked the Minister for Education and Science if he will approve the appli-

cation for change of base school for a person (details supplied); and if he will make a statement on the matter. [20570/04]

**Minister for Education and Science (Mr. Dempsey):** I am aware that an application to change the base for the learning support post referred to by the Deputy has been received by my Department.

My Department proposes to devise clusters in respect of allocations to be made under the weighted model of teaching allocations. The school's request will be considered in the context of these clustering arrangements.

#### Search and Rescue Service.

315. **Mr. McGinley** asked the Minister for Communications, Marine and Natural Resources when it is expected that a Canadian company which is providing search and rescue services along the coast is due to take over full responsibility for such a service in the north west; and if he will make a statement on the matter. [20446/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** The Irish Coast Guard of my Department has overall responsibility for the provision of search and rescue (SAR) services in this country, including the north-west service based at Sligo Airport which is operated on the ground by the Air Corps.

In December 2003, the Minister for Defence announced his decision to withdraw the Air Corps from the north-west SAR service. This decision was made following an assessment of the capacity of the Air Corps to retain and administer a full 24 hour service. Since the announcement of this decision the Air Corps has provided a reduced service in the north-west. The Irish Coast Guard has arranged for provision of helicopter coverage from the three other SAR helicopter bases at Dublin, Waterford and Shannon airports, to supplement this reduced service.

The Irish Coast Guard has also requested Canadian Helicopter Corporation (Ireland) Limited (CHCI) to provide costed proposals for a full marine emergency helicopter service to operate out of Sligo Airport. CHCI is already supplying SAR services under contract from the bases at Dublin, Waterford and Shannon airports. These proposals are at present being assessed in consultation with the Department of Finance.

It is not possible therefore, to say at present, when, or if, CHCI may take over full responsibility for the north-west operation. However, should it be decided to avail of the services of CHCI, then that company would be in a position to commence operations for a 12 hour service within four weeks of notification and full 24 hour service within three to four months.

#### State Boards.

316. **Mr. Kenny** asked the Minister for

Communications, Marine and Natural Resources if he will give details of all State or semi-State agencies and boards under the aegis of his Department as of 1 January 1994; the number of State or semi-State agencies and boards under the aegis of his Department as of 1 January 2004; the date of the establishment of such agencies and boards in each case; and if he will make a statement on the matter. [19998/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** : The infor-

mation sought by the Deputy is set out in the following tables. Thirty of the bodies listed were in existence on 1 January 1994. Twenty of those bodies have been established in the intervening period. I draw the Deputy's attention to table E, which details those bodies which functioned under the aegis of my Department as of 1 January 1994 but which had ceased to do so as of 1 January 2004.

Semi-State Companies, Agencies or Boards under the Aegis of the Department of Communications, Marine and Natural Resources as at 1 January, 2004

Table A

Communications Sector

Name of semi-State Company, Agency or Board	Date of Establishment
An Post	1 January 1984
Commission for Communication Regulation	1 December 2002
Digital Hub Development Agency	21 July 2003
Radio Telefis Eireann	1 June 1960
Broadcasting Commission of Ireland	1 September 2001
Broadcasting Complaints Commission	31 March 1977

Table B

Marine Sector

Name of semi-State Company, Agency or Board	Date of Establishment
Port of Cork Company	3 March 1997
Dublin Port Company	3 March 1997
Drogheda Port Company	3 March 1997
Shannon Foynes Port Company	18 September 2000
Port of Waterford Company	1 January 2000
Dundalk Port Company	9 May 2002
Wicklow Port Company	9 May 2002
New Ross Port Company	3 March 1997
Dun Laoghaire Harbour Company	3 March 1997
Galway Harbour Company	3 March 1997
Marine Casualty Investigation Board	25 March 2003
Aquaculture Licences Appeals Board	17 June 1998

Table C

Energy Sector

Name of semi-State Company, Agency or Board	Date of Establishment
ESB	28 May 1927
Eirgrid plc	7 February 2001
Bord Gais Eireann	13 September 1976
Bord na Mona	31 December 1946
Commission for Energy Regulation	14 July 1999
National Oil Reserves Agency	22 February 1995
Sustainable Energy Authority of Ireland	1 May 2002



Table D  
Natural Resources Sector

Name of semi-State Company, Agency or Board	Date of Establishment
Central Fisheries Board	29 October 1980
Eastern Regional Fisheries Board	29 October 1980
Northern Regional Fisheries Board	29 October 1980
North Western Regional Fisheries Board	29 October 1980
Southern Regional Fisheries Board	29 October 1980
South Western Regional Fisheries Board	29 October 1980
Western Regional Fisheries Board	29 October 1980
National Salmon Commission	21 March 2000
Bord Iascaigh Mhara	22 April 1952
Marine Institute	30 October 1992
Commissioners of Irish Lights	1867
Mining Board	14 November 1940

A number of semi-State agencies which functioned under the aegis of my Department as of 1

January, 1994 had ceased to do so as of 1 January, 2004. Details of these are as follows:

Table E

Name of semi-State Agency-Harbour Commissioners	Date of Establishment
Annagassan Harbour Commissioners	10 October 1946
Arklow Harbour Commissioners	10 October 1946
Baltimore and Skibbereen Harbour Commissioners	10 October 1946
Bantry Bay Harbour Commissioners	16 March 1976
Dingle Harbour Commissioners	10 October 1946
Kinsale Harbour Commissioners	10 October 1946
River Moy Harbour Commissioners	10 October 1946
Sligo Harbour Commissioners	10 October 1946
Tralee & Fenit Harbour Commissioners	10 October 1946
Westport Harbour Commissioners	10 October 1946
Wexford Harbour Commissioners	10 October 1946
Bord Telecom Eireann	1 January 1984
Irish National Petroleum Corporation*	2 July 1979

\* Sold to the Tosco Corporation on 16 July, 2001

### Radio Broadcasting.

317. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources the timeframe to realise his intention of independence for TG4. [20009/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** I refer the Deputy to my reply to Question No. 14 on Tuesday, 29 June 2004.

### Broadcasting Legislation.

318. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources the total sum of money in the broadcasting fund administered by the Broadcasting Commission of Ireland; the areas in which those moneys are invested; and the total spent to date on administering the Fund. [20012/04]

319. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources

the dates on which schemes for funding of programming under the broadcasting fund will be established; and the nature of the commissioning process by which it will be decided the programming that will be funded. [20013/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** I propose to take Questions Nos. 318 and 319 together.

To date €12.2 million has been paid to the Broadcasting Commission of Ireland (BCI) in respect of the new broadcasting fund. The Broadcasting Funding Act 2003 provides that it is a matter for the BCI to draw up a scheme or schemes which will set down the manner in which the fund may be used. I understand that the BCI intend publishing a draft scheme in the near future and inviting comments from interested parties.

The 2003 Act also provides that the administration costs associated with schemes may be met from the fund. It will be a matter for the BCI,

which is an independent statutory body, to report in due course on the use of the fund.

#### Foreshore Licences.

320. **Mr. Grealish** asked the Minister for Communications, Marine and Natural Resources the reason a licence to pick oysters has not been granted to a person (details supplied) in County Galway; if he will liaise with the Western Fisheries Board with a view to granting this person a licence to pick oysters; and if he will make a statement on the matter. [20040/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** I am advised by the chief executive officer of the Western Regional Fisheries Board that the matter at issue in this case arises because the methodology proposed by the applicant does not comply with the statutory requirements laid down in the Fisheries Acts governing the gathering of oysters. I have asked the chief executive officer to ensure that the applicant is fully appraised of the appropriate methodology required under these legislative provisions.

#### Natural Gas Grid.

321. **Mr. Connaughton** asked the Minister for Communications, Marine and Natural Resources the reason Tuam town, County Galway, has not been connected to the national gas grid; and if he will make a statement on the matter. [20111/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** As the Deputy will understand, neither I nor my Department engages directly in the natural gas market and the regulation of that market is delegated to the Commission for Energy Regulation (CER) under the Gas (Interim) (Regulation) Act 2002. Accordingly I have no function in this matter.

#### Water and Sewerage Schemes.

322. **Mr. P. Breen** asked the Minister for Communications, Marine and Natural Resources further to Parliamentary Question No 278 of 9 March 2004 when the foreshore licence will be submitted to Clare County Council for the Mullagh-Quilty sewerage scheme since the further information as requested has been responded to in order that the council can forward contract documentation to the Department of the Environment, Heritage and Local Government; and if he will make a statement on the matter. [20230/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** An application was made to my Department by Clare County Council for a foreshore licence for an effluent outfall pipe in connection with the proposed Quilty sewerage scheme.

Following preliminary consideration of the application, further information has been requested from the County Council. This information was provided and is being examined by the Department's expert advisors. A decision on the application will be made as soon as possible.

#### Fishing Industry Development.

323. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources if he has received representations from a company (details supplied) in respect of wild oyster resources, if he has examined the claims of the company involved; and if he would make a statement on the matter in respect of progress achieved to deal with their concerns. [20280/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** Representations have been received from the association in question, in relation to the wild oyster resource in the area with which they are concerned.

While the issues and concerns raised by the association have been noted, I am advised that there is no evidence of any dredging activity which would be harmful to the oyster beds.

I have, however, asked my Department to arrange to meet the association, so as to afford them an opportunity to elaborate on the matters they have raised in their correspondence and to furnish any further information they wish to put forward on these issues.

#### Fish Exports.

324. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources if he can provide statistics on the value of unprocessed fish exported each year since 1995 as a proportion of the total catch by the Irish fleet. [20328/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** Fishery export statistics are compiled and published by the Central Statistics Office. The value of unprocessed fish, which includes live, fresh-chilled and unprocessed fish and shellfish, exported each year since 1996 are in the following table (1995 is unavailable and 2002 is the most recent year for which statistics are available). It includes salmon and fresh mussels from aquaculture production.

Exports (Live fish, fresh/chilled & unprocessed fish and shellfish)

Year	1996	1997	1998	1999	2000	2001	2002
Value 000 €	123,400	97,700	102,800	108,400	123,100	149,700	156,100

## Sea Fish Landings for demersal, pelagic and shellfish by the Irish fleet

Year	1995	1996	1997	1998	1999	2000	2001	2002
Value 000 €	133,462	183,599	156,939	211,208	212,552	217,825	250,139	234,295

Landings data do not include aquaculture production so the two tables are not directly comparable.

**Radio Broadcasting.**

325. **Dr. Cowley** asked the Minister for Communications, Marine and Natural Resources if he intends to review the workings of the BCI and to set up a proper appeals system with respect to the decisions of the BCI; and if he will make a statement on the matter. [20367/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** I am currently undertaking a review of the local radio licensing regime in Ireland. An appeals mechanism with regard to radio licensing decisions is one of many issues that are being considered in the review.

**Sports Capital Programme.**

326. **Mr. Deenihan** asked the Minister for Arts, Sport and Tourism the reason a school (details supplied) in County Kerry was refused a national lottery grant to develop a community playing pitch and dressing rooms; and if he will make a statement on the matter. [19975/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The national lottery-funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country.

All applications under the 2004 sports capital programme were evaluated by my Department in

accordance with the assessment criteria for the programme published in the guidelines, terms and conditions document which accompanied the application form for the programme. Following completion of the evaluation of the applications received by my Department under the programme, I announced the local provisional grant allocations on 7 May last.

The application in question was unsuccessful and a letter advising the organisation together with a copy of the assessment carried out on the application, including any specific reasons for the application being unsuccessful, was issued to the organisation on 26 May 2004. It is open to the organisation, should it wish to do so and should it have a project which satisfies the terms and conditions of the programme, to submit an application to the 2005 sports capital programme when that scheme is publicly advertised.

**State Boards.**

327. **Mr. Kenny** asked the Minister for Arts, Sport and Tourism if he will give details of all State or semi-State agencies and boards under the aegis of his Department as of 1 January 1994; the number of State or semi-State agencies and boards under the aegis of his Department as of 1 January 2004; the date of the establishment of such agencies and boards in each case; and if he will make a statement on the matter. [19999/04]

**Minister for Arts, Sport and Tourism, (Mr. O'Donoghue):** The information requested by the Deputy is set out in the following table. This information applies to boards and agencies in place since the establishment of my Department in June, 2002:

Agency/Board	Establishment date
The National Gallery of Ireland	1854
Caretaker Board of the National Museum	July 1995
National Concert Hall	27 March 1981
Irish Museum of Modern Art	18 April 1985
The National Archives Advisory Council	January 1987
The Irish Manuscripts Commission	1928
Irish Film Board	1980
Arts Council	1951
Music Board of Ireland	2 May 2001
Horse Racing Ireland	18 December 2001
Bord na gCon	1958
Irish Sports Council	1st July 1999
Tourism Ireland Ltd	2000
Bord Fáilte Éireann	1939 — 28 May 2003
CERT Ltd	1963 — 28 May 2003
Fáilte Ireland	28 May 2003
2 Management Boards for the Tourism Product Development Scheme	April 2002

### Swimming Pool Projects.

328. **Ms O. Mitchell** asked the Minister for Arts, Sport and Tourism if he will increase the value of the swimming pool grant in line with inflation to ensure that the grant is the equivalent of at least 80% of a pool which was the situation when the grant was first introduced; and if his attention has been drawn to the fact that with existing grant levels many old existing pools throughout the country will close. [20038/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The local authority swimming pool programme is designed to make grant aid available to local authorities for the building or refurbishment of public swimming pools. In either case, the programme provides for a maximum grant level of 80% of eligible costs, 90% in the case of disadvantaged areas, subject to a maximum of €3.8 million. Specifically in the case of refurbishments, the maximum percentage grant levels, which have been approved for projects in the past, did not reach the maximum monetary value.

In the case of new or replacement pools, it is a matter for local authorities to devise funding and operational arrangements as they see fit, to complement the grant element available. Experience has shown that there is potential for the involvement of community and or private sector interests in the provision and operation of local authority swimming pool facilities and many local authorities are exploring various ways of involving such interests in their projects. From my Department's perspective, there is no objection to the involvement of partners outside of the local authority, provided the generally accepted operational considerations of a public pool form part of the project.

An expenditure review of the local authority swimming pool programme is underway in my Department will input into the formulation of future policy in this area. This review is examining, among other things, how the existing programme has worked to date, the benefits which have accrued where pools have been built and what changes, if any, are required to ensure the effective and efficient delivery of the programme. This review is due to be completed later this year.

### Special Educational Needs.

329. **Ms O'Sullivan** asked the Minister for Health and Children if steps will be taken to provide facilities nearer to the homes of children from the Rosses and Fintown areas of County Donegal who have to make a round trip of 60 to 80 miles per day to attend pre-school special needs classes at a school (details supplied) in County Donegal. [20114/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** Responsibility for the provision of services for people with an intellectual disability for people in County Donegal is a matter, in the first instance, for the North

Western Health Board. My Department has, therefore, asked the chief executive officer of the North Western Health Board to investigate the matter and reply directly to him.

### Child Care Services.

330. **Mr. F. McGrath** asked the Minister for Health and Children if a person (details supplied) in Dublin 3 is entitled to the domiciliary care allowance from the day the child was born or from the day the child was diagnosed; and to give the maximum support and advice to this family. [20574/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The assessment of entitlement to and payment of the domiciliary care allowance is a matter for the relevant health board. Therefore a copy of the Deputy's question has been forwarded to the regional chief executive officer, Eastern Regional Health Authority with a request that he examine the case and reply directly to the Deputy as a matter of urgency.

### Health Board Services.

331. **Mr. G. Mitchell** asked the Minister for Health and Children further to Parliamentary Question No. 318 of 10 February 2004, the proposed programme for the care and treatment of this person (details supplied) in Dublin 8. [19970/04]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** Responsibility in relation to the matter referred to by the Deputy rests with the Eastern Regional Health Authority and the South Western Area Health Board.

I have been informed by the Eastern Regional Health Authority that the person referred to by the Deputy had been placed in Ballydowd special care unit for a number of months up until 22 June 2004 when he was discharged from the facility. In recognition of the concern to provide increased support in the immediate discharge phase, the area health board has put in place a complete wrap around service. His care will be overseen by the board's social work service, with Extern West providing a structured care programme on a seven-day week basis. As part of his transition to independent living, he has been facilitated by the services in securing a suitable flat with support and therapeutic resources to maximise the opportunity of independent living in the community. These arrangements have been accepted by the young person, his family and his guardian *ad litem* and are under continuous review by all stakeholders.

The area health board has also informed my Department that this young person has been accepted for placement for further assessment with the United Kingdom facility which specialises in trauma to the brain and head injuries and this placement is dependent on his co-operation. His care plan will be reviewed on a continuous basis and-or as needs dictate.

332. **Mr. Deenihan** asked the Minister for Health and Children his Department's policy on the provision of medical services for persons with Parkinson's disease, in each of the health board areas; and if he will make a statement on the matter. [19981/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the provision of health services for persons with Parkinson's disease rests with the Eastern Regional Health Authority or the appropriate regional health board. My Department has, therefore, asked the regional chief executive of the authority and the chief executive officers of the health boards to investigate the matter raised by the Deputy and to reply to him directly.

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

333. **Mr. Naughten** asked the Minister for Health and Children the procedures for the re-allocation of boarding out psychiatric patients to other similar facilities; and if he will make a statement on the matter. [19990/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** I presume the Deputy is referring to the 'boarding out' scheme which currently exists in relation to psychiatric out-patients in County Roscommon. Responsibility for the provision of this service rests with the Western Health Board. My Department has therefore asked the chief executive officer to investigate the matter raised by the Deputy and reply to him directly.

#### **Hospital Services.**

334. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be called for an MRI scan. [20048/04]

**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.**

335. **Mr. McGuinness** asked the Minister for Health and Children if a medical card will be issued without delay on medical grounds to a person (details supplied) in County Kilkenny. [20049/04]

**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. My Department has therefore asked the CEO of the South Eastern Health Board to investigate the matter raised by the Deputy and to reply to him directly.

336. **Mr. Naughten** asked the Minister for Health and Children the reason a person who has resided for nearly 88 years of their life in County Roscommon and has a medical card issued by the Western Health Board was told that they would no longer be catered for by the County Roscommon psychiatric services, due to the fact that they are residing in a nursing home in the Midland Health Board region, which is 110 meters from the border with the western region; his views on whether this is a satisfactory system; if this policy is a direction from his Department; the plans he has to review it; and if he will make a statement on the matter. [20053/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** As the Deputy will be aware, the provision of health services in the Roscommon area is, in the first instance, the responsibility of the Western Health Board. My Department has, therefore, requested the chief executive officer of the health board to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

#### **Hospital Services.**

337. **Mr. McHugh** asked the Minister for Health and Children further to Parliamentary Question No. 282 of 11 May 2004, the reason no response has been received from the chief executive officer in relation to the issue raised; and if he will make a statement on the matter. [20067/04]

**Minister for Health and Children (Mr. Martin):** I understand that the Western Health Board has issued a response to the Deputy dated 1 July 2004.

338. **Mr. S. Power** asked the Minister for Health and Children the reason a person (details supplied) in County Kildare is still waiting for reconstruction surgery three years after a mastectomy; and if he will make a statement on the matter. [20107/04]

**Minister for Health and Children (Mr. Martin):** The provision of health services for people living in County Kildare is a matter for the Eastern Regional Health Authority. My Department has asked the chief executive officer of the authority to examine the issues raised by the Deputy and to reply to him as a matter of urgency.

#### **Cancer Treatment Services.**

339. **Mr. S. Power** asked the Minister for Health and Children the average waiting time for reconstruction surgery following a mastectomy; and if he will make a statement on the matter. [20108/04]

**Minister for Health and Children (Mr. Martin):** Details of the waiting times for reconstructive surgery following a mastectomy is not routinely collected by my Department. My Department has asked the chief executive officer of the Eastern

Regional Health Authority and the chief executive officer of each health board to respond directly to the Deputy in relation to the information requested.

#### **Antimicrobial Resistance.**

340. **Mr. Durkan** asked the Minister for Health and Children if his attention has been drawn to a dramatic rise in the incidence of MRSA in the UK and Ireland in the past four years; the number of cases confirmed here; the location and the action taken to combat the situation; and if he will make a statement on the matter. [2012/04]

**Minister for Health and Children (Mr. Martin):** The National Disease Surveillance Centre (NDSC) collects data from hospitals on methicillin resistant staphylococcus aureus (MRSA) bacteraemia, otherwise known as bloodstream infection or “blood poisoning”, as part of the European antimicrobial resistance surveillance system (EARSS). EARSS is a voluntary system and as such not all hospitals participate. Nevertheless, the participating hospitals in Ireland represent at least 95% of the population, the highest level of participation of any country involved in EARSS. Thus the EARSS data for Ireland approximates the true total number of cases of MRSA bacteraemia in Ireland. In 2003 there were 477 cases of MRSA bacteraemia reported in Ireland.

MRSA is a resistant form of a common bacteria, known as staphylococcus aureus. The proportion of staphylococcus aureus bacteraemia caused by MRSA in Ireland in 2002 was 42.7%. The proportion for the last quarter of 2003 was 41.7%. Overall there does not seem to have been a significant increase in the proportion of infections caused by MRSA in recent years. However, the proportion is one of the highest among European countries participating in EARSS.

The level of antibiotic resistance in Ireland, in relation to MRSA, is one of the highest in Europe, second only to the UK and Malta. Two of the reasons for this, and the responses to date, are as follows: first, one of the common strains of MRSA in Ireland is highly contagious and it is particularly difficult to control its spread. This strain is also seen in the UK and partially explains the reason why both the UK and Ireland have such high rates. The national MRSA reference laboratory, at St. James’s Hospital, can now identify individual strains of MRSA and reports this back to each hospital. Having this information helps each hospital to identify whether or not they have a problem with a particular strain of MRSA and to decide on appropriate control measures; second, overuse of antibiotics in hospitals. The SARI hospital antibiotic subcommittee has completed draft guidelines for hospitals on promoting prudent use of antibiotics. Many of the regional SARI committees have also appointed clinical pharmacists to individual hospitals to improve antibiotic prescribing habits. A pilot project on promoting more rational use of

antibiotics has been funded by my Department, through the SARI national committee, and has recently commenced in the Midland Health Board region. As regards treatment, this is governed by protocols developed by those experts treating the condition and involves a range of interventions such as antibiotic treatment, proper infection control and general medical management.

In 1999, my Department asked the National Disease Surveillance Centre (NDSC) to evaluate the problem of antimicrobial resistance in Ireland and to formulate a strategy for the future. The NDSC gave detailed consideration to these issues and drew up a strategy for the control of antimicrobial resistance in Ireland (SARI), which I launched on 19 June 2001. This report contains a wide range of detailed recommendations to address the issue of antimicrobial resistance, including a strategy to control the inappropriate use of antibiotics. The SARI recommendations can be grouped into five main categories, as follows: surveillance of antimicrobial resistance; monitoring of the supply and use of antimicrobials; development of guidance in relation to the appropriate use of antimicrobials; education of health care workers, patients and the general public; and development of principles in relation to infection control in the hospital and community setting.

The strategy for the control of antimicrobial resistance in Ireland recommended that a national SARI committee be established to develop guidelines, protocols and strategies in relation to antimicrobial resistance. This committee was established in late 2002 and as part of its remit provides advice to the regional SARI committees in each health board area which were established as a result of the strategy’s recommendations. The national SARI committee is comprised of a wide range of experts in the field.

Tackling the problem of antimicrobial resistance is a multi-faceted issue which will require action on a number of fronts. Implementation of the strategy is taking place on a phased basis and will take a number of years to complete. To date approximately €16 million has been allocated by my Department to health boards to enable them to put in place measures to control antimicrobial resistance. It is ultimately a matter for each health board CEO to determine the priorities in each region. These priorities should take account of the recommendations in the SARI report and also the recommendations put forward by each regional SARI committee. Much of the funding is designated for improving hospital infrastructure for control of infection and for appointing additional microbiologists, infection control nurses and other health care professionals involved in the control of infection. There is still some progress to be made in order to meet the numbers of such professionals required, as outlined in the SARI report, but significant progress has been made with additional appointments over

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the past two years. At national level, MRSA bacteraemia is now included in the revised list of notifiable diseases, so hospitals are now legally required to report cases of serious MRSA infection to the departments of public health in the regional health boards and to the NDSC.

The SARI infection control subcommittee has recently completed a consultation process on national guidelines for hand hygiene in health care settings. Hand hygiene is a key component in the control of MRSA and the final guidelines will be available within the next two to three months. The subcommittee is also updating national guidelines on the control of MRSA and it is hoped that these will be available later this year. Each of the health boards has a regional SARI committee and these committees have been developing regional interventions to control hospital infection, including MRSA.

### Parliamentary Questions.

341. **Dr. Upton** asked the Minister for Health and Children if all parliamentary questions referred to health boards by this Deputy have been answered by the relevant health board; and if he will make a statement on the matter. [20121/04]

342. **Dr. Upton** asked the Minister for Health and Children the total number of parliamentary questions by all Deputies referred to health boards for answer for 2003 and 2004; the average length of time it has taken health boards to answer the query; the shortest response time; the longest response time; and if he will make a statement on the matter. [20122/04]

**Minister for Health and Children (Mr. Martin):** I propose to take Questions Nos. 341 and 342 together.

My practice, and that of my predecessors as Minister for Health and Children, is to provide as informative a reply as possible to Dáil questions where the subject matter is appropriate to my Department. Many of these questions asked by the Deputy are concerned with matters which are properly the responsibility of health boards, the ERHA or other statutory agencies which are directly accountable for their own decisions and actions. To facilitate Deputies asking such questions, it is the practice in my Department to forward such questions immediately to the agency in question and to request that they examine the matter raised and reply to the Deputy concerned as speedily as possible.

My Department has taken various measures to emphasise to the management of health agencies the importance of parliamentary and other forms of public accountability as an intrinsic part of the exercise of modern public management. The entire framework for responding to complaints and for addressing public accountability requirements is an integral part of the health reform programme currently being implemented.

### National Treatment Purchase Fund.

343. **Dr. Upton** asked the Minister for Health and Children the number of both adults and children who have availed of the national treatment purchase fund for 2003 and 2004; the average cost of each service; and if he will make a statement on the matter. [20123/04]

**Minister for Health and Children (Mr. Martin):** The national treatment purchase fund was established as one of the key actions for dealing with public hospital waiting lists arising from the Health Strategy: Quality and Fairness — A Health System For You. Significant progress has been achieved by the NTPF in targeting those patients who have been waiting longest for treatment.

To the end May 2004, a total of 14,142 adults and children were treated under the NTPF. A total of 7,832 adults and children were treated in 2003 and a total of 4,390 adults and children were treated as at 31 May, 2004. The average case cost for 2003 was €3,381.

### Hospital Services.

344. **Mr. Neville** asked the Minister for Health and Children when a sexual assault unit will be established in Mid-West Regional Hospital, Limerick. [20124/04]

**Minister for Health and Children (Mr. Martin):** The Mid-Western Health Board has made a proposal for the development of a dedicated sexual assault treatment unit at Limerick Regional Hospital. The proposal is under consideration by my Department in the context of funding available and competing priorities. Pending the development of a unit at Limerick Regional Hospital, existing arrangements for forensic medical examination by local general practitioners or the sexual assault unit in Cork will continue.

### Medicinal Products.

345. **Mr. J. O'Keefe** asked the Minister for Health and Children if his attention has been drawn to the fact that the warnings issued in the USA and Canada in relation to the use of antidepressants known as selective serotonin reuptake inhibitors are much stronger than those applicable here, or throughout the European Union; and if he will take steps to ensure that the documentation for the future will be more specific in relation to warnings and precautions for use of such drugs. [20125/04]

**Minister for Health and Children (Mr. Martin):** The Irish Medicines Board is the statutory body responsible for the safety of human medicinal products in Ireland. The IMB reviews all available data, from all sources, in monitoring the ongoing safety of medicinal products authorised for use in Ireland, with the specific aim of minimising the risk to patients while maximising the benefit of timely and appropriate treatment.

I am aware that the United States Food and Drug Administration issued a warning in March concerning the need for close observation of persons using antidepressant medication. The current Irish documentation for these types of product already contains such a warning, as well as a number of other special warnings and precautions for use.

The IMB will continue to review the safety of SSRIs and will take any regulatory action considered appropriate.

### Hospital Services.

346. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be called for a knee operation. [20133/04]

**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.

### Child Care Services.

347. **Mr. Gogarty** asked the Minister for Health and Children when a decision will be made on the appeal by a person (details supplied) in County Dublin regarding their application for domiciliary care allowance on behalf of their child. [20150/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The assessment of entitlement to and payment of the domiciliary care allowance, including the appeals process, in any individual case is a matter for the health boards-authority. Accordingly, a copy of the Deputy's question has been forwarded to the regional chief executive, Eastern Regional Health Authority, with a request that he examine the case and reply directly to the Deputy as a matter of urgency.

### Tribunals of Inquiry.

348. **Mr. Gormley** asked the Minister for Health and Children the amount which has been spent to date on the Dunne inquiry; the further length of time it is expected to sit; the reason preventing its publication; and if he will make a statement on the matter. [20151/04]

**Minister for Health and Children (Mr. Martin):** The cost to end of May 2004 of the Dunne inquiry is €15.3 million. The inquiry has been asked to review postmortem policy, practice and procedure in all hospitals in the State since 1970 particularly relating to organ removal, retention and disposal.

Following consultations which 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 was to be followed by second report on postmortem issues in maternity hospitals and a third report relating to other hospitals. In recent correspondence, the inquiry has informed me that it has not proved possible to complete the report on paediatric hospitals within that timeframe as matters have taken longer to conclude than previously anticipated.

I await the chairman's report on the paediatric hospitals. The chairman has informed me that, with some exceptions, the information gathering in relation to paediatric hospitals is complete and the issue of analysing the information and establishing which matters remain in dispute has been concluded. The inquiry must now deal with the resolution of matters in dispute and the conclusion of the report. This involves communication to participants of matters in dispute; written evidence in relation to matters in dispute; such oral hearings as are necessary in relation to 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 advises that it has at all times kept in mind the need to be in a position to proceed with its work in relation to the maternity hospitals as soon as the paediatric hospitals report has been completed. The inquiry has therefore 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 the primary concern of the Inquiry at present is the completion of the report on paediatric hospitals. The chairman is mindful of the need to have her report completed as soon as is reasonably practicable.

### Health Board Services.

349. **Mr. Connaughton** asked the Minister for Health and Children the priority which has or is being given to the provision of a community hospital to replace the old Grove Hospital in Tuam; if funding for the project will be made available through the national development plan; if not, the programme under which the project will be financed; the present cost of the project, based on documentation available to his Department; if he has plans to build the hospital in stages; if so, the part of the project that will commence first; and if he will make a statement on the matter. [20152/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** As the Deputy will be aware, the provision of health services in County Galway is a matter for the Western Health Board, in the first instance. The board has advised that a project planning brief for the Tuam health campus incorporating a community hospital, Alzheimer's unit, childcare training centre, primary care unit and an ambulance base has been submitted to my Department for consider-



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ation and my Department will continue to liaise with the Western Health Board on the matter.

### Hospital Services.

350. **Mr. Healy** asked the Minister for Health and Children if urgent action will be taken to admit a person (details supplied) either to Our Lady's Hospital for Sick Children, Crumlin or Temple Street Children's Hospital; and if he will make a statement on the matter. [20202/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the provision of services for residents of south Tipperary is, in the first instance, a matter for the South Eastern Health Board.

My Department has, therefore, asked the chief executive officer of the South Eastern Health Board to investigate the matter and reply directly to the Deputy.

### Hospital Services.

351. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be called for heart bypass surgery. [20211/04]

**Minister for Health and Children (Mr. Martin):** The provision of hospital services for people living in County Mayo is a matter for the Western Health Board. My Department has asked the chief executive officer of the board to investigate the position in relation to this case and to reply directly to the Deputy.

### Health Board Services.

352. **Mr. O'Shea** asked the Minister for Health and Children his proposals to provide a free chiropody service for senior citizens who hold medical cards; and if he will make a statement on the matter. [20212/04]

376. **Mr. Cregan** asked the Minister for Health and Children the position regarding problems which have been known to his office for months regarding difficulties in the ERHA region with the service by chiropodists to pensioners; if he will report on progress; the person who is negotiating with the chiropodists, in view of the fact that his Department and ERHA seem to suggest that the other party is the negotiator. [20387/04]

**Minister for Health and Children (Mr. Martin):** I propose to take Questions Nos. 352 and 376 together.

Health boards are not legally obliged to provide chiropody services. Arrangements for the provision of services, including chiropody, are a matter for the individual health boards, having regard to their priorities within the funding allocated. Accordingly, chiropody services provided by health boards vary somewhat throughout the country. Any contractual arrangements are between the relevant health board and the service provider.

My Department has indicated its disapproval at the practice of levying an additional charge by the chiropodists in some board areas and discussions are taking place in this regard with the Eastern Regional Health Authority. There has been no formal request for a meeting from any professional body representing chiropodists.

353. **Mr. McGuinness** asked the Minister for Health and Children if the chief executive officer of the South Eastern Health Board has replied to all correspondence from a person (details supplied); if all issues raised with him by way of that correspondence have been dealt with; and if he will make a statement on the matter. [20213/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** Responsibility for the provision of care and treatment of the named individual rests with the South Eastern Health Board. My Department has therefore asked the chief executive officer to investigate the matter raised by the Deputy and reply to him directly.

354. **Mr. P. McGrath** asked the Minister for Health and Children the numbers on the waiting list for the housing aid for the elderly scheme in each health board; and the average waiting time in each health board area. [20215/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** As the Deputy will be aware, the housing aid scheme for the elderly is operated by the Eastern Regional Health Authority and the health boards on behalf of the Department of Environment, Heritage and Local Government. My Department has therefore asked the chief executive officers of the authority and the boards to investigate the matter raised by the Deputy and reply directly to him as a matter of urgency.

### Medical Cards.

355. **Mr. P. McGrath** asked the Minister for Health and Children the residency requirement for medical card applications from seamen whose home is here but who, due to the nature of their employment, are out of the country for lengthy periods. [20216/04]

**Minister for Health and Children (Mr. Martin):** Entitlement to health services in Ireland is primarily based on residency and means rather than income. Any person who is accepted by the health boards as being ordinarily resident in Ireland is entitled to either full eligibility — category 1, i.e. entitlement to a medical card — or limited eligibility — category 2 — for health services. Under the Health Act 1970, the determination of eligibility for health services is the responsibility of the chief executive officer of the appropriate health board and neither I nor my Department has a function in the matter.

However, in 1992 my Department issued guidelines to health boards to assist in deciding whether a person is ordinarily resident in the State for eligibility purposes. These guidelines state that if an Irish national is working abroad on a short-term contract but satisfies the health board that it is not his or her intention to take up residence outside of Ireland on an indefinite basis, the status of ordinarily resident and eligibility for Irish health services may be retained. The health board may take account of the nature and duration of a work contract as well as evidence of ordinary residence in arriving at its decision. Examples of the evidence which may be sought in this context include proof of property purchase or rental, bank account, pension, employer statements or visas or affidavit.

### Health Board Services.

356. **Mr. P. McGrath** asked the Minister for Health and Children the waiting list for orthodontic treatment in each of the health board areas and if orthodontic treatment is outsourced to private practitioners in any of these areas. [20217/04]

#### Minister for Health and Children (Mr. Martin):

The provision of orthodontic services is a matter for the health boards or the Eastern Regional Health 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 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 for 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 1 December 2003. In recognition of the importance of this post at Cork Dental School, my Department has given approval in principle to a proposal from the school to further substantially improve the training facilities there for orthodontics. This project should see the construction of a large orthodontic unit and support facilities; it will ultimately support an enhanced teaching and treatment service to the wider region under the leadership of the professor of orthodontics.

Orthodontic initiative funding of €4.698 million was provided to the health boards and the ERHA 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 the health boards specifically for the purchase of orthodontic treatment. This funding is enabling boards to provide additional sessions for existing staff and purchase treatment from private specialist orthodontic practitioners.

The chief executive officers of the boards have informed my Department of the following information about their orthodontic treatment waiting lists at the end of March 2004.

Treatment Waiting List

Health Board	Category A	Average waiting time (months)	Category B	Average waiting time (months)
SWAHB	629	< 10	473	< 12
ECAHB	37	< 6	160	< 18
NAHB	62	< 12	2,334	< 24
MHB	Nil	No waiting time	259	14
MWHB	Nil	No waiting time	601	24-36
NEHB	3	1.5-2	268	12-18
NWHB	220	20	1,041	30
SEHB	Nil	No waiting time	683	20
SHB	Nil	No waiting time	2,960	42-48
WHB	Nil	No waiting time	848	42

Patients in category A require immediate treatment and include those with congenital abnormalities of the jaws such as cleft lip and palate,

and patients with major skeletal discrepancies between the sizes of the jaws. Patients in category B have less severe problems than category A

[Mr. Martin.] patients. Finally, the chief executive officers of the health boards have informed my Department that at the end of the March quarter of 2004, there were 21,033 children receiving orthodontic treatment in the public orthodontic service. This means that there are nearly twice as many children receiving orthodontic treatment as there are children waiting to be treated and almost 4,000 extra children are getting treatment from health boards since the end of 2001.

357. **Mr. P. McGrath** asked the Minister for Health and Children if, in view of the high number of children who are in receipt of orthodontic treatment in the private sector, he will consider relaxing the qualifying criteria for treatment in the public sector. [20218/04]

**Minister for Health and Children (Mr. Martin):** The provision of orthodontic services is the statutory responsibility of the health boards in the first instance.

I am pleased to advise the Deputy that health boards are already providing orthodontic treatment to a large number of children. The chief executive officers of the health boards have informed my Department that at the end of the March quarter of 2004, 21,033 children were receiving orthodontic treatment in the public orthodontic service. This means that there are more than twice as many children receiving orthodontic treatment as there are children waiting to be treated and almost 4,000 extra children are getting treatment from health boards since the end of 2001.

The aim of my Department is to develop the treatment capacity of orthodontics in a sustainable way over the longer term. Given the potential level of demand for orthodontic services, the provision of those services will continue to be based on prioritisation of cases based on treatment need — as happens under the existing orthodontic guidelines. The guidelines were issued in 1985 and are intended to enable health boards to identify in a consistent way those in greatest need and to commence timely treatment for them. Patients in category A require immediate treatment and include those with congenital abnormalities of the jaws such as cleft lip and palate, and patients with major skeletal discrepancies between the sizes of the jaws; patients in category B have less severe problems than category A patients and are placed on the orthodontic treatment waiting list; patients in category C have less severe problems than in category B. The number of cases treated is dependent on the level of resources available, in terms of qualified staff, in the area and this is reflected in the treatment waiting list.

#### Care of the Elderly.

358. **Mr. P. McGrath** asked the Minister for Health and Children the progress which has been made in implementing the recommendations of

the Ombudsman's report on nursing home care for the elderly having regard to the Ombudsman's view that these were entitled to free hospital and nursing home care. [20219/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** As the Deputy will be aware, the Ombudsman, in his report on the nursing home subvention scheme, asserted that under the Health Act 1970, any person in need of nursing home care has a statutory entitlement to the provision of this service by a health board. As my Department advised the Ombudsman in its response to the draft report of the Ombudsman, its view is that the Health Act 1970, as amended, distinguishes between eligibility for and entitlement to a service, although the two terms are often used interchangeably. This view is supported by legal advice available to my Department.

The health strategy, *Quality and Fairness: A Health System for You*, acknowledges the need to clarify and simplify eligibility arrangements and sets down a commitment to introduce new legislation to provide for the introduction of clear statutory provisions on entitlement and eligibility. A review of all existing legislation in this area has been carried out in my Department which will inform the approach to the drafting of new legislation in this area.

As the Deputy will be aware, my Department has established a working group including representatives of all stakeholders to review the operation and administration of the nursing home subvention scheme following on from the publication of Professor Eamon O'Shea's report, *Review of the Nursing Home Subvention Scheme*. The purpose of the review is to develop a scheme which will be transparent, offer a high standard of care for clients, provide equity within the system to include standardised dependency and means testing and be less discretionary; provide both a home and nursing home subvention depending on need; be consistent in implementation throughout the country; and draw on experience of the operation of the old scheme.

As part of the overall clarification of entitlements as promised in the health strategy and in tandem with the work of the working group on the nursing home subvention scheme, my Department will be attempting to resolve the current differences in approach between the consideration of individuals' ability to pay under the various regulations in this area.

#### Services for People with Disabilities.

359. **Mr. J. O'Keeffe** asked the Minister for Health and Children if he will make funding available for the development of St. Patrick's Upton services at Cloughmacsimon, Bandon, County Cork. [20235/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** Responsibility for the funding of services for people with an

intellectual disability in County Cork is a matter, in the first instance, for the Southern Health Board. My Department has therefore asked the chief executive officer of the Southern Health Board to investigate the matter raised by the Deputy and reply directly to him.

#### **Hospital Services.**

360. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be called for assessment for a hip operation; when they were placed on the waiting list; and when they will be called for the operation in Merlin Park. [20236/04]

**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.

361. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be called for an appointment with a dermatologist at Mayo General Hospital. [20237/04]

**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.

362. **Mr. Perry** asked the Minister for Health and Children if a person (details supplied) in County Roscommon will be called immediately for treatment in Beaumont Hospital in view of their extenuating medical circumstances and the deterioration in their condition; and if he will make a statement on the matter. [20268/04]

**Minister for Health and Children (Mr. Martin):** The provision of hospital services for people living in County Roscommon is a matter for the Western Health Board. My Department has asked the chief executive officer of the board to investigate the position in relation to this case and to reply directly to the Deputy.

363. **Mr. R. Bruton** asked the Minister for Health and Children the long-term development plans for the Neurological Institute which has been established in Eccles Street; and the requirements necessary to develop a centre of excellence in this sphere. [20338/04]

**Minister for Health and Children (Mr. Martin):** My Department has been advised by the Eastern Regional Health Authority that the Mater Hospital has designated three floors of No. 57 Eccles Street to the Neurological Institute. As services at the Mater Hospital are provided under an arrangement with the ERHA, my Department

has asked the regional chief executive of the authority to investigate the position in relation to the matter raised by the Deputy and to reply to him directly.

364. **Dr. Cowley** asked the Minister for Health and Children the progress he has made since meeting with consultant rheumatologist and patient advocacy groups in ensuring an equitable service for persons of Mayo; if he can give any hope to persons who wait for five years in pain in Mayo for rheumatology appointments and suffer irreparable damage to their joints with resulting reduced life expectancy due to the fact they have missed the window of opportunity for effective treatment because of the Minister's failure to provide sufficient consultant rheumatologists and a Mayo rheumatology unit; and if he will make a statement on the matter. [20339/04]

**Minister for Health and Children (Mr. Martin):** The expansion of existing rheumatology services is initially a matter for the Western Health Board. The Board has prepared a strategic plan for the development of rheumatology services in the region which proposes the appointment of additional rheumatologists. This is currently under consideration by my Department.

#### **Medical Cards.**

365. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children his plans to introduce automatic entitlement to medical card insurance and annual renewal for all children with congenital heart disease; and if he will make a statement on the matter. [20340/04]

**Minister for Health and Children (Mr. Martin):** Entitlement to health services in Ireland is primarily based on residency and means. Any person, regardless of nationality, who is accepted by the health boards as being ordinarily resident in Ireland is entitled to either full eligibility — category 1, i.e. entitlement to a medical card — or limited eligibility — category 2 — for health services. Health boards normally regard a person as ordinarily resident in Ireland if he or she satisfies the health board that it is his or her intention to remain in Ireland for a minimum period of one year. Under the Health Act 1970, the determination of eligibility for health services is the responsibility of the chief executive officer of the appropriate health board and neither I nor my Department has a function in the matter.

Persons in category 1 are medical card holders and they are entitled to a full range of services including general practitioner services, prescribed drugs and medicines, all in-patient public hospital services in public wards including consultants services, all out-patient public hospital services including consultants services, dental, ophthalmic and aural services and appliances and a maternity and infant care service. Persons in category 2 — non-medical card holders — are entitled, subject to certain charges, to all in-patient public hospital

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services in public wards including consultants' services and outpatient public hospital services including consultants' services. The current public hospital statutory in-patient charge is €45 per night, up to a maximum of €450 in any twelve consecutive months. Attendance at accident and emergency departments is subject to a charge of €45 where the patient does not have a referral note from his or her doctor. This charge applies only to the first visit in any episode of care. There are a number of other exemptions to the statutory charges, including women receiving services in respect of motherhood, children up to the age of six weeks and children referred for treatment from child health clinics and school health examinations.

Persons suffering from specified conditions who are not already medical card holders may obtain without charge drugs and medicines for the treatment of that condition under the long-term illness scheme. This list does not include congenital heart disease. There are no plans at this time to amend the long-term illness scheme to cover persons with other forms of illness. Health boards have discretion, in cases of exceptional need, to provide assistance to individuals where undue hardship would otherwise be caused.

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.

### Hospital Services.

366. **Mr. Sargent** asked the Minister for Health and Children if his attention has been drawn to the fact that laser treatments for naevus flammeus or port-wine stains at Crumlin Children's Hospital are being repeatedly delayed due to the unavailability of anaesthetists; and if he has plans to resolve this problem. [20341/04]

**Minister for Health and Children (Mr. Martin):** Services at Our Lady's Hospital for Sick Children, Crumlin, are provided under an arrangement with the Eastern Regional Health Authority and my Department has, therefore, asked the regional chief executive of the authority to examine this issue and to reply to the Deputy directly.

### Long-Term Illness Scheme.

367. **Mr. Sargent** asked the Minister for Health and Children if he has plans to grant medical cards to children who suffer from asthma under the long-term illness scheme. [20342/04]

**Minister for Health and Children (Mr. Martin):** Under the Health Act 1970, a health board may arrange for the supply without charge of drugs, medicines and medical and surgical appliances to people with a specified condition for the treatment of that condition under the long-term illness scheme. The conditions are mental handicap, mental illness for people under 16 only, phenylketonuria, cystic fibrosis, spina bifida, hydrocephalus, diabetes mellitus, diabetes insipidus, haemophilia, cerebral palsy, epilepsy, multiple sclerosis, muscular dystrophies, parkinsonism, conditions arising from thalidomide and acute leukaemia. There are currently no plans to amend the list of eligible conditions.

Other schemes provide assistance towards the cost of approved drugs and medicines for people with significant ongoing medical expenses. People who cannot without undue hardship arrange for the provision of medical services for themselves and their dependants may be entitled to a medical card. Eligibility for a medical card is solely a matter for the chief executive officer of the relevant health board. In determining eligibility, the CEO has regard to the applicant's financial circumstances. Health boards use income guidelines to assist in determining eligibility. However, where a person's income exceeds the guidelines, a medical card may be awarded if the CEO considers that the person's medical needs or other circumstances would justify this. Medical cards may also be issued to individual family members on this basis. Non-medical card holders and people with conditions not covered under the LTI scheme can use the drug payment scheme. Under this scheme, no individual or family unit pays more than €78 per calendar month towards the cost of approved prescribed medicines.

### Hospital Services.

368. **Ms B. Moynihan-Cronin** asked the Minister for Health and Children the reason the information requested in Parliamentary Question No. 501 of 27 April 2004 has still not been provided by the Southern Health Board despite the fact that it was requested eight weeks ago; and if he will make a statement on the matter. [20343/04]

**Minister for Health and Children (Mr. Martin):** My Department has been informed by the Southern Health Board that the response is being prepared at present and will be issued within the coming weeks. The delay in responding to this question is regretted.

### Suicide Incidence.

369. **Mr. Neville** asked the Minister for Health and Children if he will provide the international

suicide figures, displaying the position of Ireland in such a league of countries. [20346/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The most recent suicide rates published by the World Health Organisation, European section, and listed below indicate that Ireland is placed 17th, with a suicide rate of 10.2 per 100,000 population.

	Country	
1.	Lithuania	39.6
2.	Latvia	28.8
3.	Hungary	27.7
4.	Slovenia	25.7
5.	Estonia	24.5
6.	Finland	21.2
7.	Belgium	17.4
8.	Austria	16.6
9.	France	15.1
10.	Czech Republic	14.1
11.	Poland	13.8
12.	Denmark	12.5
13.	Sweden	12.3
14.	Luxembourg	12.3
15.	Slovakia	11.9
16.	Germany	11.5
17.	Ireland	10.2
18.	Netherlands	8.6
19.	UK	7.0
20.	Spain	6.8
21.	Malta	6.5
22.	Italy	5.9
23.	Portugal	3.9
24.	Greece	3.1

\* Rates for Cyprus are not returned to the WHO, European section.

\* Rates are reported per 100,000 of the population.

(Source: World Health Organisation, European Section. 10 May 2004.)

Since the publication of the report of the national task force on suicide in 1998, a cumulative total of more than €17.5 million has been provided towards suicide prevention programmes and for research. This year more than €4.5 million is available to the various agencies working towards reducing the level of suicide and attempted suicide in this country. This includes funding to support the work of the health boards, the National Suicide Review Group, the Irish Association of Suicidology and the National Suicide Research Foundation for its work in the development of a national parasuicide register.

Work is now well under way on the preparation of a strategic action plan for suicide reduction. This strategy, which involves HeBE in partnership with the National Suicide Review Group and is supported by the Department of Health and Children, will be action-based from the outset and will build on existing policy. All measures aimed at reducing the number of deaths by suic-

ide will be considered in the preparation of this strategy, which will be completed in 2005.

### Medical Report.

370. **Mr. Neville** asked the Minister for Health and Children further to Parliamentary Question No. 211 of 27 January 2004, when he expects to receive the report of the independent review into the circumstances of the death of a person (details supplied); and the reason a year after this person's death, the promised report has not been published. [20347/04]

**Minister for Health and Children (Mr. Martin):** On the 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 St. Thomas's Hospital, London. The terms of reference of the panel are to consider the report of the ERHA in concerning the events of 30 June 2003 at Our Lady's Hospital for Sick Children, Dublin, and to make such further inquiries 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; 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 say when the report will become available.

### Mental Health Services.

371. **Mr. Neville** asked the Minister for Health and Children the percentage allocation to the mental health service of the total budget for the health services for 1990, 1995, 2000 and 2004. [20348/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The percentage allocation to the mental health services of the total non-capital budget for the health service in 1990, 1995, 2000 and 2004 is as follows:

1990 — 10.7%

1995 — 9.3%

2000 — 7.7%

2004 — 6.69% (estimated — source: Revised Estimates for Public Service 2004).

When evaluating these figures, it must be borne in mind that in-patient care has always been the costliest element of the mental health service and, with the consistent reduction in psychiatric hospital bed numbers, and the ongoing transfer of intellectually disabled and elderly patients to other settings, it is to be

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 expected that expenditure proportional to other services would fall.

Since 1997, approximately €90 million additional revenue funding has been invested in the mental health services. In the main, this funding is being used to provide additional medical and health professional staff for expanding community mental health services, to increase child and adolescent services, to expand the later-life psychiatric services, to provide liaison psychiatric services in general hospitals and to enhance the support provided to voluntary agencies.

#### **Health Board Services.**

372. **Mr. Neville** asked the Minister for Health and Children, further to Parliamentary Question No. 308 of 18 May 2004, the new services to be provided by the North Western Health Board in view of the increased budget on suicide prevention and research of €260,000 in the area. [20349/04]

**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 North-Western Health Board. My Department has therefore asked the chief executive officer to investigate the matter raised by the Deputy and reply to him directly.

373. **Mr. Neville** asked the Minister for Health and Children, further to Parliamentary Question No. 164 of 26 May 2004, the new services to be provided by the Eastern Regional Health Board in view of the increased spending of suicide prevention and research of €522,000 in the area. [20350/04]

**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. My Department has therefore asked the regional chief executive to investigate the matter raised by the Deputy and reply to him directly.

#### **National Health Strategy.**

374. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children the reason for the contradiction between the statement in the Government's national health strategy of 2001 that the health care system must respond to people's needs rather than have access dependent on geographic location or ability to pay and his reply to Parliamentary Question No 6 of 22 June 2004 which began with the statement that entitlement to health services in Ireland is primarily based on means. [20351/04]

**Minister for Health and Children (Mr. Martin):** I understand the Deputy is referring to my response to his recent parliamentary question concerning the extension of medical card cover-

age to all persons under 18 years of age. As the Deputy is aware, the health strategy includes a commitment to the extension of medical card coverage to persons on low incomes and to give priority to families with children and particularly children with a disability. I have already stated to the House that the Government is committed to achieving this aim and that the timing of the introduction of the extension will be decided having regard to the prevailing budgetary position.

A key goal of the national health strategy, Quality and Fairness: A Health System for You, is the development of an accessible, efficient and responsive health system. The strategy has set out a significant programme of development and reform for the next decade designed to achieve this goal. To date significant progress has been achieved in the implementation of the strategy with work having commenced on over 85% of the 121 actions set out in the strategy action plan. I provided the Deputy with a detailed progress report in this regard in my response to his parliamentary question of 22 June last, No. 59, which included a report on measures to tackle inequalities, reduction in waiting times for hospital treatment, the funding of additional acute beds and the implementation of the primary care strategy. A national health strategy progress report was published for 2002 and I intend to publish the 2003 progress report in the next few weeks.

The recent in-depth reviews of the Irish health system — the Prospectus audit of structures and functions in the health system and the report of the Brennan commission on financial management and controls in the health service — identified structural reform as the most important change required to establish the organisational improvements needed to strengthen the capacity of the health system to meet the challenges of implementing the health strategy. Implementation of this programme is now well under way and will result in the establishment of a health service executive with responsibility for the delivery of a unitary health care service designed to respond efficiently and effectively to patient and client needs.

#### **Health Board Services.**

375. **Mr. McGuinness** asked the Minister for Health and Children if agreement in principle to work to be undertaken under the housing aid for the elderly scheme will be issued to a person (details supplied) in County Carlow in order that work can commence while waiting for the grant payment; if he will expedite an application for a wheelchair for this person; and if he will make a statement on the matter. [20382/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** As the Deputy will be aware, the provision of health services in the Carlow area is in the first instance the responsibility of the South Eastern Health Board. The housing aid scheme for the elderly in the area is operated by the board on behalf of the Depart-

ment of the Environment, Heritage and Local Government. My Department has therefore asked the chief executive of the board to investigate the matters raised by the Deputy and reply directly to him as a matter of urgency.

*Question No. 376 answered with Question No. 352.*

#### **Adopted Children Register.**

377. **Mr. Cregan** asked the Minister for Health and Children the position regarding a person (details supplied) in Dublin 9; the reason this certificate is still issued; the further reason the short copy will not suffice for a passport; if details on or the format of the long copy can be adjusted in order that person's status as an adoptee is not public; and if he will make a statement on the matter. [20388/04]

**Minister for Health and Children (Mr. Martin):** The administration of the registration system for births, deaths and marriages is a matter for an tÁrd-Chláraitheoir, the Registrar-General of Births, Stillbirths, Deaths and Marriages, and for local registrars who operate under his general direction. Section 22 of the Adoption Act 1952 provides for a register for adopted children to be maintained by An tÁrd-Chláraitheoir. The Act provides that the register be called the adopted children register. The items to be entered in that register are set out in the Second Schedule to the Act of 1952. A full certificate must be a true copy of the entry in the register. The Act of 1952 also provides that any requirement of law for the production of a certificate of birth shall be satisfied by the production of a certified copy of an entry in the adopted children register. As the format of the entry in the register is set out in legislation, An tÁrd-Chláraitheoir may not exclude items of the entry when responding to a request for a full certificate. The documentary requirements in the matter of an application for a passport are a matter for my colleague, the Minister for Foreign Affairs.

#### **Health Board Allowances.**

378. **Mr. Neville** asked the Minister for Health and Children the position with regard to payment of domiciliary care allowance to a person (details supplied) in County Limerick which was applied for in September of 2003. [20473/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The assessment of entitlement to and payment of the domiciliary care allowance is a matter for the relevant health board. A copy of the Deputy's question has been forwarded to the chief executive officer of the Mid-Western Health Board with a request that he examine the case and reply directly to the Deputy as a matter of urgency.

#### **Hospital Accommodation.**

379. **Mr. P. Breen** asked the Minister for

Health and Children the timetable for the proposed €20 million upgrading of Ennis General Hospital; the areas of the hospital that are to be upgraded; the status of the project; when he envisages work to commence; and if he will make a statement on the matter. [20474/04]

**Minister for Health and Children (Mr. Martin):** Planning for the development of Ennis General Hospital is under way. This work is being directed by a project team, which includes representatives of my Department, the Mid-Western Health Board and the hospital itself. The recently appointed design team is preparing an outline development control plan and it is expected that completion of the plan will take approximately six months. This process will facilitate definition of the scope and content of the first phase of redevelopment for Ennis General Hospital. The proposed priority areas for development include the emergency department, outpatients department, radiology and in-patient ward areas. The ODCP will in turn help to confirm final decisions in this regard.

#### **Departmental Funding.**

380. **Mr. Deenihan** asked the Minister for Health and Children the level of funding spent on preventive health in 2001, 2002 and 2003 respectively; the percentage of the total expenditure on health that this represents; and if he will make a statement on the matter. [20475/04]

**Minister for Health and Children (Mr. Martin):** The published Revised Estimates for Public Services contain an appendix outlining estimated current health expenditure categorised by programme and service. These categories include community protection, community health services, community welfare, mental health, disability, general hospital and general support programmes. It is the community protection section which includes figures on expenditure in the area of preventive health. The programme is broken down into five topics: prevention of infectious disease, child health examination, food hygiene and standards, health promotion and other preventative services.

The following table outlines the amount of community protection expenditure for the years 2001 to 2004 and also shows how this expenditure compares with the total gross current expenditure for those years. It should be noted that the 2001 provision for community protection includes once-off funding in respect of the introduction of the meningococcal group C vaccination programme. This funding related to the catch-up programme for the zero to 24 year old age group which ran between October 2000 and early 2002. The meningococcal group C vaccine is now incorporated into the general vaccination programme for all children.

While the expenditure is increasing, the percentage is down due to high overall level of expenditure increase year on year.



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Year	Expenditure on Community Protection Programme (Provisional Outturn)	Gross Current Total Expenditure	Community Protection Programme expenditure as % of Gross Current Total
	€m	€m	%
2001	314.306	7,010.050	4.5
2002	275.255	8,166.738	3.4
2003	302.234	9,117.425	3.3
2004 (estimated)	333.536	9,890.963	3.4

Source: Revised Estimates for Public Services 2002-2004

### Hospital Services.

381. **Mr. Ring** asked the Minister for Health and Children the position with regard to the Orthopaedic Unit in Mayo General Hospital; the cost of this unit to date, giving details of capital and staffing costs; the number of persons that are currently on the waiting list for this service; and the estimated number of people to be treated at the Unit when it opens, on a monthly and annual basis. [20476/04]

#### Minister for Health and Children (Mr. Martin):

The provision of hospital services at Mayo General Hospital is a matter for the Western Health Board. My Department has asked the chief executive officer of the board to provide the information requested directly to the Deputy.

382. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children if he will arrange for counselling for a medical card holder (details supplied) in County Galway who has suffered severe and documented psychological trauma and who has made repeated appeals for support. [20477/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** Responsibility for the provision of counselling for the named individual rests with the Western Health Board. My Department has therefore asked the chief executive officer to investigate the matter raised by the Deputy and reply to him directly.

### Water Fluoridation.

383. **Mr. Connolly** asked the Minister for Health and Children if his attention has been drawn to the contradiction between the fluoridation forum's proposed fluoride dosage of 0.7mg/l to reduce the growing incidence of fluoride poisoning in the form of dental fluorosis and the forum website's declaration that less than 0.8mg/l of fluoride in water has no significant effects on tooth decay; and if he will make a statement on the matter. [20491/04]

#### Minister for Health and Children (Mr. Martin):

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. Furthermore, the safety and effectiveness of water fluoridation has been 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.

As the Deputy is aware, I established the Forum on Fluoridation to review the fluoridation of public piped water supplies in Ireland. Its main conclusion was that the fluoridation of public piped water supplies should continue as a public health measure. The Forum on Fluoridation made several recommendations concerning the continued use of fluoride technology in this country. Redefining the optimal level of fluoride in drinking water was one of its recommendations. This recommendation was made against a background of exposure to multiple sources of fluoride and changes in the rates of dental decay and dental fluorosis on both a population and individual level. It is part of a long-term strategy to reduce levels of mild dental fluorosis in children.

The forum reported that the redefined optimal level of fluoride would be sufficient — along with the continued use of fluoride toothpaste — to maintain meaningful reductions in dental decay rates, while reducing the occurrence of dental fluorosis. This is consistent with the information on the forum's website that there were no significant beneficial effects to exposure to fluoride in public piped water supplies alone at a fluoride concentration below 0.8 parts per million; this point refers to the situation that prevailed in 1960 when there was no fluoride toothpaste or other fluoride products.

The forum consisted of people with expert knowledge spanning the areas of public health, biochemistry, dental health, bone health, food safety, environmental protection, ethics, water quality, health promotion and representatives from the consumer and environmental areas. This diversity of professional backgrounds and representation was reflected in the comprehensive way in which the forum conducted its work and research. Ultimately, the forum took an evidence-based approach to its examination of water fluoridation.

The report of the forum made 33 recommendations covering a broad range of topics such as research, public awareness and policy and technical aspects of fluoridation. The expert body recommended by the forum has been established. Its 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, to report to the Minister on matters of concern at his or her request or on its own initiative.

The expert body has broad representation, including from the areas of public health medicine, engineering, management, environmental protection, environmental health, dentistry, and health promotion. The body 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. The expert body will oversee the implementation of the wide-ranging recommendations of the forum and advise me on all aspects of fluoridation in the future.

#### **Nursing Home Subventions.**

384. **Mr. Wall** asked the Minister for Health and Children the number of applications for enhanced nursing subvention received by the South West Area Health Board for each of the past months; the waiting list in regard to such applications; and if he will make a statement on the matter. [20492/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** As the Deputy will be aware, the provision of health services in the Kildare area is, in the first instance, the responsibility of the South Western Area Health Board acting under the aegis of the Eastern Regional Health Authority. My Department has therefore asked the chief executive of the authority to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

#### **Hospital Staff.**

385. **Mr. Wall** asked the Minister for Health and Children if his attention has been drawn to the major problems in regard to lack of nursing staff at a hospital (details supplied) in County Kildare; the plans he has to overcome the problems; and if he will make a statement on the matter. [20493/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** As the Deputy will be aware, the provision of health services in the Kildare area is, in the first instance, the responsibility of the South Western Area Health Board acting under the aegis of the Eastern Regional Health Authority. My Department has therefore asked the chief executive of the authority to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

386. **Mr. Wall** asked the Minister for Health and Children the number of nursing vacancies within the ERHA and specifically the South West

Area Health Board region; the number of nurses in training in the area; the number of positions available to trainee nurses within the board in any given year; the process of application for such positions; and if he will make a statement on the matter. [20494/04]

387. **Mr. Wall** asked the Minister for Health and Children if he has satisfied himself with the number of trainee nursing positions available within the ERHA; if his Department has made funding available for the training of nurses; the enlisting of trainee nurses; if he will give an overview of the way in which hospitals can overcome the major problems of nursing shortages within the health boards; and if he will make a statement on the matter. [20495/04]

**Minister for Health and Children (Mr. Martin):** I propose to take Questions Nos. 386 and 387 together.

A number of significant measures have been introduced to increase the supply of nurses to the Irish public health system in recent years. A major development in nursing education was the commencement of the new four-year undergraduate nursing degree programme in 13 higher education institutes, HEIs, in autumn 2002, with an approved annual student intake of 1,640. The Government has approved capital investment in excess of €240 million to ensure the provision of purpose-built facilities for nursing students, with state of the art clinical skills and human science laboratories. In addition, when the programme has a full cohort of students in 2006, the total annual revenue cost will be in excess of €90 million.

The number of training places has increased by 70% across the three disciplines of general, psychiatric and mental handicap nursing since 1998 as follows:

Discipline	1998	2004
General nursing	759	1,057
Psychiatric nursing	92	343
Mental handicap nursing	117	240
Total	968	1,640

The number of training places was increased in direct response to the identified needs of the services involved and is a key element of my overall strategy for ensuring that sufficient home-trained nurses are produced for our health services into the future. Currently the number of students in training is over 4,500.

The ERHA catchment area is served by three HEIs: Dublin City University, the University of Dublin, Trinity College, and University College Dublin. There are currently 640 places available annually on the undergraduate nursing degree programme across the three disciplines as follows:

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General nursing	
Adelaide/Meath Hospital Tallaght	70
St James's Hospital	78
Beaumont Hospital	75
JCMH	27
Mater Hospital	75
St Michael's, Dun Laoghaire	40
St Vincent's Hospital	65
<i>Psychiatric nursing</i>	
St Patrick's Hospital	15
SWAHB/ECAHB	30
NAHB Psychiatric Services	40
St Vincent's Fairview	20
St John of God	15
<i>Mental handicap nursing</i>	
Stewart's Hospital, Palmerstown	20
Moore Abbey, Monasterevin	20
St Joseph's Portrane	15
St Joseph's Clonsilla	35
Total	640

All applications for the undergraduate nursing degree programme are made to the Central Applications Office in common with all other degree and diploma courses. As mentioned previously, there are currently 1,640 places available nationally in 13 HEIs. Demand to the CAO for these places is high. For various reasons, including demographics, the number of applicants to the CAO on 1 February 2004 was down by 4%. The number of applicants for nursing in 2004 was, however, up by 15% compared to 2003, from 7,202 to 8,299. This bodes well for the future.

The SWAHB catchment area is served by one HEI, the University of Dublin, Trinity College. There are currently 233 places available annually on the undergraduate nursing degree programme across the three disciplines as follows:

General	
Adelaide/Meath Hospital Tallaght	70
St James's Hospital	78
<i>Psychiatric nursing</i>	
St Patrick's Hospital	15
SWAHB/ECAHB	30
<i>Mental handicap nursing</i>	
Stewart's Hospital, Palmerstown	20
Moore Abbey, Monasterevin	20
Total	233

The Health Service Employers Agency, HSEA, undertakes quarterly surveys of nursing vacancies, the latest of which is for the month ending 31 March 2004. According to this survey there are 505 WTE vacancies in health board facilities and voluntary hospitals in the ERHA region. Within SWAHB there are 185.36 WTE vacancies in

health board facilities and voluntary hospitals. I do not have a regional breakdown for the voluntary intellectual disability sector, but the survey states that the national nurse vacancy figure for this sector is 95 WTE.

The recruitment and retention of adequate numbers of nursing staff has been a concern of this Government for some time and a number of substantial measures have been introduced in recent years. As already mentioned, the number of nursing training places has been increased by 70% since 1998 to 1,640 from 2002 onwards. A comprehensive range of financial supports has been introduced to support nurses in pursuing part-time degrees and specialist courses, including back to practice courses. Since 1998, nurses have been paid overtime. Previously they had been given time off in lieu and the introduction of payment represents a further significant financial incentive for nurses.

I introduced a scheme of flexible working arrangements for nurses and midwives in February 2001. Under the scheme, 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 individual nurses. Of these, some 29,629 work full-time and 10,490 work job-sharing or other atypical patterns. Thus, over a 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 this figure had reached 33,765. This represents an increase of more than 7,150 during the period, or 26.8%. It is clear from these figures that the recruitment and retention measures I introduced are proving very effective.

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.

My Department gave approval in late 2003 to the roll-out on a national basis of the health care assistant training programme. This is in fulfilment of a key recommendation of the Commission on Nursing. The main objective of the programme is

to increase the skills of health care assistants so that, working under the supervision of nurses, they are enabled to take on a wider range of duties, thereby freeing nursing resources to concentrate on exclusively nursing tasks.

At a regional level, the ERHA has taken a number of initiatives to assist nursing recruitment. There is an ongoing targeted nurse recruitment media campaign in the eastern region. There has been local and national advertising in newspapers as well as a radio campaign. Directors of nursing have received interview training and are now interviewing locally for their own services. A website with recruitment details has also been set up. This process is managed by nursing recruitment in Eastern Health Shared Services. Regular meetings take place between staff from shared services, directors of human resources from the three area boards and staff from the ERHA to monitor the nursing recruitment process.

The Dublin academic teaching hospitals, DATHs, have conducted recruitment campaigns in 2004 in India, the Middle East and Finland. Further overseas recruitment is planned, including a campaign in the Phillipines in July 2004. There are currently 385 nurses on the DATHs overseas panel. However, non-EU nurses must undertake the International English Language Testing System, which since July 2003 is a mandatory requirement for registration with An Bord Altranais. The measures outlined have proved very effective to date. My Department will continue to monitor the situation closely and work with the relevant stakeholders to address issues as they arise.

#### Hospital Waiting Lists.

388. **Mr. Wall** asked the Minister for Health and Children the number on the waiting list for Naas General Hospital; the number of beds not in use at the hospital; the number of patients in the hospital over each of the past six weeks that were accommodated in the hospital other than in beds; and if he will make a statement on the matter. [20496/04]

**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 therefore asked the regional chief executive of the authority to examine the matters raised by the Deputy and to reply to him directly.

389. **Mr. G. Mitchell** asked the Minister for Health and Children if he has examined the report submitted to his office by a person (details supplied) in Dublin 8; if he will reply in detail to this person; and if he will make a statement on the matter. [20503/04]

#### **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. The Deputy will be aware from previous responses to him that my Department requested the regional chief executive of the authority to investigate this matter. The authority has completed its investigation and I understand that a response has subsequently issued to the Deputy. Officials from my Department have met the individual referred to by the Deputy on a number of occasions to discuss a number of issues arising from the authority's investigation. The report referred to by the Deputy has subsequently been received by my Department and is currently being examined.

#### Inter-Country Adoptions.

390. **Mr. F. McGrath** asked the Minister for Health and Children if the Government will support the ratification of the Hague Convention on the Protection of Children in inter-country adoption; and if he will make a statement on the matter. [20578/04]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** The Hague Convention on the Protection of Children and Cooperation in Respect of Inter-country Adoption 1993, signed by Ireland in 1996, is the first international instrument to regulate inter-country adoption on an international basis. Legislative proposals to ratify the convention were included in a consultation process on adoption legislation which I initiated last year. The proposed legislation provides a framework within which Ireland, by establishing a system of co-operation with those countries who have ratified the 1993 Hague Convention or who operate within the spirit of the convention, may regulate the process of inter-country adoption. The findings of the consultation, including views expressed on the legislative proposals to ratify the Hague Convention, are being examined in my Department with the intention of bringing proposals for legislative change to Government in the autumn.

#### Departmental Bodies.

391. **Mr. Kenny** asked the Minister for Transport if he will give details of all State or semi-State agencies and boards under the aegis of his Department as of 1 January 1994; the number of State or semi-State agencies and boards under the aegis of his Department as of 1 January 2004; the date of the establishment of such agencies and boards in each case; and if he will make a statement on the matter. [20000/04]

**Minister for Transport (Mr. Brennan):** The information requested by the Deputy is set out as follows:

[Mr. Brennan.]

Position as at 1 January 1994

Body	Date of establishment
Aer Lingus	1936 (reconstituted as a plc in December 1993)
Aer Rianta	1937
Irish Aviation Authority	1 January 1994
Coras Iompar Éireann	1950 (Three operating subsidiary companies, Iarnród Éireann, Bus Átha Cliath and Bus Éireann, began operations in February 1987)
National Roads Authority	1 January 1994
Medical Bureau of Road Safety	November 1968
National Safety Council	December 1987

Position as at 1 January 2004

Body	Date of establishment
Aer Lingus	1936 (reconstituted as a plc in December 1993)
Aer Rianta	1937
Shannon Airport Authority Board — designate	October 2003
Irish Aviation Authority	1 January 1994
Commission for Aviation Regulation	February 2001
Coras Iompar Éireann	1950 (three operating subsidiary companies, Iarnród Éireann, Bus Átha Cliath and Bus Éireann, began operations in February 1987)
Railway Procurement Agency	December 2001
Dublin Transportation Office	9 November 1995
National Roads Authority	1 January 1994
Medical Bureau of Road Safety	November 1968
National Safety Council	December 1987

### Transport Licences.

392. **Mr. Naughten** asked the Minister for Transport if he will approve a transport operator's route licence (details supplied); the reason this operator has received no response from the Department since the application was submitted before Christmas 2003; and if he will make a statement on the matter. [20057/04]

**Minister for Transport (Mr. Brennan):** Consideration of the application referred to in the Deputy's question was finalised at the end of June and the Department has written to the applicant to advise him of the decision. During 2003, 196 applications were made by private operators and 153 notifications were submitted by Bus Éireann and Bus Átha Cliath, making a total of 349 individual cases. The application mentioned in the Deputy's question was among the last of a number received just before Christmas 2003. My Department, in addition to virtually eliminating a backlog of old applications during 2003, also succeeded in dealing with all the applications and notifications received during 2003, with the exception of a small residual balance of 16 cases, which are currently being processed.

### Driving Tests.

393. **Mr. Durkan** asked the Minister for Trans-

port if an early repeat driving test appointment can be offered to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [20128/04]

**Minister for Transport (Mr. Brennan):** The person's application has been placed on the cancellation list for the Naas driving test centre.

394. **Mr. Durkan** asked the Minister for Transport the number of driving test instructors serving the Naas area; if this has increased or decreased in line with population and driving test applications for the area in the past three years; if provision will be made to increase this number in the near future; and if he will make a statement on the matter. [20129/04]

**Minister for Transport (Mr. Brennan):** Driving test applicants for the Naas test centre are served by testers whose headquarters is the Naas driving test centre and by driver testers based in other centres in the south Leinster region who rotate through all the test centres in the region, including Naas. Details are set out in the following table. With regard to the backlog of candidates awaiting a driving test, I have asked my officials to examine options and to formulate proposals to reduce the number of driving test applicants on the waiting list.

	17 July 2001		5 July 2004	
	Number of testers	No. of candidates waiting a driving test	Number of testers	Number of candidates awaiting a driving test
Naas	2	2,381	2	6,569
South Leinster region, including Naas	27*	14,403	26	32,618

\* 1 person worked on a two-day week basis in 2001

### Road Traffic Regulations.

395. **Cecilia Keaveney** asked the Minister for Transport if he intends to bring forward regulations to ban blacked-out windows on cars for domestic use, in view of the difficulty that is presented in identifying the occupants; and if he will make a statement on the matter. [20134/04]

**Minister of State at the Department of Transport (Dr. McDaid):** As part of the EU whole vehicle type approval process, safety standards are prescribed for glazing materials for use in vehicles. These standards cover field of vision and transparency. Provided vehicles are glazed to the required standards, it is not open to individual member states to prohibit their sale or use.

Under the Road Traffic (Construction, Equipment and Use of Vehicles) Regulations 1963, a vehicle must be constructed so that the driver can at all times have such a view of the road and of other traffic on the road as is necessary to enable him to drive safely. The regulations also provide that where a windscreen is fitted to a vehicle, it shall be of a stable substance and fully transparent so that it does not distort the driver's view of objects.

### Rail Network.

396. **Mr. P. McGrath** asked the Minister for Transport the projected timeframe for the upgrading of the Mullingar-Athlone railway line. [20220/04]

**Minister for Transport (Mr. Brennan):** Iarnród Éireann has informed me that it has no immediate plans to re-open the Mullingar to Athlone railway line. All available resources are currently being concentrated on upgrading the current InterCity network and replacement of rolling stock. The Strategic Rail Review recommended the re-opening of the line as a long-term proposal. The line is still in CIE ownership and can be opened at a future date.

397. **Mr. P. McGrath** asked the Minister for Transport if progress has been made on proposals to reopen Killucan railway station on the Mullingar-Dublin rail line. [20226/04]

**Minister for Transport (Mr. Brennan):** Iarnród Éireann has informed me that it has had some discussions with local bodies and the local authority with regard to reopening Killucan station. The existing station has no immediate catchment

area and would be totally reliant on park and ride traffic which could be accommodated at other stations on the line. The company has raised with the local authority the possibility of housing developments which could improve the viability of the station. I am given to understand that discussions between the two are ongoing.

### Departmental Funding.

398. **Mr. Neville** asked the Minister for Transport the total budget in his Department and relevant agencies for 2004. [20361/04]

**Minister for Transport (Mr. Brennan):** The total voted moneys for my Department and relevant agencies for 2004 is €1,981,960,000. Further details can be found in the Revised Estimates for Public Services 2004, published by the Department of Finance.

### Driving Licences.

399. **Mr. Cregan** asked the Minister for Transport the extra requirements for drivers over 70 to obtain driving licences; the reason rules exist regarding medical requirements and so on; the reason and when these rules came into being; and his views on whether the age limit should be increased to 75 or 80 or eliminated in view of the fact that some senior citizens regard it as discriminatory, degrading and unnecessary. [20397/04]

**Minister for Transport (Mr. Brennan):** Persons over 70 must submit a medical report with an application for a driving licence and are restricted, depending on the certification of the doctor who completes the report, to either a one-year or three-year driving licence. This requirement has been included since 1964 in driver licensing regulations made under the Road Traffic Act 1961. It is in line with general EU requirements regarding periodic medical assessment of licence holders and is in the interests of the individuals concerned, other road users, and road safety generally.

### Road Safety.

400. **Mr. Ferris** asked the Minister for Transport the measures he proposes to take to ensure maximum safety on the Luas, especially during the initial months. [20517/04]

**Minister for Transport (Mr. Brennan):** Section 51 of the Transport (Railway Infrastructure) Act

[Mr. Brennan.]

2001 provides that the Luas system may not be opened for testing and commissioning or for passenger services until it has been demonstrated to the satisfaction of an inspector appointed by the Minister under the Regulation of Railway Act 1871 — that is, the Interim Railway Safety Commission, IRSC — that the infrastructure and rolling stock is safe and suitable and that the safety management systems will be appropriate to ensure safe operation of the railway.

The IRSC issued a letter of approval on 28 June 2004 for the commencement of passenger services on the St. Stephen's Green to Sandyford Luas line. The letter set out certain conditions for passenger service operations, including a number of standard provisions normal for such a large and complex project. Passenger services commenced on this line on 30 June 2004 and the system has operated satisfactorily since then. The primary duty of care from a safety perspective lies with the operator, Connex. The IRSC will continue to meet regularly with Connex to review the operation from a safety perspective.

There is also an onus on road users and pedestrians to take due care along the Luas route. The National Safety Council and I have called on road users and pedestrians in recent days to exercise due care, particularly in the early period of the operation of the Luas system.

#### **Registration of Title.**

401. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform when the applications pending on folios in County Mayo for persons (details supplied) will be completed. [19968/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Registrar of Titles that this is an application for transmission of part which was lodged on 11 June 2004 — dealing No. D2004SM004891N refers. I am further informed that this application is receiving attention in the Land Registry and will be completed as soon as possible.

#### **Child Care Services.**

402. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform if an application for funding submitted by a centre (details supplied) in County Sligo will be sanctioned to provide a school age programme for 50 children age six to 12 years and to extend the pre-school service to two morning sessions to cater for three to five age groups; when this application will be approved; the amount of moneys that will be granted; and if he will make a statement on the matter. [19972/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Applications for capital and staffing grant assistance from the 2000-2006

Equal Opportunities Childcare Programme were received from the group in question on 4 June 2004. As the Deputy may be aware, the day to day administration of the programme is undertaken by Area Development Management Limited, which has been engaged by my Department to carry out thorough assessments against the programme criteria of all applications for grant assistance, on my behalf. In addition, all large scale capital projects, such as the one proposed by the group, are referred by ADM Limited to an independent external building specialist to assess the suitability of the proposal and its value for money. Staffing grants are made available to community based groups which have a particular focus on disadvantaged families to support parents in accessing employment, education and training.

My Department has recently reviewed the different budget lines under the EOCP, including the capital programme to ensure the most effective use is made of all remaining funding in accordance with the programme's objectives. At the same time, an extensive review of child care provision on the ground has taken place to identify obvious service gaps, the filling of which will be a priority using the remaining capital funding which currently amounts to about €35 million.

There has been a significant number of applications for grant assistance under the programme and the demand for grant assistance to develop child care continues to remain very buoyant. I intend to allocate remaining capital funding available for community groups under the present strand of the EOCP to address the most immediate service gaps. All applications from community groups will be considered again for funding should additional funding become available under the present strand of the EOCP or for funding under the next programme.

I have made inquiries and understand that these applications for grant assistance will shortly commence the assessment process. On completion of this assessment process, the projects will be referred to the programme appraisal committee, chaired by my Department, which makes a funding recommendation to me before I make a final decision on the matter. It would be premature of me to comment on the outcome of the capital and staffing grant applications from this group at this time.

#### **Visa Applications.**

403. **Mr. Deenihan** asked the Minister for Justice, Equality and Law Reform the reason a person (details supplied) was refused a visa; and if he will make a statement on the matter. [19983/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person in question, a 46 year old non-EEA national, made a visa application in April 2004 for the stated purpose of a

visit to her boyfriend. The application was refused because it was not established, on the basis of the documentation supplied to my Department, that the applicant would observe the conditions of the visa. In particular, it was considered that the applicant had not displayed evidence of any obligations to return home following her proposed visit.

The applicant stated that she was unemployed. It was also apparent that her proposed visit would not be short term in nature. She stated on her application that she proposed to enter the State as soon as possible, but gave no indication of the duration of the visit or proposed date of departure from Ireland. A letter from her sponsor in Ireland stated that she would be staying with him for a six-month period. It should be noted that a visit visa is for a stay of a maximum period of 90 days. It is open to the applicant to appeal against the refusal by writing to the visa appeals officer in my Department. Any appeal should address the concerns of the visa officer, as conveyed above.

#### Prisoner Statistics.

404. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the total number of days each of the nine prisoners identified as being detained on more than one occasion in padded cells at Castlerea Prison between 1 June 2003 and 31 May 2004 were so detained in Castlerea. [19984/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The information requested about the nine persons referred to by the Deputy is set out in the following table.

Details of State and semi-State agencies-boards under the aegis of Department as of 1 January 2004	Date of establishment of such agencies-boards
Registry of Deeds	1707
Land Registry	1 January 1892
Land Registry Interim Board	July 1992
Censorship of Films Appeal Board	1923
Censorship of Publications Board	16 July 1929
Censorship of Publications Appeal Board	13 February 1946
Criminal Injuries Compensation Tribunal	8 May 1974
	1 October 1977
Legal Aid Board	1981
Garda Síochána Complaints Board	6 April, 1987
Garda Síochána Complaints Appeal Board	7 June 1988
Office of Data Protection Commissioner	1989
Prisons Authority Interim Board	April 1999
National Crime Council	1999
Equality Authority	18 October 1999 — replacing the Employment Equality Agency
Courts Service Board	November 1999
Internet Advisory Board	February 2000

Prisoner	Total Days	Number of separate occasions
1	3	2
2	5	2
3	15	5
4	8	4
5	5	2
6	4	3
7	3	3
8	6	2
9	11	5

#### Visa Applications.

405. **Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform the status of the visa application of a person (details supplied); and when a holiday visa will be granted. [19988/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The visa application in question was approved by my Department on 30 June 2004.

#### Departmental Bodies.

406. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform if he will give details of all State or semi-State agencies and boards under the aegis of his Department as of 1 January 1994; the number of State or semi-State agencies and boards under the aegis of his Department as of 1 January 2004; the date of the establishment of such agencies and boards in each case; and if he will make a statement on the matter. [20001/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The information sought by the Deputy is set out in the following table.



Details of State and semi-State agencies-boards under the aegis of Department as of 1 January 2004	Date of establishment of such agencies-boards
National Disability Authority	June 2000
Office of the Refugee Applications Commissioner	November 2000
Refugee Appeals Tribunal	November 2000
Interim Parole Board	April 2001
Human Rights Commission	July 2001
Office of the Inspector of Prisons and Places of Detention	April 2002

### Visa Applications.

407. **Mr. R. Bruton** asked the Minister for Justice, Equality and Law Reform if he will make a statement regarding when his Department will make a decision concerning a person (details supplied) in Dublin 10; if, in view of the fact that this person is married to an Irish citizen, he will allow them to work here while a decision on their long-term status in the country is being made; and if he will make a statement on the matter. [20005/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person in question previously made a visa application in December 2003 for the stated purpose of coming to Ireland for a one-month visit. That particular application was refused as it had not been established, on the basis of documentation supplied to my Department, that the applicant would observe the conditions of the visit visa. In particular, it was felt that the applicant had not displayed evidence of any obligations to return home following his proposed visit. It was noted that the applicant named a reference in Ireland and that she would assist with funds and accommodation for the proposed one month visit. However, no prior existing relationship with the Irish sponsor was evident.

It appears the person in question subsequently arrived in the State on the basis of marriage to that Irish national and a written request was received in my Department on 20 May 2004 for permission to remain on those grounds. The supporting documentation submitted with this request consisted of photocopies of a Bulgarian civil marriage contract certificate and translation of same. No original documentation was submitted with application. Applications of this type are dealt with in strict chronological order and currently taking a minimum of 12 months to process and I am unable to give any commitment pending the consideration of the case.

### Sign Language.

408. **Mr. Crowe** asked the Minister for Justice, Equality and Law Reform his meaning when he said in a letter that there are two forms of sign language; and if he will identify them, prove the authenticity of the second language and state his sources. [20006/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I take it that the Deputy is referring to correspondence concerning Irish sign

language in reply to which I said, *inter alia*, that there were two forms of sign language in use here. I said this because as well as Irish sign language, ISL, the national language of deaf people, there is also signed English. Much of the difference between the two forms is syntactical and grammatical, the latter being close to the English language in this respect. I understand also that there is a commonality of base vocabulary between the two forms.

The reply is based on a general understanding of the position. However, the Deputy may also wish to refer to McDonnell, J. 1997 — The lexicon and vocabulary of Signed English or Manually Coded English: Teanga 17. Dublin: ITE, or O'Baoill, D. P. and Matthews, P. A. 2000 — The Irish Deaf Community, Volume 2: The Structure of Irish Sign Language. Dublin: ITE, for more information.

### Garda Investigations.

409. **Mr. J. Higgins** asked the Minister for Justice, Equality and Law Reform if he will appoint an independent person to investigate the death of a person (details supplied). [20029/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities that an independent detective superintendent, from an outside division, was appointed to investigate the circumstances surrounding the death of the person in question. Following this investigation, a file was sent to the Director of Public Prosecutions who directed that no proceedings should issue in relation to the death of the person. As the Deputy is already aware, the Director of Public Prosecutions is independent in the exercise of his function. I am assured that the Garda investigation carried out in this tragic situation was thorough and I have no plans at this time for a further investigation in the matter.

### Prison Costs.

410. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the average weekly cost of detaining a long-term prisoner, that is, with a sentence of five years or more, in a place of detention in the State during 2003; and if he will make a statement on the matter. [20030/04]

411. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the average weekly cost of detaining a prisoner whose stay is

less than two weeks in a place of detention in the State during 2003; and if he will make a statement on the matter. [20031/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 410 and 411 together.

The average cost per offender is based on the average daily numbers of offenders in prison institutions in a given year, regardless of the length of the sentence being carried out. The Irish Prison Service does not distinguish between the length of sentences for the purpose of calculating the cost of keeping an offender.

The average annual cost of keeping an offender for 2003 is not yet available. However, the average annual cost for keeping an offender in a prison institution in 2002 was €84,750. Therefore, the average cost of keeping an offender on a weekly basis in 2002 was approximately €1,630. I have asked the Irish Prison Service to provide the Deputy with the costs for 2003 when they become available.

#### **Vetting Procedures.**

412. **Mr. J. Bruton** asked the Minister for Justice, Equality and Law Reform the initiatives his Department proposes to implement to ensure that a safe validation procedure is put in place whereby employers can validate that the staff that they are hiring to work in their crèche or other child care facility, which is not run by the health board or the Department of Education and Science do not have any criminal record or history of juvenile or child abuse; and if he will make a statement on the matter. [20086/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Garda central vetting unit, established in January 2002, currently processes applications for criminal records vetting in respect of, *inter alia*, prospective employees entering full-time employment in the health care area who would have substantial unsupervised access to children or vulnerable adults, as well as prospective child care workers on equal opportunities child care schemes funded by my Department.

The inter-agency working group established to examine the issue of expanding the services of the Garda central vetting unit, including to the kinds of groups referred to by the Deputy, recently submitted its report. This report, and its recommendations, is being given full and careful consideration, with a view to early implementation, as appropriate.

#### **Asylum Applications.**

413. **Mr. Hogan** asked the Minister for Justice, Equality and Law Reform when a decision will be made on an application by a person (details supplied) in County Kilkenny who is seeking asylum seeker status; and if he will make a statement on the matter. [20105/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As the Deputy will be aware, under the Refugee Act 1996, two independent statutory offices were established to consider applications-appeals for refugee status and to make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted. These two offices are the Office of the Refugee Applications Commissioner, which considers applications for a declaration as a refugee at first instance and the Refugee Appeals Tribunal, which considers applications for a declaration at appeal stage. A final decision will be made in this case upon receipt of the decision of the Refugee Appeals Tribunal.

#### **Visa Applications.**

414. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the position regarding an application by a person (details supplied) for a holiday visa; and if he will make a statement on the matter. [20112/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The visa application in question was approved by my Department on 30 June 2004.

#### **Garda Operations.**

415. **Mr. O'Connor** asked the Minister for Justice, Equality and Law Reform the status of the commitment by his Department to afford divisional recognition to Tallaght Garda station; and if he will make a statement on the matter. [20127/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As the Deputy is aware, it is proposed to transfer the divisional headquarters of Garda DMA south division to Tallaght Garda station. In this regard, I have been informed by the Garda authorities that the current accommodation at Tallaght Garda station is not sufficient to facilitate the transfer of the divisional officer and his staff from Crumlin to Tallaght. As soon as the accommodation requirements of a divisional headquarters are in place at Tallaght Garda station, the divisional headquarters of DMA south will be transferred to Tallaght station.

It is proposed to construct a new divisional headquarters in Tallaght as part of a joint development between the Office of Public Works and South Dublin County Council. The Office of Public Works has conducted a feasibility study of redeveloping the site at Tallaght which is now being considered by the Garda authorities. Accordingly, it is not possible to give a timeframe for the commencement of this project.

#### **Garda Operations.**

416. **Cecilia Keaveney** asked the Minister for Justice, Equality and Law Reform if the gardaí have the legal powers to seize cars which should

[Cecilia Keaveney .]  
have but have not been taxed or registered here when the owner is thus domiciled; if there is an intention to expand such powers beyond the customs officers; and if he will make a statement on the matter. [20137/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Under the provisions of section 41 of the Road Traffic Act 1994, the Garda Síochána has the legal power to seize cars in the circumstances referred to by the Deputy.

#### Citizenship Applications.

417. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 142 of 26 November 2003, when the decision in respect of the person (details supplied) in Dublin 16 will be made. [20200/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The application referred to by the Deputy is currently under consideration in the citizenship section of my Department and I understand from my officials that the application will be submitted to me for decision in the near future.

#### Garda Recruitment.

418. **Mr. Haughey** asked the Minister for Justice, Equality and Law Reform the procedures for the recruitment of new gardaí; when more gardaí will be recruited; and if he will make a statement on the matter. [20201/04]

429. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform if he has plans to recruit persons for the gardaí; if so, the number that will be taken on; and when interviews will be held. [20500/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 418 and 429 together.

In April 2000, the Government agreed, *inter alia*, to a system of delegated authority under which recruitment is carried out to maintain the strength of the Garda Síochána at an agreed level. Recruitment to the Garda Síochána is processed by the Civil Service Commission on behalf of the Garda Síochána. Recruitment competitions for entrance to the Garda Síochána are advertised in the national newspapers and on the Garda website — *www.garda.ie*. The Civil Service Commission is currently interviewing candidates from the 2003 competition for Garda trainees.

I am informed by the Garda authorities that the personnel strength of the Garda Síochána — all ranks — as at 2 July 2004 is 12,095. The current maximum authorised strength of the Garda Síochána is 12,200 and recruitment of Garda trainees has taken place to allow this target to be achieved in the current year. Recruitment is ongoing with a view to ensuring that the maximum authorised strength of the force will be maintained. As soon as I have reached a decision

on the matter I will inform both the applicant and the Deputy of the outcome.

#### Visa Applications.

419. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform if the status for a person (details supplied) in County Clare can be amended on their visa card; and if he will make a statement on the matter. [20228/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The immigration division of my Department has recently requested documentation from the person referred to by the Deputy and on receipt of this documentation a decision will be made on the case.

#### Registration of Title.

420. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform the reason a partial map of a folio was issued to a person (details supplied) in County Mayo; and if the full map of the folio will now issue without delay. [20239/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Registrar of Titles that the Land Registry has no record of having issued a partial map to the party referred to by the Deputy. I have been further informed that two applications for a special features copy folio and for a filed plan map were lodged by the party referred to by the Deputy on the 11 May 2004 and on 22 June 2004, respectively. Application numbers C2004SM001907V and C2004SM002603J refer. I assure the Deputy that the applications are receiving attention in the Land Registry and will be completed within the next two weeks.

#### Child Care Services.

421. **Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform the status of the application for crèche support by Clones community child care. [20281/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I understand from inquiries I have made that an application from this group for a capital grant of over €300,000 was submitted in October 2001. I understand that the assessment process can involve lengthy dialogue with the applicant group and that, in this instance, the assessment is almost complete. The Equal Opportunities Childcare Programme 2000-2006 or EOCP is a seven year development programme which aims to increase the availability of child care to support parents in employment, education and training.

The progress of the EOCP was commented upon very favourably by the mid-term evaluators of both the regional operational programmes and the National Development Plan 2000-06. Expenditure under the programme covers the period to end 2007 and must take place in a planned manner as must grant approvals to ensure that the

programme can meet its financial commitments at all times.

There has been considerable demand from community based groups for capital grant assistance under the programme and every county has benefited from significant grant commitments to provide new and enhanced community based child care facilities and indeed to support capital developments in the private child care sector. ADM on behalf of my Department is currently carrying out an extensive review of the programme's capital commitments to date, numbering over 1,100 and at a value of €114 million, to ensure that grant commitments previously entered into will be realised. Projects may be awaiting planning permission or the completion of tender processes before reasonable assurance can be taken that they will proceed and, if they do not, the funding set aside can be decommitted and made available to another project.

In addition, my Department has recently reviewed the different budget lines under the EOCP, including the capital programme to ensure that the most effective use is made of all remaining funding in accordance with the programme's objectives. Some transfers between measures were recommended and require the approval of the regional assemblies. I expect that this technical process will be completed shortly and that it will bring to at least €157 million the total allocation for the capital development of child care under the present EOCP. At the same time, an extensive review of child care provision on the ground has taken place to identify obvious service gaps, the filling of which will be a priority using the remaining capital funding which currently amounts to approximately €35 million.

I intend to allocate the remaining capital funding under this strand of the Government's commitments to child care to address the most immediate service gaps. As a result, all the projects in the pipeline, are being reviewed again by ADM Limited on the basis of geographical need, the range of services being offered and the capacity of the groups to complete a project before the end of the programme. Those projects which best meet the criteria will receive priority. The review process will be repeated as necessary to maximise the benefits deriving from this phase of the EOCP.

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. All large scale capital projects are referred by ADM Limited to an independent external building specialist to assess the suitability of the proposal and its value for money. 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.

The current review of the applications in the pipeline will be concluded as speedily as possible to facilitate the development of additional child care places at the earliest opportunity and to ensure that the funding is drawn down in the planned manner I referred to earlier before the end of 2007.

I do not doubt but that the success of the present strand of the EOCP and the need to continue to make child care available to support the child care needs of our still growing work force will support my case for ongoing capital and current funding from Government for this key sector. Should any additional funding become available before the end of the present national development plan, I would expect that the programme would again benefit from transfers.

422. **Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform the amount of money that has been spent on crèche support over the past three years; the number of applications currently being processed; and the steps his Department plans to take to address the backlog of applications for crèche support. [20297/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The total funding available under the Equal Opportunities Childcare Programme 2000-2006 now amounts to over €449 million. This funding, comprising Exchequer and EU funding, is being administered under the regional operational programmes for the BMW and south and east regions.

In the past three years, in excess of €119 million has been committed towards capital projects and over €99 million in staffing supports to community based groups which have a particular focus on disadvantaged families which support parents in accessing training, education or employment.

Over 500 projects are currently at various stages of the assessment process and I understand that a significant number of these will be submitted to the programme appraisal committee for consideration and recommendation shortly. The total value of the applications presently on hand in my Department is over €274 million. This figure is unlikely to be the total value of the funding which will ultimately be allocated to these projects as the amount of funding requested by the applicants rarely matches the amount of funding which a project is allocated following the appraisal of the application. However, a significant part of the remaining funding will be used to meet the ongoing costs of supporting child care services in disadvantaged areas.

As the Deputy may be aware, there has been considerable demand from community based groups for capital grant assistance under the programme and every county has benefited from significant grant commitments to provide new and enhanced community based child care facilities and to support capital developments in the private child care sector. ADM, on behalf of my

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Department, is currently carrying out an extensive review of the programme's capital commitments to date, numbering over 1,100 and at a value of €114 million, to ensure that grant commitments previously entered into will be realised. Projects may be awaiting planning permission or the completion of tender processes before reasonable assurance can be taken that they will proceed and, if they do not, the funding set aside can be decommitted and made available to another project.

In addition, my Department has recently reviewed the different budget lines under the EOCP, including the capital programme to ensure that the most effective use is made of all remaining funding in accordance with the programme's objectives. Some transfers between measures were recommended and require the approval of the regional assemblies. I expect that this technical process will be completed shortly and that it will bring to at least €157 million the total allocation for the capital development of child care under the present EOCP. At the same time, an extensive review of child care provision on the ground has taken place to identify obvious service gaps, the filling of which will be a priority using the remaining capital funding which currently amounts to about € 35 million.

I intend to allocate the remaining capital funding under this strand of the Government's commitments to child care to address the most immediate service gaps. As a result, all the projects in the pipeline, are being reviewed again by ADM Limited on the basis of geographical need, the range of services being offered and the capacity of the groups to complete a project before the end of the programme. Those projects which best meet the criteria will receive priority. The review process will be repeated as necessary to maximise the benefits deriving from this phase of the EOCP.

The current review of the applications in the pipeline will be concluded as speedily as possible to facilitate the development of additional child care places at the earliest opportunity and to ensure that the funding is drawn down in the planned manner I referred to earlier before the end of 2007.

#### Crime Levels.

423. **Mr. Neville** asked the Minister for Justice, Equality and Law Reform the number of indictable crimes in 1975 and in 2004. [20363/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities that there were 48,387 indictable offences recorded in 1975. I have been further informed that there were 103,360 headline offences recorded in 2003. As the Deputy is aware, statistics for 2003 are provisional and are, therefore, subject to change. Comparable statistics for the current year will not be available until the year is over.

#### Visa Applications.

424. **Mr. J. Higgins** asked the Minister for Justice, Equality and Law Reform the status of an application for a two week holiday visa made by a person (details supplied) in Dublin 12. [20383/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The application in question was approved by my Department on 5 July 2004.

#### Registration of Title.

425. **Dr. Devins** asked the Minister for Justice, Equality and Law Reform when his Department will complete land registry dealings or folio (details supplied) in County Leitrim. [20478/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Registrar of Titles that this is an application for transfer of part which was lodged on 8 June 2000. Dealing number D2000WS005877W refers. I am further informed that queries issued to the lodging solicitors on the 6 July 2000 and that the application cannot proceed until these queries have been satisfactorily resolved. The Land Registry has written again to said solicitors on 2 July 2004 in this regard. On receipt of a satisfactory reply, the matter will receive further attention in the Land Registry.

#### Prisoner Statistics.

426. **Mr. Neville** asked the Minister for Justice, Equality and Law Reform the number of prisoners serving sentences and on remand in 1990, 1995, 2000 and 2004. [20497/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Due to the fact that some changes have been made over the years in the manner in which prison population details are measured an exact comparison between the years mentioned by the Deputy is not available. However, committal figures for the years 1990 and 1995 and 2001 — substituted for 2000 which is not available — are as follows:

Total Committals in Calendar Year

Year	Remands	Sentenced
1990	2,034	4,372
1995	3,644	6,200
2001	6,967	5,160

The Deputy should also be aware that committal numbers may not accurately reflect the number of persons sent to prison as an individual may have been committed several times in one year. Figures for 2004 are not yet available.

#### Prison Accommodation.

427. **Mr. Neville** asked the Minister for Justice, Equality and Law Reform the position with regard to the progress of the implementation

committee to establish observation cells in prisons. [20498/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Following a review of the issue of observation cells, the construction of specially designed cells, on a pilot basis, is almost complete at Cloverhill Prison. It is intended to extend this facility to the other closed prisons in the coming months.

#### Asylum Applications.

428. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform when a decision will be made in the case of a person (details supplied) in County Kilkenny; and if he will expedite that decision. [20499/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person concerned was refused refugee status in the State following consideration of his case by the Office of the Refugee Applications Commissioner and on appeal by the Refugee Appeals Tribunal. His case was examined under section 3 of the Immigration Act 1999 and section 5 of the Refugee Act 1996 — prohibition of refoulement — having regard to all representations received on his behalf. On 5 January 2004 a deportation order was made in respect of the applicant.

The person concerned subsequently applied under section 17(7) of the Refugee Act 1996, as amended, to be re-admitted to the asylum process. Normally, such applications are not suspensive of deportation orders but, in the particular circumstances of this case, the deportation order will not be effected pending a decision on the section 17(7) application. I anticipate that the decision will be made shortly.

*Question No. 429 answered with Question No. 418.*

#### Visa Applications.

430. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform if a visitor's visa will be granted to a person (details supplied); if he will expedite a decision in view of the exceptional circumstances of the case; and if he will give a timeframe for such decisions. [20508/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The visa application to which the Deputy refers was received in the visa office of my Department on 30 June 2004. The application was refused because it was not established, on the basis of the documentation supplied, that the applicant, a 23 year old male, would observe the conditions of the visa. In particular, it was considered that the applicant had not displayed sufficient evidence of his obligations to return home following his proposed visit.

The applicant stated that he wished to travel to Ireland to look after his sister and her children, who are resident in the State. An affidavit from

the applicant's sister and brother-in-law stated that they wished him to come to Ireland to take care of their children for a period of not less than six months. My Department's records show that the applicant's brother made a similar type visa application, which was refused in January 2003. I also note that the Deputy asked a similar question, Parliamentary Question No. 356 of 25 May 2004, in regard to that visa application. 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.

#### Grant Payments.

431. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government if grant aid is available to persons who breed and rear rare endangered species of birds such as macaws, parrots, Queen of Bavaria conures or leadbeater cockatoos, for export; if his Department has plans to provide such grant aid; and the criteria that might apply in these cases. [20327/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** My Department does not provide grant aid for the breeding and rearing of rare endangered species of birds for export nor is this proposed.

#### Car Parking Facilities.

432. **Mr. McGuinness** asked the Minister for the Environment, Heritage and Local Government if the purchase of a site of 1.3 acres at Castle Sreet, Trim, County Meath, for the purpose of providing a car park for Trim Castle is now complete; if the contribution to the purchase price from Duchas of €63,500 has now been paid; if so the date when the payment was made; if the development which was agreed with Trim UDC for a car park has commenced; if so, if there is a time-frame for completion; if the project when completed will deal with a potentially difficult problem as outlined in a report (details supplied) of 25 October 1996; and if he will make a statement on the matter. [20380/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The site in question was acquired by Trim Urban District Council, now Trim Town Council, in February 1997. The agreed contribution of €63,500 towards the provision of car park facilities which would cater, *inter alia*, for visitor traffic to Trim Castle was paid to the council in June 2000 by the former Department of Arts, Heritage, Gaeltacht and the Islands. The problem proposed to be remedied by this project, as identified in the internal report referred to in the question, was the inability to provide car-bus parking facilities for visitors to Trim Castle on any lands at the disposal of the State.

In light of apparent changed plans by the local authority in regard to the procurement of the project, and the fact that a permanent car park has

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not been provided to date, my Department has written to the local authority asking for a full report on the matter. This is awaited.

### Recycling Facilities.

433. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government the policy of the Government in regard to re-use and recycling of farm plastics in relation to complaints by farmers about importation of such plastic lately. [20573/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** In accordance with the principle of producer responsibility, measures are required to ensure that systems are set up to provide for the return and/or collection of used packaging, and for the reuse or recovery, including recycling, of the packaging waste collected, to assist in meeting the packaging waste recovery and recycling targets set for Ireland in Directive 94/62/EC on packaging and packaging waste. Producer responsibility initiatives already operate in the areas of packaging waste and farm plastics waste, that is, Repak in the case of packaging waste and the Irish Farm Film Producers' Group in the case of farm plastics, for example, silage bale wrap and sheeting. In these cases, producers are required to take steps to recover waste or alternatively to contribute to, and participate in, compliance schemes set up to recover the waste in question.

The farm plastics recovery scheme, operated by the Irish Farm Film Producers' Group, IFFPG, since 1997, has been very successful in recovering waste farm plastics. The IFFPG is the sole approved body in Ireland for the purposes of

implementing a compliance scheme for farm plastics. The scheme has made consistent and steady progress since its inception, resulting in the collection of approximately 9,500 tonnes of waste farm plastics in 2003, that is, circa 50% of the farm plastics placed on the market in that year.

While I am aware of the increasing replacement of paper packaging with plastic in the agricultural sector, particularly in the areas of animal feed and vegetable packaging, under Article 18 of the packaging directive member states are prohibited from impeding the placing on the market of packaging that satisfies the provisions of the directive, that is, which is in accordance with the essential requirements specified in annex II of the directive as to the composition and reusable and recoverable nature of packaging. However, I am anxious to build on the success of the farm plastics scheme and my Department will, in consultation with relevant stakeholders, look at ways in which recovery and recycling in this sector can be further developed.

### Departmental Bodies.

434. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government if he will give details of all State or semi-State agencies and boards under the aegis of his Department as of 1 January 1994; the number of State or semi-State agencies and boards under the aegis of his Department as of 1 January 2004; the date of the establishment of such agencies and boards in each case; and if he will make a statement on the matter. [20002/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The information requested is set out in the following table:

State Bodies as at 1st January 1994		State Bodies as at 1st January 2004	
Name of Body	Established	Name of Body	Established
An Bord Pleanála	1977	An Bord Pleanála	1977
Building Regulations Advisory Body	1992	Building Regulations Advisory Body	1992
Environmental Protection Agency	1993	Environmental Protection Agency	1993
Fire Services Council	1983	Comhair — National Sustainable Development Partnership	1999
Housing Finance Agency	1982	Fire Services Council	1983
An Chomhairle Leabharlanna	1947	Housing Finance Agency	1982
Local Government Computer Services Board	1975	Irish Water Safety Association	1999
Local Government Staff Negotiations Board	1972	An Chomhairle Leabharlanna	1947
Rent Tribunal	1983	Local Government Computer Services Board	1975
Custom House Dock Development Authority	1986	Local Government Management Services Board	1997
Temple Bar Properties	1991	Rent Tribunal	1983
Temple Bar Renewal	1991	Dublin Docklands Development Authority	1997
National Building Agency	1960	National Building Agency	1960
National Roads Authority**	1994	Private Residential Tenancies Board	***
National Safety Council**	1987	Radiological Protection Institute of Ireland*	1991
Medical Bureau of Road Safety**	1968	Heritage Council*	1995
		Nature Conservation Designations Appeals Advisory Board*	1999

\* These bodies came under the aegis of my Department in June 2002 following the realignment of functions between Departments.

\*\* Responsibility for these bodies transferred to the Department of Transport in June 2002.

\*\*\* The PRTB has been operating in a non-statutory basis only since 2003.

### Planning Issues.

435. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government the action the Government intends to take to ensure that land that is zoned for development is developed within a certain time in view of the situation that the non-development of such land is preventing the zoning of other land in the vicinity thereby preventing development from taking place; his views on same; and if he will make a statement on the matter. [20032/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** My Department continues to examine possible measures aimed at moderating land costs for housing and other essential public infrastructure, including all relevant factors potentially impeding the supply of land.

As part of this process, my Department is giving consideration to a report on ownership and control of building land, which it commissioned from Goodbody Economic Consultants and to relevant recommendations contained in the Ninth Progress Report of the All-Party Committee on the Constitution, on the subject of property rights. The National Economic and Social Council is conducting a major study on housing and land policy and its report, which is expected to be finalised shortly, will also be very relevant in this regard.

### Grant Payments.

436. **Mr. Connolly** asked the Minister for the Environment, Heritage and Local Government the allocations to Monaghan and Cavan County Councils for disabled persons' grants in each year since 2000; the final amounts awarded to both local authorities in each year; and if he will make a statement on the matter. [20033/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Separate allocations are not made to local authorities for the payment of disabled persons grants. It is a matter for each local authority to decide on the level of funding to be provided for the scheme in its area from within the combined allocations notified to them by my Department for this and other schemes. The relevant allocations from 2000 to 2004 for Monaghan and Cavan County Councils are as follows:

Year	Monaghan County Council Allocation	Cavan County Council Allocation
	€	€
2000	634,869	1,015,790
2001	888,817	1,472,896
2002	800,000	1,800,000
2003	1,322,000	3,007,000
2004	1,157,000	2,700,000

It should be noted that the figures for the years 2000, 2001 and 2002 represent the combined allo-

cations for the house purchase and improvement loans and the disabled persons and essential repairs grants schemes. The figures for 2003 represent the combined allocations for the disabled persons grant and essential repairs grant. There were no changes to these allocations during the years in question.

In regard to 2004, capital allocations totalling €65 million for expenditure on the disabled persons and essential repairs grants were notified to local authorities on 20 May last. Authorities were advised to notify my Department if their allocation was either inadequate or surplus to their requirements, in order to facilitate reallocation of funds to obtain optimum effectiveness from the funding available. Cavan County Council has indicated that it will be seeking an increase in the allocation notified to them. The scope for reallocation of funds will be kept under ongoing examination in my Department during the remainder of the year and all requests for additional funding will be considered in this context.

### Water and Sewerage Schemes.

437. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government the amount of money that has been sanctioned to Sligo County Council for the Ballygawley sewerage and treatment plant; when it will be put in place; and if he will make a statement on the matter. [20046/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The Ballygawley sewerage scheme is included in my Department's Water Services Investment Programme 2004-2006 as a scheme approved to commence construction in 2006. My Department is awaiting the submission by Sligo County Council of the preliminary report for this scheme.

### Local Authority Services.

438. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the services this Deputy can expect from Mayo County Council as an Oireachtas Member in view of the fact that he has ceased being a county councillor since 25 June 2004; the arrangements put in place to deal with Oireachtas Members; and the rights available to this TD in regard to local authorities. [20047/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Local authorities are committed to the delivery of a quality service to all customers and their customer action-service plans set out specific standards, including target response times to correspondence. It is a matter for each local authority to keep under review their own systems and procedures with a view to improving standards of service and addressing any deficiencies which may come to light at local level. In this regard, my Department published national service indicators in January this year which are being used



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by local authorities to help assess performance; identify areas for improvement; and identify good practice which can be shared through the system.

Additionally, in the context of the ending of the dual mandate, local authorities were required to put in place specific arrangements as regards their dealings with Oireachtas Members so as to provide a reasonable level of customer service and facilitate such members in carrying out their work on behalf of local communities, and statutory regulations have been made in this connection. Copies of these regulations, the Local Government Act 2001 (Section 237A) Regulations 2003, and an information note are available in the Oireachtas Library. The regulations provide, *inter alia*, for the supply of specified documentation to Oireachtas Members and that equivalent systems, procedures and timeframes operate for correspondence as apply for councillors.

Similarly, where there are arrangements for electronic access to information by councillors, these should likewise be made available to Oireachtas Members. A further feature of the system is that managers are required to meet at least annually local Oireachtas Members and thus provide an opportunity for an update on developments and for any difficulties encountered to be raised and addressed. This is, of course, additional to normal and regular contacts between public representatives and local authority officials regarding particular problems or issues.

#### **Water and Sewerage Schemes.**

439. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government if he will approve funding for the Rooskey sewerage scheme, County Roscommon; and if he will make a statement on the matter. [20062/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The Leitrim towns and villages sewerage scheme, of which Rooskey is an element, is included in my Department's Water Services Investment Programme 2004-2006 to commence construction in 2005. I approved the preliminary report for this project earlier this year and my Department is awaiting the submission by Leitrim County Council of a brief for the appointment of a client's representative to advance the remaining stages of the scheme.

440. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government the status of the Creagh sewerage scheme, County Roscommon; and if he will make a statement on the matter. [20063/04]

442. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government if he will approve funding for the French Park sewerage scheme, County Roscommon; and if he will make a statement on the matter. [20065/04]

443. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government if he will approve funding for the Elphin sewerage scheme, County Roscommon; and if he will make a statement on the matter. [20066/04]

452. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government if he will approve funding for the Ballykague sewerage scheme, County Roscommon; and if he will make a statement on the matter. [20467/04]

453. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government if he will approve funding for the Ballinlough sewerage scheme, County Roscommon; and if he will make a statement on the matter. [20468/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I propose to take Questions Nos. 440, 442, 443, 452 and 453 together.

The Roscommon towns and villages sewerage scheme, of which Creagh, Frenchpark, Elphin, Ballyleague and Ballinlough are elements, is included in my Department's Water Services Investment Programme 2004-2006 to commence construction in 2006. My Department has approved the brief submitted by Roscommon County Council for the appointment of a client's representative to prepare a design review report and tender documents for the scheme. Further advancement of the scheme is now a matter for the council.

441. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government if he will approve funding for the upgrade to the south Roscommon water supply and Kileghan springs; and if he will make a statement on the matter. [20064/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I refer to the reply to Question No. 826 of 27 April 2004. The position is unchanged.

*Questions Nos. 442 and 443 answered with Question No. 440.*

444. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the position regarding the south Kildare regional water scheme; the timescale involved in relation to the completion of the scheme inclusive of connection to the Athy Town Council water scheme; and if he will make a statement on the matter. [20104/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The south Kildare water supply scheme is included in my Department's Water Services Investment Programme 2004-2006 under the rural towns and villages initiative. The scheme, which involves supplying parts of south County Kildare with water from Dublin Corporation's water treatment plant

at Ballymore Eustace, is substantially complete. The scheme does not include the provision of a water supply connection to Athy.

The Kildare water supply strategy, which will develop alternative sources of water for all of County Kildare, is included in my Department's Water Services Investment Programme 2004-2006 as a scheme to start in 2004. Under contract 3b of the trunk water mains element of phase 1 of the scheme, a water supply connection will be made to Athy from a new reservoir to be provided at Ardscurr. Contract documents for this work are at present being examined in my Department and once approved, the local authority will be in a position to invite tenders with a view to commencing construction in 2005.

#### Election Management System.

445. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government if he will consider changing the design of ballot papers in order that the empty boxes in the party logo column beside non-party candidates be blacked or shaded out to avoid confusion; if his attention has been drawn to the fact that a number of voters in the local and European elections 2004 wrote preferences in these blank boxes and

in some cases their vote was spoiled due to the fact that they subsequently wrote different preferences in the correct column. [20204/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The form of the ballot paper used at Dáil, European and local elections is set out in electoral law and provides for a blank space where a candidate is not a member of a registered political party. While I am not aware of widespread problems caused by this provision at the recent polls, my Department will keep the matter under review.

#### Grant Payments.

446. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the grant aid available to each health board in each of the past five years for works under the housing aid for the elderly scheme; and if, in view of the long delays for these works, he will consider increasing these payments substantially. [20214/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** The information requested is set out in the following table:

Health Board	Allocation				Initial Allocation
	2000	2001	2002	2003	2004
Eastern	1,702,719	1,625,265	1,769,061	1,820,000	1,600,000
Midlands	1,184,665	1,168,159	1,233,521	835,000	850,000
Mid-Western	1,208,791	1,460,199	1,577,602	1,530,000	1,600,000
North-Eastern	1,226,567	1,279,896	1,381,910	1,284,000	1,450,000
North-Western	958,652	888,817	979,331	1,138,000	1,000,000
South-Eastern	1,031,027	1,206,250	1,310,086	1,284,000	1,350,000
Southern	971,350	1,269,738	1,349,579	1,055,000	1,050,000
Western	1,874,133	2,095,068	2,301,910	2,590,000	2,100,000

The remaining €0.6 million of the funding provided for 2004, based on activity within the Health Board areas, will be allocated to the Boards later in the year.

Funding for the scheme is provided through the National Lottery and no supplementary funding can be made beyond the substantial provision of €11.6 million for 2004.

#### End-of-Life Vehicles.

447. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the progress which has been made in regard to the implementation of EU Directive 2000/53/EC concerning end-of-life-vehicles; and the reason for the long delay in making progress on this matter. [20227/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Member states were required to transpose the provisions of European Parliament and Council Directive

2000/53/EC on end-of-life vehicles, ELVs, into national legislation by 21 April 2002, that is, within 18 months after the publication of the directive on 21 October 2000. My Department has been actively engaged with the Society for the Irish Motor Industry, SIMI, the Irish Motor Vehicle Recyclers Association, IMVRA, the Metal Recyclers Association of Ireland, MRAI, and other stakeholders since before the adoption of the directive with regard to the effective implementation of the Directive.

The delay in transposing and implementing the directive is primarily due to difficulties encountered in reaching agreement with the relevant sectors on the detailed mechanisms for the operation of the free ELV take back arrangements required by the directive, including how such arrangements will be funded.

Legal proceedings have been initiated by the European Commission against Ireland in this matter in regard to partial transposition into national legislation and non-implementation of

[Mr. Cullen.] the directive's provisions. In this regard, enabling provisions to facilitate implementation of the directive were incorporated in the Protection of the Environment Act 2003. It is intended to make regulations later this year fully transposing the directive's provisions and facilitating its full implementation in 2005.

#### **Water and Sewerage Schemes.**

448. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 279 of 2 October 2003 if he has examined the preliminary report as submitted by Clare County Council for the Labasheeda, Carrigaholt and Cooraclare DBO sewerage schemes; and if he will make a statement on the matter. [20229/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The Carrigaholt-Labasheeda-Cooraclare sewerage scheme is included in my Department's Water Services Investment Programme 2004-2006 to commence construction in 2006. The preliminary report for the scheme submitted by Clare County Council is under examination in my Department and will be dealt with as quickly as possible.

#### **Planning Issues.**

449. **Ms McManus** asked the Minister for the Environment, Heritage and Local Government if he intends introducing regulations to stop local authorities granting permission for development on lands that are flood plains; and if he will make a statement on the matter. [20332/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Decisions as to whether proposed development should be permitted or restricted in any particular area are a matter for the relevant planning authority. The Planning and Development Act 2000 specifically empowers planning authorities to provide in their development plans that development in areas at risk of flooding may be regulated, restricted or controlled. If development is proposed in a flood risk area, the risk of flooding can be carefully evaluated and planning permission refused, if necessary.

#### **Asbestos Use.**

450. **Mr. J. O'Keeffe** asked the Minister for the Environment, Heritage and Local Government the extent to which asbestos pipes are being used in public water supplied throughout the country; if any health risks can arise therefrom; if asbestos continues to be used in new pipe work; and if not, when this practise was discontinued. [20359/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** While no statis-

tics are available in my Department as to the length of asbestos cement piping used nationally, the 1996 report of the greater Dublin water supply strategic study showed that this piping accounted for over 11% or 656,000 metres of water mains in the greater Dublin region. Local authorities, as part of their complete information systems projects in the water infrastructure sector, are currently compiling comprehensive data on their water supply networks, which would include details on the extent of asbestos piping in their areas. This work is ongoing and is expected to be completed by the end of 2006.

Asbestos cement piping to the specifications defined in Irish Standard 188, which require, *inter alia*, bitumen lining and coating, was widely used in the provision of new local authority water mains for over 30 years. This type of piping was also extensively used internationally for water mains and is a well established and accepted piping material for this purpose. Nevertheless, in Ireland, asbestos pipes are no longer used in new installations for water mains or sewer pipes and have not been used for this purpose in the past 15 years or so.

The risk associated with asbestos relates to the inhalation of airborne asbestos particles. In this regard, there were risks associated with working with asbestos material and exposure to airborne particles, which has led to a decline in the use of asbestos material. The World Health Organisation's position, in regard to asbestos in drinking water, is that there is no consistent evidence that ingested asbestos is hazardous to health and that there is no need to establish a health based guideline value for asbestos in drinking water.

#### **Departmental Meeting.**

451. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 398 of 29 June 2004 the progress made at the meeting of 29 June 2004; and if he will make a statement on the matter. [20465/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** My Department is not aware of any relevant meeting of 29 June 2004, as referred to in the question.

*Questions Nos. 452 and 453 answered with Question No. 440.*

#### **Departmental Schemes.**

454. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government if he proposes to make any changes to the tenant purchase scheme, in particular to reward tenants who have a full paying record and make it simpler for tenants to purchase their council houses, particularly the older houses. [20469/04]

**Minister of State at the Department of the Environment, Heritage and Local Government**

**(Mr. N. Ahern):** The present tenant purchase scheme strike a reasonable balance between the aspirations of existing tenants to own their own homes and the housing needs of those on the local authority waiting lists. While I have no proposals, at this stage, to amend the terms of the scheme, my Department keeps them under continuing review.

**Grant Payments.**

455. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government if, in relation to the proposed refurbishment of Eueall Court housing estate, Mullingar, the moneys paid to date by his Department towards these works; the status and timeframe for proposed works; and the total allocation from his Department for this project. [20543/04]

**Minister of State at the Department of the Environment, Heritage and Local Government**

**(Mr. N. Ahern):** Proposals for a pilot phase of remedial works at Ennell Court, Mullingar, submitted for approval to my Department by Westmeath County Council are currently under examination and a decision on the matter will be made shortly. The county council have a capital financial allocation of €400,000 for this project in 2004. No funding has been drawn to date by the council.

**Social Housing Provision.**

456. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the number of housing units provided by private developers under the social housing provision in each local authority in each of the past five years. [20544/04]

**Minister of State at the Department of the Environment, Heritage and Local Government**

**(Mr. N. Ahern):** The numbers of housing units built for local authorities by private developers by way of turnkey developments under the local authority housing construction-acquisition programme in the years in which figures are available to my Department are set out in the following table. It is estimated that local authorities will acquire some 500 units in turnkey developments in the current year.

Number of housing units provided to each local authority by private developers in 2001, 2002 and 2003 under the local authority housing construction-acquisition programme.

Local Authority	2001	2002	2003
Carlow Co. Council	15	—	6
Carlow Town Council	—	—	56
Cavan Co. Council	—	36	22

Local Authority	2001	2002	2003
Cavan Town Council	18	60	—
Ennis Town Council	—	14	—
Cork City Council	—	66	42
Cork North Co. Council	—	2	5
Cork South Co. Council	3	3	36
Middleton Town Council	13	—	—
Youghal Town Council	—	—	12
Cork West Co. Council	—	32	19
Donegal Co. Council	20	285	51
Buncrana Town Council	—	67	—
Letterkenny Town Council	—	—	61
Dublin City Council	79	11	20
Fingal Co. Council	—	2	53
Galway City Council	—	33	92
Galway Co. Council	—	3	11
Tralee Town Council	8	—	34
Laois Co. Council	—	24	—
Limerick Co. Council	—	10	28
Limerick City Council	25	—	—
Longford Co. Council	26	31	42
Longford Town Council	—	—	30
Dundalk Town Council	18	—	—
Mayo Co. Council	4	—	4
Monaghan Co. Council	5	—	—
Offaly Co. Council	—	—	43
Roscommon Co. Council	4	26	28
Sligo Co. Council	—	4	—
Sligo Borough Council	—	—	16
South Tipperary Co. Council	—	—	46
Wexford Co. Council	—	—	32
New Ross Town Council	21	—	16
<b>TOTALS</b>	<b>259</b>	<b>709</b>	<b>805</b>

**Dormant Accounts Fund.**

457. **Mr. Connolly** asked the Minister for Community, Rural and Gaeltacht Affairs the details of grants made from the dormant accounts fund to groups or organisations in Counties Cavan and Monaghan; and if he will make a statement on the matter. [20490/04]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):**

The dormant accounts disbursement plan provides that over the first year of the plan, funding allocated for economic and social disadvantage will wholly be allocated to RAPID, CLÁR and drugs task force areas. In regard to disbursements within the educational disadvantage area, not less than half of the moneys allocated annually shall be within RAPID and drugs task force areas.

The Deputy will appreciate, therefore, that during 2004 in particular, the bulk of dormant accounts funding is being targeted at RAPID, CLÁR and drugs task force areas. With regard to counties Cavan and Monaghan, to date funding has been allocated to one project in that area. An

[Mr. N. Ahern.] amount of €278,210 was approved for Cavan County Council to support youth work initiatives in Cavan town, a RAPID area. The funding will support the development of a co-ordinated and integrated youth service accessible to all young people in the Cavan town area, specifically targeting those who are difficult to reach. This disbursement is one of 58 approved by the board to date to the value of €6.4 million. Further allocations will be made over the coming months.

#### Departmental Funding.

458. **Mr. Gormley** asked the Minister for Community, Rural and Gaeltacht Affairs his plans to avert the threatened closure of the Carmichael centre in Dublin. [20784/04]

459. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if core funding will be provided to a centre (details supplied) in Dublin in order to prevent its imminent closure the impact such a closure would have on the Coeliac Society of Ireland; and if he will make a statement on the matter. [20988/04]

462. **Mr. Connaughton** asked the Minister for Community, Rural and Gaeltacht Affairs the reason sufficient funding has not been made available to keep Carmichael House (details supplied) open in view of the fact that it accommodates 45 voluntary organisations which provide badly needed research and advice to thousands of persons with medical and other problems; and if he will make a statement on the matter. [20207/04]

468. **Mr. O'Connor** asked the Minister for Community, Rural and Gaeltacht Affairs if he will give an update regarding the Carmichael centre, Dublin 7; if he will give assurances and outline contacts with the centre; and if he will make a statement on the matter. [20502/04]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** I propose to take Questions Nos. 458, 459, 462 and 468 together.

I refer the Deputy to my reply to Questions Nos. 273 to 276, inclusive, and 278 to 280, inclusive, of 22 June 2004. I met representatives of the Carmichael centre on 5 July, together with officials from my Department and from the Department of Health and Children, to discuss the centre's financial situation. The Carmichael centre was informed that the Northern Area Health Board will be asked by the Department of Health and Children to carry out a review of the centre's operations at an early date. The matter will be further considered on completion of that work.

In addition to the commitment of €150,000 from the Department of Health and Children to which I referred in my reply to the above ques-

tions, I understand that the Northern Area Health Board has made an additional €50,000 available to the Carmichael centre to cater for its immediate needs.

#### Departmental Bodies.

460. **Mr. Kenny** asked the Minister for Community, Rural and Gaeltacht Affairs if he will give details of all State or semi-State agencies and boards under the aegis of his Department as of 1 January 1994; the number of State or semi-State agencies and boards under the aegis of his Department as of 1 January 2004; the date of the establishment of such agencies and boards in each case; and if he will make a statement on the matter. [20003/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The Deputy will be aware that my Department was established in June 2002. The details of all agencies, bodies and boards under the aegis of my Department as of June 2004 is as follows. The Western Development Commission, WDC, established in 1999, promotes, fosters and encourages economic and social development in the western region, defined as the seven western counties of Donegal, Leitrim, Sligo, Mayo, Roscommon, Galway and Clare.

Area Development Management, ADM, Limited, established in 1992, is an intermediary company, established by the Government in agreement with the European Commission, to promote social inclusion, reconciliation and equality and to counter disadvantage through local social and economic development. ADM manages a number of programmes on behalf of my Department, including the local development social inclusion programme, Peace II programme and the RAPID programme.

The Commissioners of Charitable Donations and Bequests for Ireland, established in 1844, are mandated under the Charities Acts 1961 and 1973 to provide services to trustees of charities and to carry out the intentions of persons making donations and bequests to charities.

An Coimisiún Logainmneacha, the Placenames Commission, established in 1946, advises on the research of the placenames of Ireland and on providing authoritative Irish forms of those names for official and public use. Bord na Leabhar Gaeilge, established in 1952, administers schemes to assist publishers and authors to publish material of interest in the Irish language. The dormant accounts fund disbursements board, established in 2002, is charged with overseeing a scheme for the disbursement of dormant funds for community and societal benefit.

An Foras Teanga is a cross-Border implementation body established under the British-Irish Agreement Act 1999, comprising two agencies — Foras na Gaeilge and the Ulster-Scots Agency —

Tha Boord o Ulstèr-Scotch. Foras na Gaeilge has the objective of promoting the Irish language on an all-island basis. As well as taking over the functions of the former Bord na Gaeilge, a wide range of additional functions were given to the agency so as to add to its effectiveness in the promotion of Irish — for example, in the area of education, dictionaries and terminology. Tha Boord o Ulstèr-Scotch has responsibility for the promotion of greater awareness and the use of Ullans and of Ulster-Scots cultural issues, both within Northern Ireland and throughout the island.

The national advisory committee on drugs, NACD, established in 2000, advises the Government in relation to the prevalence, prevention, treatment and consequences of problem drug use in Ireland based on analysis of research, findings and information available to it. The national drugs strategy team, NDST, established in 1996 is a cross-departmental team from Departments and agencies involved in the drugs field. It also includes representatives from the community and voluntary sectors. Its purpose is to oversee the work of the local and regional drugs task forces, make recommendations on issues arising, and report on progress in this area.

Údarás na Gaeltachta, established in 1979, is a regional development agency that combines an economic development role — that of creating sustainable jobs and attracting investment to the Gaeltacht regions — with community, cultural and language-development activities, working in partnership with local communities and organisations. Waterways Ireland is a cross-Border implementation body established under the British-Irish Agreement Act 1999. Waterways Ireland's primary function is the management, maintenance and development, principally for recreation purposes, of the majority of the inland navigable waterway system throughout the island. Arramara Teoranta, established in 1947 and based in the Gaeltacht, is involved in the drying and milling of seaweed.

#### Departmental Schemes.

461. **Mr. Naughten** asked the Minister for Community, Rural and Gaeltacht Affairs when he intends to advertise the scheme of community support for older people; and if he will make a statement on the matter. [20055/04]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** A review of the 2003 community support for older people scheme is nearing completion in my Department. It is intended that the scheme will be advertised in the local and national papers in a month's time.

*Question No. 462 answered with Question No. 458.*

#### Community Development.

463. **Mr. Deenihan** asked the Minister for Community, Rural and Gaeltacht Affairs the reason the amount of money for roads (details supplied) in the Kerry Gaeltacht has been reduced in 2004. [20223/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I refer the Deputy to my reply to Question No. 139 of 27 April 2004 relating to this matter. In 2000, an additional allocation of money was made available to my Department under the national development plan to improve the standard of non-national roads in Gaeltacht areas. Accordingly, my Department initiated a seven year works programme with the objective of ensuring that there would be at least one strategic road of appropriate standard going into each Gaeltacht area before 2007. I am glad to confirm to the Deputy that the works under my Department's programme are ahead of schedule at this time.

The allocation available under this programme is divided on an annual basis in accordance with: the population figures in the various Gaeltacht areas; the necessity of the work; and the amount of work that has already been completed under the programme in partnership with the relevant county council. A long-term commitment guaranteeing a particular level of expenditure under this programme has never been given in regard to the Kerry Gaeltacht or to any other Gaeltacht county. For the information of the Deputy, the amounts spent by my Department under this programme on roads in the Kerry Gaeltacht for the period 2000 to 2003 are listed below:

Year	Expenditure
	€
2000	1,015,790
2001	1,574,475
2002	1,000,000
2003	1,000,000
Total	4,590,265

464. **Mr. Deenihan** asked the Minister for Community, Rural and Gaeltacht Affairs the breakdown of the yearly funding (details supplied) which he has committed and provided for in the Gaeltacht regions in the other seven counties. [20224/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I understand that the Deputy's question refers to expenditure by my Department on Gaeltacht roads only. The following are details of expenditure and approvals in relation to roads in the Gaeltacht counties for the period 2001 to 2004 to date, together with a summary table including comparative breakdowns of percentages of spend-approval and populations in the different counties:

Paid from 2001- 2003		Bóithre Straitéiseacha (Strategic Roads)	*Bóithre Áise (Access Roads)
		€	€
2001	Donegal	2,412,502.00	665,278.00
	Mayo	1,240,000.00	345,830.00
	Galway	1,841,120.43	335,172.00
	Kerry	1,549,080.46	493,240.00
	Cork	118,085.64	99,674.00
	Waterford	190,461.00	67,645.00
	Meath	0.00	0.00
Total Paid for 2001		7,351,249.53	2,006,839.00
2002	Donegal	1,931,743.45	621,321.22
	Mayo	1,674,250.12	294,799.20
	Galway	2,035,948.00	338,053.00
	Kerry	1,000,000.00	268,278.77
	Cork	634,800.00	128,588.00
	Waterford	190,461.00	43,021.89
	Meath	0.00	0.00
Total paid for 2002		7,467,202.57	1,694,062.08
2003	Donegal	1,623,844.00	131,649.00
	Mayo	1,125,000.00	171,806.00
	Galway	1,924,784.00	527,582.13
	Kerry	1,000,000.00	180,211.00
	Cork	535,000.00	0.00
	Waterford	150,000.00	0.00
	Meath	199,017.00	0.00
Total Paid for 2003		6,557,645.00	1,011,248.13
Sanctioned for 2004 to date	Donegal	1,300,000.00	309,398.00
	Mayo	800,000.00	216,425.00
	Galway	1,550,000.00	241,175.00
	Kerry	539,000.00	261,568.00
	Cork	510,000.00	100,374.00
	Waterford	150,000.00	0.00
	Meath	150,000.00	0.00
Total sanctioned 2004 (to date)		4,999,000.00	1,128,940.00

	Bóithre Straitéiseacha (Strategic Roads)	Bóithre Áise (Access Roads)	Total paid/approved from 2001-2004 to date	% of total paid/approved	% of total Gaeltacht population
	€	€	€		
Donegal	7,268,089.45	1,727,646.22	8,995,735.67	27.92	26.38
Mayo	4,839,250.12	1,028,860.20	5,868,110.32	18.22	12.27
Galway	7,351,852.43	1,441,982.13	8,793,834.56	27.30	44.52
Kerry	4,088,080.46	1,203,297.77	5,291,378.23	16.42	9.55
Cork	1,797,885.64	328,636.00	2,126,521.64	6.60	3.93
Waterford	680,922.00	110,666.89	791,588.89	2.46	1.6
Meath	349,017.00	0.00	349,017.00	1.08	1.74

\*Figures for bóithre áise include expenditure on village renewal and bog roads

465. **Mr. Deenihan** asked the Minister for Community, Rural and Gaeltacht Affairs the reason his Department has not continued to provide funding for undergrounding the ESB and the construction of new footpaths in Dingle town. [20225/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Primary responsibility for urban and village renewal in the Gaeltacht rests with the local authority as it does in the rest of the country. The aims of the urban and village renewal measure implemented by my Department in Gaeltacht areas are to provide financial support for a range of improvements to make these villages more attractive places in which to live and work, to encourage social and economic development, and to facilitate and support the development of tourism and tourism-related activity. This approach supplements the work of the local authority without displacing its responsibility.

A programme of works is agreed each year between my Department and the relevant local authority. A grant of 50% towards the cost of necessary works is normally made available for projects which are selected for funding under the scheme. Various criteria are taken into account in deciding on works to be funded, including the necessity of the works in question, strength of the Irish language in the area, cost of works involved; funding available to my Department under the scheme, and value for money.

In the past five years my Department and Kerry Council have spent approximately €565,460 on the specific project referred to by the Deputy. I understand that the overall scheme is almost completed, except for a section which runs from the library to Sráid na nGabhar — Tig de Rís.

466. **Dr. Cowley** asked the Minister for Community, Rural and Gaeltacht Affairs if, in view of the withdrawal of the mobile banking service by certain banks from areas of the west, he has had negotiations with the credit union as promised

regarding a further extension of their services to replace those removed by the withdrawal of the mobile bank service; the result of these negotiations; and if he will make a statement on the matter. [20375/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I refer to my replies to Questions Nos. 121 and 166 on 27 April 2004.

I confirm that there have been contacts with the Irish League of Credit Unions. I understand that a number of options have been discussed by the league including more sub-offices and a bill pay system. The Deputy will understand any such decisions will be a matter for the Irish League of Credit Unions.

#### Departmental Schemes.

467. **Mr. Neville** asked the Minister for Community, Rural and Gaeltacht Affairs when a security device for a person (details supplied) in County Limerick will be made available. [20445/04]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** The purpose of the scheme of community support for older people is to improve the security and social support of vulnerable older people. The scheme provides grant aid to voluntary groups and organisations which have undertaken to identify older people in need of such assistance in their localities. Under the terms of the scheme, grant aid is available towards the once-off costs of purchase and-or installation of small-scale physical security equipment and socially monitored alarm systems. Arrangements for the 2004 scheme are in preparation and it is intended that the scheme will be advertised in the local and national papers in the coming weeks.

Below is a list of organisations funded under the scheme in the Limerick region in 2003 for the Deputy's information. To be included for assistance under the 2004 scheme, the person in question may wish to contact one of these organisations.

Group Name	Address	Name	Tel No.
Age Action Limerick	Rehabilitation Unit, St. Camillus Hospital, Shelbourne Road, County Limerick	Ms Rosemary O'Riordan	061-483640
Askeaton Ballysteen Community Alert	Main Street, Askeaton, County Limerick	Ms Breda Kelly	061-392101
Broadford Community Alert Association	Broadford, Via Charleville, County Limerick	Mr Tom O'Brien	063-84001
Castletown Ballyagran Community Alert	Cloonee House, Cloonee, Ballyagran, Kilmallock, County Limerick	Ms Mairi McMahon	063-82270
Croom Community Alert	"Daleview", Castleroberts, Patrickswell, County Limerick	Mr Matthew Moloney	061-396041 or 086-2315313
Dromcollogher Community Alert	Church St., Dromcollogher, County Limerick	Ms Eileen Twomey	063-83084
Dromin Athlaca Active Age and Community Alert	Rathcannon, Kilmallock, County Limerick	Ms Bridget Reynolds	063-90775
Galbally Community Council Ltd	Caron Hennessy Community Centre, Galbally, County Limerick	Ms Carol O'Brien	062 37169



Group Name	Address	Name	Tel No.
Knockaderry Clouncagh Community Alert	Knocknaderry, Newcastle West, County Limerick	Ms Monica Daly	069 77401
Limerick City Active Retirement	5 Ryan Cottages, Rosbrien, Limerick, County Limerick	Ms Maura Clohessy	061-412369
Limerick North Active Retirement Group	Unitas Hall, Thomondgate, Limerick, County Limerick	Miss Anne Veronica Ryan	061 453144
Limerick Protestant Aid Society	302 Richmond Terrace, Henry Street, Limerick, County Limerick	Ms Violet Despard	061-414024
Limerick Senior Citizens Club	Garda Club, Sexton St., County Limerick	Mr Peter Quinn	061-228673
Murroe Community Alert	Murroe, County Limerick	Ms Margaret Ryan	061-386135
St. Senans Social Services & Community Alert Foynes and District	St. Senans Social Services, Foynes, County Limerick	Ms Anna Curtin	069-65469

*Question No. 468 answered with Question No. 458.*

### Inland Waterways.

469. **Mr. Crawford** asked the Minister for Community, Rural and Gaeltacht Affairs the progress made towards the development of the Ulster Canal; if the first phase will be included for funding within the next 12 months; and if he will make a statement on the matter. [20527/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** As the Deputy will be aware, Waterways Ireland, one of the six cross-Border implementation bodies established under the Good Friday Agreement was charged with considering the possible restoration of the Ulster Canal. The body retained consultants to carry out a feasibility report and, based on year 2000 costs, the restoration of the full canal was estimated to cost in the region of £90 million sterling.

Both my Department and the Department of Culture, Arts and Leisure in the North, which co-fund the body, are still considering the position, including the issue of possible phasing. The Deputy will appreciate that the question of allocating funding does not arise at this time.

### Summer Jobs Scheme.

470. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if he has introduced an alternative to the summer jobs scheme for students who are available to work, but are unable to find work during their summer holidays; if he will outline these changes; and if he will make a statement on the matter. [20564/04]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** As I have outlined to the House on a number of occasions, a replacement scheme for the student summer jobs scheme was never proposed. Rather it was anticipated that partnerships and community groups throughout the country would offer practical assistance and supports to students from disadvantaged areas in finding tem-

porary summer employment in the labour market as required.

### Departmental Schemes.

471. **Mr. Morgan** asked the Minister for Social and Family Affairs if her attention has been drawn to the fact that the INOU has expressed grave concerns regarding the ability to achieve the target of eliminating long term unemployment by 2007 in view of the number of poverty and unemployment traps that still exist; her views on whether the changes to the social welfare code announced in 2003 are exacerbating the situation particularly the exclusion of the spouse-partner of a person in full-time employment from receipt of rent supplement and the extension of the qualifying period for the back to education, third level option, to 15 months; her further views on the savings accrued from these changes are minor yet prevent persons from progressing off welfare into employment or further education; and if increased revenue will be made available to rescind these miserly measures that adversely affect unemployed persons and those outside the labour market. [19973/04]

**Minister for Social and Family Affairs (Mary Coughlan):** I am aware of the recent statements by the INOU regarding unemployment levels. In this regard, the Government remains committed to the goal contained in the national anti-poverty strategy of eliminating long-term unemployment by 2007. The social and economic policies pursued by this Government since 1997 have yielded dramatic results both in increasing the numbers of persons in employment and in reducing the numbers unemployed. During that period, the unemployment rate has fallen from 10.3% to 4.4% while the long-term unemployment rate has fallen from 5.6% to 1.6%.

It is important that social security programmes are developed in ways that are responsive to the needs of the unemployed and other disadvantaged groups while simultaneously providing opportunities to assist people to become less welfare dependent. In this context, a number of

measures have been introduced to social security schemes to make them more employment friendly by removing disincentives to taking up employment. Examples of such measures for people returning to work are unemployment assistance: 40% of net earnings from part-time work is disregarded; tapered withdrawal of adult and child dependent allowances as the spouse-partner's earnings from employment increase; and retention of rent-mortgage interest supplement and other secondary benefits on a tapered basis in certain circumstances. In addition, family income supplement, FIS, is designed to provide cash support for employees on low earnings with families and thereby preserve the incentive to take up or remain in employment in circumstances where the employee might only be marginally better off than if she or he were claiming other social welfare payments.

Where the changes introduced in the 2004 Estimates are concerned, the INOU is represented in the working group established under Sustaining Progress, to facilitate engagement with the social partners in relation to monitoring the impact of the recent changes to the rent supplement scheme. My Department requested the health boards to examine a sample of applications for rent supplement which were refused since last January in order to assist in the task of monitoring the impact of the changes. Of the 498 cases examined, seven were refused on the ground that the spouse-partner was in full-time employment.

The back to education allowance is a second chance education opportunities programme designed to encourage and facilitate people on certain social welfare payments to improve their skills and qualifications and, therefore, their prospects of returning to the active work force. The qualifying period will be increased from six months to 15 months for new applicants intending to commence third level courses of study, with effect from September 2004. The scheme was always intended for the benefit of people, such as the long-term unemployed, who had difficulty finding employment and, for them, the scheme continues to provide an opportunity which might enable them to improve their qualifications and thus their prospects of obtaining work. It was never intended to be an alternative form of support for people entering the third level education system.

I decided to restructure the rent supplement and back to education allowance schemes in order to ensure that these supports retains their focus on the more vulnerable groups in our community particularly those who are at risk of becoming dependent on social welfare payments on a long-term basis. I want to ensure that available resources are aimed at those in greatest need of an intervention to prevent them from drifting into long-term unemployment and in assisting

those already unemployed in the transition to work.

### Departmental Bodies.

472. **Mr. Kenny** asked the Minister for Social and Family Affairs if she will give details of all State or semi-State agencies and boards under the aegis of her Department as of 1 January 1994; the number of State or semi-State agencies and boards under the aegis of her Department as of 1 January 2004; the date of the establishment of such agencies and boards in each case; and if she will make a statement on the matter. [20004/04]

**Minister for Social and Family Affairs (Mary Coughlan):** There were three statutory agencies operating under the aegis of my Department on 1 January 1994, the Pensions Board, the Combat Poverty Agency and the social welfare tribunal. The remit of the Pensions Board, which was established on 21 December 1990, is to monitor and supervise the operation of the Pensions Act, and pensions developments generally. The remit of the Combat Poverty Agency, which was established on 15 September 1986, is to advise the Minister for Social and Family Affairs on all aspects of economic and social planning in relation to poverty, initiate and evaluate measures aimed at overcoming poverty, and examine and research the nature, causes and extent of poverty in Ireland, and promote greater public understanding of the nature, causes and extent of poverty and the measures necessary to overcome poverty. The remit of the social welfare tribunal, which was established in 1982, is to deal with cases where entitlement to unemployment benefit or assistance is refused due to an involvement in a trade dispute.

In addition to the Pensions Board, the Combat Poverty Agency and the social welfare tribunal, there were an additional three statutory agencies operating under the aegis of my Department on 1 January 2004, the pensions ombudsman, Comhairle and the Family Support Agency. The remit of the pensions ombudsman, established in September 2003, is to investigate and decide on complaints and disputes involving occupational pension schemes and personal retirement savings accounts. The remit of Comhairle, which was established on 12 June 2000, is to be the national agency responsible for supporting the provision of information, advice and advocacy services to members of the public on a wide range of social and other services. The agency has a statutory commitment to assist and support people, particularly those with disabilities, in identifying and understanding their needs and options and in accessing their entitlements to social and other services. Comhairle provides financial and other supports to the network of 85 independent citi-

[Mary Coughlan.]  
zens information centres, CICs, and in addition, operates the citizen's information phone service.

The remit of the Family Support Agency, which was formally established on 6 May 2003, is to provide a family mediation service, support, promote and develop the provision of marriage and relationship counselling and other family supports, support, promote and develop the family and community, and undertake research, provide and disseminate information about parenting and family issues and provide advice to the Minister on matters relating to its functions.

### Poverty Levels.

473. **Mr. Connolly** asked the Minister for Social and Family Affairs the steps she proposes to alleviate the unacceptably high level of consistent poverty; and if she will make a statement on the matter. [20027/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The most recent data on the levels of consistent poverty is contained in a report published recently by the Economic and Social Research Institute entitled, *Monitoring Poverty Trends in Ireland: Results from the 2001 Living in Ireland Survey*. The report shows that the steady downward trend in consistent poverty has been sustained with a rate of 5.2% being recorded in 2001, as compared with 15% in 1994. Accordingly, steady progress continues to be made towards the achievement of the target set out in the revised national anti-poverty strategy, NAPS, of reducing the level of consistent poverty to below 2% by 2007 and ideally eliminating it altogether by that time.

The revised NAPS, together with the national action plan against poverty and social exclusion — NAPS/inclusion — provide the framework for the continued strategic response by Government to the issues of poverty and exclusion. The NAPS/inclusion, covering the period from 2003 to 2005, sets out the ambitious targets across the range of policy areas, including employment, income support, health, education, health and housing and accommodation, which impact on poverty and social exclusion. It also addresses the needs of certain groups within society who are particularly vulnerable to poverty and social exclusion. These groups include women, children and young people, older people, people with disabilities, Travellers, prisoners and ex-prisoners.

Under the partnership agreement, Sustaining Progress, a range of special initiatives are being undertaken, most of which are of direct relevance to combating poverty, including in particular the initiatives on ending child poverty, tackling educational disadvantage, supports for the long-term unemployed and other vulnerable workers, sup-

ports for carers, housing and accommodation initiatives and migration and inter-culturalism.

Institutional structures have been established to monitor and evaluate progress in all areas of the NAPS and NAPS/inclusion. These structures are facilitated and supported by the office for social inclusion, OSI, in my Department. The challenge now is to sustain and build on the progress we have made to date so that we can achieve our overarching objective of building a fairer and more inclusive society.

*Question No. 474 withdrawn.*

### Social Welfare Benefits.

475. **Ms Shortall** asked the Minister for Social and Family Affairs her views on the recent annual report of the appeals office in regard to overpayments to recipients of one parent family payment in cases in which the income of the recipient fluctuated above and below the earnings threshold; the action she has taken since the appeals office drew attention to this problem in its 2003 report; and if she will make a statement on the matter. [20157/04]

**Minister for Social and Family Affairs (Mary Coughlan):** I welcome the social welfare appeals office annual report for 2003 and have noted the main issues raised in the report. In the case of one parent family payment, overpayments arise where beneficiaries have failed to notify my Department of an increase in their weekly earnings. Earnings from employment are assessed on the basis of the total annual earnings for the previous tax year divided by the number of weeks of employment in that year. This method is aimed at ensuring that all those with earnings are treated in a fair and consistent manner.

In all cases, the onus is on the person to notify my Department of the fact that their earnings have increased. Applicants are advised of this when the payment is initially awarded. Notice of this is also included on the personalised payable order book, the preferred payment method for 69% of recipients of one parent family payment.

Following on from the comments of the appeals office, my Department has now arranged for this notice to be amended to specify the actual weekly earnings threshold. This new information will be included in renewal books due to issue this month. This change will help to minimise any misunderstanding there might be on the part of the applicant as regard the need to notify my Department of a change in earnings.

476. **Ms Shortall** asked the Minister for Social and Family Affairs the statutory instrument under which entitlement to back dated payments was confined to six months; and if she will make a statement on the matter. [20158/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The legislative provisions relating to late claims for social welfare benefits are set out in section 205 of the Social Welfare (Consolidation) Act 1993, as amended, and in regulations made under that section. These provisions set out the times within which a person must claim, the disqualifications which apply where a claim is made late, and the circumstances in which the time limits may be extended.

Since 1997 a number of improvements have been made to the provisions relating to late social welfare claims. For instance, prior to 1997 arrears of contributory pension claims were limited to either three months or six months before the date of claim. Regulations made in 2000 — SI 159 of 2000 — put on a statutory basis certain extra-statutory provisions that had applied in the case of late claims under certain schemes. All late claims are now determined in accordance with the legislation.

The regulations also provide for payment to be made on foot of late claims in the case of a range of other schemes for a period of six months prior to the date of claim provided there was good cause for the late claim. The legislation now also provides for easing the restrictions on further backdating late claims under all schemes apart from unemployment benefit, unemployment assistance and supplementary welfare allowance, and for payment to be made, up to the level of full retrospective where the circumstances would warrant it, where the delay was due to incorrect information having been given by my Department, or illness or a *force majeure* prevented a person from claiming earlier or the person is dependent on the arrears of payment to relieve financial hardship.

The provisions relating to late claims have been subjected to very close scrutiny in recent years. There is a general obligation on people to claim their social welfare entitlements in time. However, cases will inevitably arise where they fail to do so and the legislative provisions are designed to cater for such situations. I am satisfied that the current provisions strike a reasonable balance between the need to exercise supervision and control of claims and the requirements of sound financial management and control of public expenditure and the need for appropriate recognition to be given to cases of genuine hardship or difficulty.

477. **Ms Shortall** asked the Minister for Social and Family Affairs if she will examine the case of a person (details supplied) in Dublin 11 as an example of inadequate welfare provision for persons who become ill; if she will also examine it as a good example of a case in which there are no incentive to move from welfare dependency to work; and if she will review her Department's relationship with the Department of Health and

Children and the health boards with a view to ending the present practice of separate State organisations making separate decisions on welfare benefits and medical card entitlement without regard to the overall impact on the person concerned. [20194/04]

**Minister for Social and Family Affairs (Mary Coughlan):** It is important to ensure that, in addition to social security programmes being developed in ways that are responsive to the income needs of social welfare recipients, they should also provide opportunities to encourage and assist people to become less dependent on the welfare system. In this context, a number of measures have been introduced to make the social welfare system more employment friendly by removing disincentives to taking up employment.

For example, invalidity pensioners can take up employment or training which is considered to be rehabilitative or therapeutic and retain their pension in full. Under the back to work allowance scheme, invalidity pensioners can take up full-time work and continue to receive their payment on a sliding scale for three years if in employment or four years if self-employed. The family income supplement scheme, which provides financial support to workers with families who are on low incomes, is also available to invalidity pensioners who take up employment.

In addition, measures have been introduced in recent years to mitigate the loss of secondary benefits such as the medical card, fuel allowance, rent and mortgage supplement, etc., by allowing for their retention for a number of years after taking up work or for their withdrawal on a sliding scale. Supports are also available to encourage the spouse-partner of a social welfare recipient to take up employment. One such measure is the tapered withdrawal of adult and child dependent increases as the spouse-partner's earnings from employment increase, that is, the maximum qualified adult dependant increase is payable where the adult dependant's gross weekly earnings do not exceed €88.88. Payment is withdrawn on a gradual, or tapered, basis where the spouse-partner is earning between €88.88 and €210 per week.

Since the Government came into office, a number of changes to these tapered arrangements have been introduced with a view to ensuring that the impact of increases in earnings are not negated for families where the spouse is the sole earner and is in low paid employment. First, the range of income over which the qualified adult allowance is withdrawn has been progressively extended. Second, provision has been made for the deferral of the loss of half the child dependant allowance until the earnings of the spouse-partner exceeds the upper bound of the income

[Mary Coughlan.] range. In addition, the weekly rates of qualified adult allowance have been increased annually in successive budgets.

In the case raised by the Deputy, the family income is made up of a weekly invalidity pension of €149.95 a week, family income supplement of €38 a week and weekly income from the spouse's employment of €195, giving a total family income of €382.95. As this figure is substantially in excess of the weekly rate of invalidity pension that would be paid if the spouse was not in employment, there is a clear incentive to move from welfare dependency to work in this case. In addition, the total weekly income is below the current family income threshold for qualification for the back to school clothing and footwear allowance.

In the context of this case, the Deputy has also raised the interaction of benefits provided by my Department with the range of benefits and supports provided by the health boards. It should be noted that, in addition to income maintenance needs, many people with disabilities also have additional needs arising from their disabilities. In examining this issue, the Commission on the Status of People with Disabilities recommended that these additional costs of disability should be catered for separately to income maintenance needs. The commission accordingly recommended the introduction of a variable cost of disability payment, to be administered by the Department of Health and Children. This payment, which would be underpinned by the introduction of a nation-wide needs assessment procedure, would not be subject to tax, nor would it be means-tested.

In the light of the commission's recommendations, a working group was established under the Programme for Prosperity and Fairness to examine the feasibility of introducing a cost of disability payment. This working group, which is chaired by the Department of Health and Children and includes representatives of relevant Departments and agencies, including my Department, is examining the range of complex issues involved in this area. The outcome of this group's deliberations will be important in informing future policy in this area.

478. **Ms Shortall** asked the Minister for Social and Family Affairs the discussions her Department has had with the Department of Health and Children in regard to overall welfare cover for persons suffering from long-term illness; her views on whether there is incoherent and uncoordinated policy for this client group whereby means-testing by completely separate Government organisations can mean the loss of welfare benefits as well as the medical card without any regard to the overall impact on the person concerned; if she has satisfied herself that the welfare provision for persons with a long-term illness is

adequate when such persons do not meet the credit requirements for invalidity pension and when income from a spouse rules out assistance under disability allowance; and if she will examine the case of a person (details supplied) in Dublin 11 as an example of inadequate welfare provision in this area. [20195/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The social welfare code provides for a range of social insurance benefits which are financed through PRSI contributions and a range of social assistance payments, which are payable subject to a means test and financed by the Exchequer through general tax revenue. The purpose of the means test is to ensure that, for people who do not have social insurance cover or who have insufficient PRSI contributions to qualify for benefit, resources are targeted at those most in need. Social protection of the population in general is, therefore, provided through a combination of insurance-based payments and payments targeted at need.

The person concerned qualified for disability benefit in April 1996. However, as she had fewer than 260 PRSI contributions paid, payment of this benefit was limited in duration to 12 months. To qualify for disability benefit beyond 12 months, or for invalidity pension, a person must pay at least 260 PRSI contributions — five full years. The different PRSI rules for different social insurance payments reflect the nature of the particular benefit claimed. The aim of these rules is to preserve a fair balance between the average contributor and the average beneficiary. Therefore, when a person claims a long-term benefit and will be drawing heavily on the resources of the social insurance fund, it is considered appropriate that the tests should be more stringent.

On the termination of the disability benefit payment in April 1997, the person in question qualified for disability allowance, which is a means-tested payment. In assessing means, account is taken of the claimant's own means and, as she is married, her husband's means were also assessed. Disability allowance was awarded at a reduced rate, on the basis of her husband's income. This allowance continued in payment until April this year, when it was terminated following a review of the couple's means. This decision has been appealed and an oral hearing will be held shortly. While the arrangements outlined above serve to explain the particular circumstances outlined in the Deputy's question, it should be noted that people who are ill or have a disability are treated in a similar manner to applicants for other social assistance payments, for example, unemployment assistance or old age pension. A departure from these arrangements would represent a fundamental change in the

social welfare system, with major implications both in terms of the cost and financing of the system.

A recently completed review of the income maintenance payments for people who are ill and people with disabilities had, as one of its aims, the identification of the respective roles of the Department of Social and Family Affairs and the Department of Health and Children in the provision of income maintenance. This review, which was chaired by my Department and included representatives of the Department of Health and Children, did not recommend any changes in the current social insurance-social assistance model of income maintenance provision for people who are ill or disabled.

It is nevertheless recognised that, in addition to income maintenance needs, people with disabilities also have additional needs arising from their disabilities. The Commission on the Status of People with Disabilities recommended that these additional costs of disability should be catered for separately from income maintenance needs. In this regard, the commission recommended the introduction of a variable cost of disability payment, to be administered by the Department of Health and Children. This payment, which would be underpinned by the introduction of a nationwide needs assessment procedure, would not be subject to tax, nor would it be means-tested.

In the light of the commission's recommendations, a working group was established under the Programme for Prosperity and Fairness to examine the feasibility of introducing a cost of disability payment. This working group, which is chaired by the Department of Health and Children and includes representatives of relevant Departments and agencies, including my Department, is examining the range of complex issues involved in this area. The outcome of this group's deliberations will be important in informing future policy in this area.

479. **Mr. Cregan** asked the Minister for Social and Family Affairs if she will increase the living alone allowance in the budget for 2005; if there has been a study carried out into the relevant living costs of one pensioner *vis-à-vis* a pensioner couple; and if she will have this issue examined. [20389/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The living alone allowance is an additional payment of €7.70 per week made to people aged 66 years or over who are in receipt of certain social welfare type payments and who are living alone. It is also available to people under 66 years of age who are living alone and are receiving payments under one of a number of invalidity type schemes. I am aware that analysis undertaken by the Economic and Social Research

Institute, ESRI, indicates that those who live alone have a greater risk of poverty.

The policy in regard to support for pensioners has been to commit resources to improving the personal pension rates for all pensioners, rather than supplementary payments such as the living alone allowance. This is the most effective way of ensuring that the position of all our pensioners is improved.

Widows and widowers have received a number of special increases in recent years which were designed to align their payments with the old age contributory pension. This process was completed in the budget for 2004 and the widow-widower's contributory pension for those over 66 years of age now stands at €167.30 per week. The widow-widower's non-contributory pension increased to €154 per week. The equivalent rates in 1997 were €90.28 and €85.71, respectively. Any proposals to increase the living alone allowance would have to be considered in a budgetary context.

480. **Mr. Cregan** asked the Minister for Social and Family Affairs the overall policy regarding two social welfare payments; if she will consider or investigate the full payment to all social welfare clients based on their own contribution record irrespective of other payments they may have; and if she will make a statement on the matter. [20395/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The social welfare system is primarily a contingency-based system, with entitlement based on defined contingencies, such as sickness, unemployment, old age or widowhood. Social welfare legislation provides that, in general, only one social welfare payment is payable at the one time. It can happen that a person may experience more than one contingency at the same time, for example, an unemployed person may become sick. A general principle usually applies whereby, even if a person experiences more than one of the contingencies at any one time, he or she only receive one of those payments and this would be that paid at the higher level. This principle is common to social security systems across the world.

My overall objective is to ensure that the total social welfare budget is applied to the best effect in tackling disadvantage and continuing the Government's policy of significant improvement in basic payments to social welfare recipients, and with other improvements to the social welfare code.

481. **Mr. Ring** asked the Minister for Social and Family Affairs if electricity meter readers can qualify for full social welfare entitlements when not working in view of the fact that they now pay a full class A stamp and in view of their specialised employment circumstances. [20479/04]

**Minister for Social and Family Affairs (Mary Coughlan):** A number of meter readers appealed the decision that they were self-employed to the social welfare appeals office. An appeals officer found that they were employees of the ESB. The

case has been appealed to the High Court under section 271 of the Social Welfare( Consolidation) Act 1993. Pending the outcome of this appeal, it would not be appropriate for me to make any comment on the matter.