



# DÁIL ÉIREANN

*Déardaoin, 7 Deireadh Fómhair 2004.*  
*Thursday, 7 October 2004.*

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

*Paidir.*  
*Prayer.*

## 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. I will call on the Deputies in the order in which they submitted their notices to my office.

**Mr. Gogarty:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the refusal of the Government, particularly the Minister for Education and Science, to carry out a full review of school bus catchment areas and boundaries, given the tremendous demographic, social, educational and economic changes that have taken place since the last review, the concerns of parents and, most importantly, the impact on our children who deserve a decent school transport service.

**Aengus Ó Snodaigh:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the final report of the Iraq survey group delivered yesterday which demonstrates conclusively that the justifications given by the Government for its decision to actively assist the illegal invasion and occupation of Iraq, in contravention of Irish neutrality and in defiance of the United Nations, were based on false information.

**Mr. Healy:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of urgent national importance, namely, the victimisation of elected representatives of the Permanent Defence Force Other Ranks Representative Association by military authorities and to allow the Minister to make a statement on the matter.

**Mr. Sargent:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of urgent national importance, namely, the impact of establishing another super dump in Fingal, north County Dublin; the full extent of the destruction which Government policy will have on planning by insisting on the use of 350 acres of the best agricultural land in Ireland coupled with the demolition of approximately nine

houses; the situation of a community and related businesses which have developed over generations; and the need to hear and implement more responsible alternatives which focus on maximising producer responsibility and minimising waste.

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

## Order of Business.

**Mr. Cowen:** It is proposed to take No. 17a, Intoxicating Liquor Bill 2004 — Order for Second Stage and Second and Subsequent Stages; and No. 2, Adoptive Leave Bill 2004 [*Seanad*] — Second Stage. It is proposed, notwithstanding anything in Standing Orders, that the following arrangements shall apply on No. 17a: the proceedings on Second Stage shall, if not previously concluded, be brought to a conclusion at 2.30 p.m. and the proceedings on Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion at 3.30 p.m. by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Justice, Equality and Law Reform.

**An Ceann Comhairle:** There is one proposal to put to the House. Is the proposal for dealing with No. 17a, conclusion of the Intoxicating Liquor Bill 2004 — Second and Subsequent Stages, agreed?

**Mr. Kenny:** I believe this is the first occasion the Minister for Finance, Deputy Cowen, has taken the Order of Business. He gives a different presentation from the former Minister for Defence, Deputy Michael Smith, who was the Government line man for a number of years. I wish the Minister, Deputy Cowen, luck.

I am not opposed to the holding of alcohol free discos. However, what compelling reasons make it necessary to take all Stages of the Intoxicating Liquor Bill today? Given the number of representations made by groups and individuals, there is a need for broader discussion on this issue. Will the Minister indicate why the Government feels it necessary to take all Stages today? Although I do not oppose the Bill, there are strong views on the broader aspects of this matter and those who wish to contribute on the Bill should have the opportunity to do so.

**Mr. Rabbitte:** I accept that the House may not be able to cope with a proposition as awful as the Minister for Justice, Equality and Law Reform being wrong. However, it is the case. It appears the only reason the Bill must conclude all Stages today is to put behind him as rapidly as possible the fact that the Minister was wrong. This is a matter on which the Minister has gone on the public and written record. I read yesterday the letter he sent to my colleague, Deputy Gilmore, outlining his certitude. He went public to say that he called in the Garda Commissioner and discussed with him the propriety of consulting the

[Mr. Rabbitte.]

Attorney General, having regard to the fact that the Attorney General has no role in this matter and surrendered it in the 1974 Act. The letter stated:

We, the Garda Commissioner and I, discussed the matter and we discussed the propriety of getting the Attorney General's view on the matter and I am glad to say that the Attorney General has today advised that I was correct at all stages. We can't have a State in which there are different views of the law. There is only one view of the law.

He went on to state that the State must speak with one voice.

The Bill is intended to correct an error. Given that, the House deserves an opportunity to reflect on it. We have had just over 24 hours notice of the Bill, yet it is proposed that we put through all Stages, despite an informal commitment with the Chief Whip of at least 15 days notice of a Bill. It is an undesirable way of doing business. I acknowledge that even Homer nods, although there is a fair amount of nodding going on in the Department of Justice, Equality and Law Reform. We deserve an opportunity to reflect on the Bill.

There is a consolidated Intoxicating Liquor Bill on the Order Paper. Given that the Minister wanted to usher all teenagers out of pubs at 9 p.m. he obviously proposes we should play Britney Spears' music so that we could then call it an alcohol free disco and the teenagers would be entitled to stay. There is much confusion at the heart of this, as the Minister for Finance will acknowledge.

**Mr. Cowen:** The Deputy is fomenting a fair bit of it himself.

**Mr. McDowell:** Confusion is rife following that contribution.

**Mr. Sargent:** Taking all Stages of the Intoxicating Liquor Bill today brings to mind my colleague's remarks, which might have been a bit harsh, that the Minister is a binge legislator. I will not go down that road because I am sure the Minister will indicate that he is a very sober legislator. However, he must bear in mind that this is a very much more complex issue than the one this legislation attempts to address.

I am not sure whether the Minister has been to the cinema recently, but if he has he will be aware that at films rated 15PG advertising of alcohol to children under 18 years is quite scandalous. It is amazing that children are given messages about alcohol through advertising which is focused on them while at the same time they are faced with legislation that seems unrelated to that reality. The Minister needs to examine that far more comprehensively, rather than running from one crisis to another in response to whatever vested interest knocks on his door. He should step back a bit, allow this debate to take place, and from that debate glean the more complex nature of the issue and act accordingly.

**Caoimhghín Ó Caoláin:** In line with the other speakers I ask that the guillotine should not apply. The Second and subsequent Stages of this Bill, which was published only on Tuesday, are to be taken in a single day. While it is a very short Bill it nevertheless fails to address many other issues in respect of which change is urgently required within the Intoxicating Liquor Bill. These issues have already been alluded to and include the particular requirement on parents accompanied by children to leave a hotel or licensed premises at 9 p.m. during summer vacations. Such issues could have been addressed in tandem with this measure. I do not believe there is any urgency that requires a guillotine. There are many other examples of legislation that are urgent and require to be addressed with the speed with which the Minister is attempting to deal with this Bill.

Furthermore, I am disappointed that the Minister did not contact the Sinn Féin spokesperson on this matter when he contacted other parties. The Minister should reconsider his decision to apply a guillotine. It does not assist the passage of good legislation. In this case much more should have been done.

**Mr. Cowen:** This is a one-section Bill. I do not believe there are many inexperienced legislators here who cannot get their heads around such a Bill fairly quickly, including the leader of the Labour Party.

The purpose of the Bill is to provide a clear statutory basis for holding alcohol free events for persons under the age of 18 years in licensed premises, for example, night clubs, or a part of a licensed premises, for example, a function room in a hotel, at a time when intoxicating liquor is not being sold, supplied or consumed and any bar counter is securely closed. A clear statutory provision along these lines will provide certainty for voluntary bodies that organise such events and for the licensees on whose premises the events are held.

There is nobody here who is opposed to that principle. Many have spoken about the need for responsibility. It is a one-section Bill.

**Mr. Stanton:** It has not been thought out.

**Mr. Cowen:** This is simply to clear up any uncertainty that has arisen. Apart from people opposing this for the sake of opposition, I believe everybody is in agreement with it.

**Mr. Stagg:** Why is it an emergency?

**Mr. Cowen:** Regarding the consolidated Bill, that is before the Cabinet and will be introduced in due course, the House can be assured that it will have plenty of time to discuss all its ramifications. The ramifications of this one-section Bill do not extend beyond 3.30 p.m.

**An Ceann Comhairle:** Is the proposal for dealing with No. 17a agreed?

**Mr. Kenny:** On a point of information—

**An Ceann Comhairle:** The Deputy cannot raise a point of information when the Chair is putting the question.

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

The Dáil divided: Tá, 66; Níl, 56.

Tá

Ahern, Dermot.  
 Ahern, Noel.  
 Andrews, Barry.  
 Blaney, Niall.  
 Brady, Johnny.  
 Brady, Martin.  
 Brennan, Seamus.  
 Callanan, Joe.  
 Carty, John.  
 Cassidy, Donie.  
 Collins, Michael.  
 Cooper-Flynn, Beverley.  
 Coughlan, Mary.  
 Cowen, Brian.  
 Cregan, John.  
 Cullen, Martin.  
 Curran, John.  
 Davern, Noel.  
 de Valera, Síle.  
 Dempsey, Noel.  
 Dempsey, Tony.  
 Dennehy, John.  
 Devins, Jimmy.  
 Ellis, John.  
 Fitzpatrick, Dermot.  
 Fleming, Seán.  
 Gallagher, Pat The Cope.  
 Glennon, Jim.  
 Hanafin, Mary.  
 Haughey, Seán.  
 Healy-Rae, Jackie.  
 Hoctor, Máire.  
 Jacob, Joe.

Kelleher, Billy.  
 Kelly, Peter.  
 Kirk, Seamus.  
 Kitt, Tom.  
 Lenihan, Brian.  
 Lenihan, Conor.  
 McDowell, Michael.  
 McEllistrim, Thomas.  
 McGuinness, John.  
 Martin, Micheál.  
 Moloney, John.  
 Moynihan, Donal.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M. J.  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 O'Connor, Charlie.  
 O'Donnell, Liz.  
 O'Donovan, Denis.  
 O'Flynn, Noel.  
 O'Keefe, Batt.  
 O'Malley, Fiona.  
 O'Malley, Tim.  
 Parlon, Tom.  
 Power, Peter.  
 Power, Seán.  
 Roche, Dick.  
 Sexton, Mae.  
 Smith, Michael.  
 Wallace, Dan.  
 Wilkinson, Ollie.  
 Wright, G. V.

Níl

Boyle, Dan.  
 Breen, James.  
 Breen, Pat.  
 Broughan, Thomas P.  
 Burton, Joan.  
 Connaughton, Paul.  
 Costello, Joe.  
 Cuffe, Ciarán.  
 Deasy, John.  
 Deenihan, Jimmy.  
 Durkan, Bernard J.  
 English, Damien.  
 Enright, Olwyn.  
 Gilmore, Eamon.  
 Gogarty, Paul.  
 Gregory, Tony.  
 Healy, Seamus.  
 Higgins, Joe.  
 Higgins, Michael D.  
 Howlin, Brendan.  
 Kehoe, Paul.  
 Kenny, Enda.  
 Lynch, Kathleen.  
 McCormack, Pádraic.  
 McGrath, Finian.  
 McGrath, Paul.  
 McHugh, Paddy.  
 McManus, Liz.

Mitchell, Olivia.  
 Morgan, Arthur.  
 Moynihan-Cronin, Breeda.  
 Murphy, Gerard.  
 Naughten, Denis.  
 Neville, Dan.  
 Noonan, Michael.  
 Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.  
 O'Dowd, Fergus.  
 O'Keefe, Jim.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Pattison, Seamus.  
 Penrose, Willie.  
 Perry, John.  
 Quinn, Ruairí.  
 Rabbitte, Pat.  
 Ring, Michael.  
 Ryan, Eamon.  
 Sargent, Trevor.  
 Sherlock, Joe.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Stanton, David.  
 Twomey, Liam.  
 Timmins, Billy.  
 Wall, Jack.

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

Question declared carried.

**Caoimhghín Ó Caoláin:** A Cheann Comhairle, on a point of order, due to the recent Cabinet reshuffle, will you confirm that every Deputy voted at his or her designated seat in the Chamber and will the vote recorded be attributed to those whose hands pressed the voting button? I am concerned that some Members are not in their designated seats and may have voted erroneously for another Member.

**Mr. Ellis:** The Deputy's party has no problem understanding that subject.

**Caoimhghín Ó Caoláin:** Will the Ceann Comhairle advise whether the Minister for Justice, Equality and Law Reform has been involved in an act of impersonation in the Chamber?

**Mr. Glennon:** The Deputy must be joking.

**Mr. C. Lenihan:** Impersonation once again.

**Mr. Roche:** The Deputy's party would know all about that.

**Mr. McDowell:** They would know all about that.

**An Ceann Comhairle:** The Deputy is aware that the sitting arrangements were changed following the Government reshuffle. There was one error in placing this morning that I am aware of and it will be corrected in the Journal of the Proceedings of the Dáil.

**Mr. McCormack:** Where did the disappointed people vote?

**Caoimhghín Ó Caoláin:** Was that Deputy the Minister for Justice, Equality and Law Reform?

*(Interruptions).*

**Mr. McDowell:** Well spotted by the Deputy.

**Mr. D. Wallace:** It shows the Deputy's priorities.

**Mr. Roche:** Deputy Ó Caoláin's party are the experts at impersonation.

**Mr. D. Wallace:** At least the Minister only voted once.

**Mr. Kelleher:** Impersonation means voting twice.

**Mr. Kenny:** We have come some distance when we get lectures on voting by Deputy Ó Caoláin.

*(Interruptions).*

**Mr. C. Lenihan:** Well done, Deputy Kenny.

**Caoimhghín Ó Caoláin:** I invite Deputy Kenny to be as alert and as attentive to what is happening in the House.

**Mr. Davern:** Pity you could not find the bodies as easily.

**Mr. Kenny:** In view of the decision taken by the Government yesterday to dismiss Superintendent Lennon following the revelations at the Morris inquiry, did the Government discuss the payment of a lump sum and continuation of pension payments? Was that part of the decision?

**An Ceann Comhairle:** That is not relevant to the Order of Business. The Deputy will have to find another way of raising it.

**Mr. Hayes:** The Minister is anxious to reply.

**An Ceann Comhairle:** It would be more appropriate to submit a question to the Minister.

**Mr. Rabbitte:** Will the Minister for Finance clarify the apparent announcement yesterday by the Taoiseach that he would not permit an MBO in the case of Aer Lingus? We learned later in the day that the management concern had withdrawn the MBO two days earlier. With regard to today's publicity about the Government's decision that there will be no further privatisation of State companies between now and the next general election, can the Minister clarify the position, specifically with regard to Aer Lingus where there is much concern about the future direction of the company?

**An Ceann Comhairle:** That is a matter for the appropriate Minister.

**Mr. Rabbitte:** Is legislation contemplated in this area?

**Mr. Cowen:** There is no legislation promised.

**Mr. Rabbitte:** What about the air transport navigation Bill? Is that on the Government's agenda?

**Mr. J. Higgins:** A Cheann Comhairle——

**Mr. Rabbitte:** Let us just find out about this Bill. The Minister for Finance will know about it.

**Mr. Cowen:** Nothing has been withdrawn from the Order Paper.

**Mr. Rabbitte:** Is the air transport navigation Bill on the Order Paper?

**Mr. Cowen:** I understand it will be ready early next year.

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



**Mr. J. Higgins:** A Cheann Comhairle, on that legislation—

**An Ceann Comhairle:** Sorry, Deputy, I have called Deputy Sargent. The Deputy's turn will come.

**Mr. J. Higgins:** My question is on the same legislation. Can I not deal with it now?

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

**Mr. Sargent:** I wish to ask about the same legislation. The Minister said it would be dealt with in early 2005. Is there any change based on the need to clarify the Government's position with regard to Aer Lingus? Will the dividends paid by Aer Lingus to the State, for example, be available to Aer Lingus if redevelopment of the company is required? That issue requires clarification.

**An Ceann Comhairle:** A question on the legislation.

**Mr. Sargent:** The legislation deals with international financing of aircraft. It is appropriate that we get clarification of the Government's policy in that regard.

**An Ceann Comhairle:** That is a matter for when the legislation comes before the House. I call Deputy Joe Higgins.

**Mr. Sargent:** I wish to inquire about another Bill.

**An Ceann Comhairle:** I will call Deputy Sargent again. I will hear Deputy Joe Higgins on the same subject.

**Mr. J. Higgins:** No. 33 relates to the ratification of the convention dealing with the financing of aircraft. The Minister might take this opportunity to state whether that will be taken in the context of Aer Lingus remaining in public ownership.

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

**Mr. J. Higgins:** Could we get clarification of whether the sounds of distant thunder from the Tánaiste yesterday were of battle receding or approaching on the issue of the ownership of the national airline?

**An Ceann Comhairle:** That does not arise on the Order of Business. The Deputy should submit a question to the appropriate Minister.

**Mr. Cowen:** The Air Navigation and Transport (International Conventions) Act 2004 has been enacted. The Air Navigation and Transport (Cape Town Convention) Bill will enable Ireland to ratify the convention dealing with international financing of aircraft. The heads of that Bill were

approved by the Government on 21 September and the expected publication date is next year.

**Mr. J. Higgins:** Bring back Deputy Smith. He did not say much but he said more than this Minister.

**Mr. D. Ahern:** We did not get much out of the Deputy last night on the Vincent Browne show.

**Mr. Cowen:** The Deputy is learning very slowly.

**Mr. Ring:** About three years ago the Government deregulated the pharmacies. When will the pharmacy Bill come before the Dáil? Groups of doctors are now coming together and opening pharmacies. Does the Minister believe this is in conflict with the GMS scheme?

**An Ceann Comhairle:** The content of legislation is a matter for the Second Stage debate.

**Mr. Ring:** We are a long time waiting for Second Stage. That is the reason I am trying to get some information.

**Mr. Cowen:** Work is underway on drafting the heads of the Bill. It is expected next year.

**Mr. Quinn:** When does the Government propose to introduce legislation to provide for a referendum to ratify the EU constitution?

**Mr. Cowen:** The Government has not yet considered a date for that.

**Mr. Sargent:** The second Bill I wish to raise relates to the situation at Shannon Airport. This is probably covered under the Diplomatic Relations and Immunities (Amendment) Bill, given that the illegal war on Iraq appears to be effectively giving immunity for mass murder. Can the Minister indicate whether that legislation will protect those who have been guilty of an illegal war and whether Ireland will be one of the defendants in such a case for co-operation at Shannon Airport?

**Mr. Cowen:** It is not possible to indicate at this stage when that Bill will be ready. The purpose of the Bill is to address a concern about the constitutionality of Part 8 of the Diplomatic Relations and Immunities Act 1967, as amended by the Diplomatic Relations and Immunities (Amendment) Act 1976.

**Ms McManus:** As the VHI is not now to be privatised, when will the VHI Bill be brought before the House and what will it provide for?

**Mr. Cowen:** That Bill should be published next year.

**Ms McManus:** What is it for?

**Mr. Cowen:** It will alter the corporate status of the VHI.

**Mr. Durkan:** The ground rents Bill has been around for almost as long as we have heard about the drainage of the Shannon. Can the Minister indicate when that Bill might be brought forward?

**Mr. Cowen:** When the Shannon is drained presumably.

**Mr. Durkan:** In view of the failure to drain the Shannon, is this an indication that the ground rents Bill will not come before the House? It has been on the Order Paper for the last two years.

**Mr. Cowen:** On a serious note, it is not possible to say at this stage when the Bill will come before the House. However, in the meantime the Shannon will be drained.

**Mr. Kenny:** Despite the new faces in Government, Opposition Members are still obliged to put down notices under Standing Order 31 to draw attention to matters of importance. I congratulate the new Chief Whip on his appointment. There has long been talk about reforming the Dáil to make it more meaningful, relevant and focused. Deputies should not have to continue the practice of putting down notices under Standing Order 31, which the Ceann Comhairle inevitably rules out of order. Does the Chief Whip propose to introduce a package of reforms to make the House more relevant?

**Mr. Cowen:** Reform in the efficacy of the procedures of the House is ongoing. The Chief Whip is willing to discuss with his colleagues how matters might be improved, if issues are still outstanding.

#### **Fines Bill 2004: First Stage.**

**Mr. J. O’Keeffe:** I move:

That leave be granted to introduce a Bill entitled an Act to update fines and other monetary amounts in legislation in line with inflation in respect of any past enactments and to provide for the prospective indexation of fines and other monetary amounts contained in any future enactments; to amend the Statute Law (Restatement) Act 2002; to provide for the payment of fines by instalments; to provide for means to be taken into consideration in the imposition of fines and to provide for related matters.

**An Ceann Comhairle:** Is the Bill opposed?

**Minister of State at the Department of the Taoiseach (Mr. Kitt):** No.

Question put and agreed to.

**An Leas-Cheann Comhairle:** Since this is a Private Members’ Bill, Second Stage must, under Standing Orders, be taken in Private Members’ time.

**Mr. J. O’Keeffe:** I move: “That the Bill be taken in Private Members’ time.”

Question put and agreed to.

#### **Intoxicating Liquor Bill 2004: Second Stage.**

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I move: “That the Bill be now read a Second Time.”

I thank the House for agreeing to deal with this short Bill as an urgent matter. It is fair to say it deals with an issue which is of equal concern to all sides and I trust that this consensus will contribute towards its speedy enactment.

The primary purpose of the Bill is to amend the Intoxicating Liquor Act 1988 to provide a clear statutory basis for the holding of alcohol-free events for persons under the age of 18 years in licensed premises, such as a nightclub, or a part of licensed premises, such as a function room in a hotel, at a time when intoxicating liquor is not being sold, supplied or consumed and any bar counter in the relevant space is securely closed.

The position at present is that section 34 of the Intoxicating Liquor Act 1988, as substituted by section 14 of the Intoxicating Liquor Act 2003, generally prohibits persons under the age of 18 years from the bar of licensed premises after 9 p.m. Deputies will recall that restriction in the 2003 Act constituted part of the Government’s response to concerns expressed both by the Commission on Liquor Licensing and the strategic task force on alcohol in regard to alcohol-related harm among young people.

When I came into office, a young person could stay in a pub until 11.30 p.m. in the company of anybody. Whether the young person was 14, 15, 16 or 17 years of age, it was not illegal for him or her to be there. What is more, as a result of a number of court decisions, it was very difficult for the gardaí to establish that any drink in front of the young person was an alcoholic drink because we live in a world of alcopops and so on. Unless the garda actually tasted or analysed the drink in question, the law had, effectively, become unenforceable.

On 27 May 2003, I obtained Government approval for the early drafting of the Intoxicating Liquor Bill 2003 and I published the general scheme of the Bill on the same day. This was followed by a consultation phase during which I discussed the proposals set out in the general scheme with licensed trade bodies and with the Oireachtas Joint Committee on Justice, Equality, Defence and Women’s Rights.

The proposals in the scheme were subsequently adapted to take account of certain concerns that had been highlighted and the Bill was presented in the Seanad on 17 June. I want to make it clear

that the potential impact of the Bill on the operation of alcohol-free events in licensed premises was never raised during the consultation period in this or the other House, or anywhere else. Neither was it raised during the subsequent debates on the Bill in the Seanad and in this House.

One of the issues raised during our debates was the possible impact of the restrictions on the holding of private functions, such as weddings and birthday and retirement parties, in licensed premises. I recognised the validity of these concerns and I subsequently introduced an amendment providing that it shall not be unlawful for under 18 year olds to be present in a bar on the occasion of a private function at which a substantial meal is served to persons attending the function.

If the potential difficulties with the holding of alcohol-free events had been raised, I would have had no hesitation in bringing forward a suitable amendment along the lines set out in this Bill to make it clear that there was a statutory basis for the holding of such events.

It is important to say that it was not the intention of the Oireachtas when enacting the 2003 Act to restrict in any way the activities of voluntary bodies and their dedicated and hardworking volunteers who organise alcohol-free alternative events for young persons. On the contrary, I recall participants in the debates referring to the need to encourage young people to engage in leisure activities not involving the consumption of alcohol, and the need for additional funding for such initiatives.

I had the pleasure recently of attending the launch in Croke Park of the no name club's promotional video and I express my admiration for all the wonderful work being done by that organisation. Eddie Keher, DJ Carey and others were present on that occasion to support the work of that body and of similar bodies throughout the country.

Shortly after the entry into force of section 14 of the 2003 Act at the end of September 2003, concerns were expressed by certain youth organisations that the restrictions provided for in section 14, while generally welcome and justified in terms of combating alcohol-related harm among young people, could have the effect of interfering with the holding of alcohol-free events for persons under the age of 18 in discos and nightclubs licensed for the sale of alcohol.

There is nothing to prevent such events being held in non-licensed premises, such as schools or community halls. However, I readily accept the point, which has been made by the organisers of alcohol-free events, that the holding of such events in nightclub premises or hotel function rooms increases their appeal for young people because of the comfortable surroundings, lighting, special effects, disco music and so on.

Arising from the concerns expressed in September 2003 about that possible negative impact, legal advices in regard to the operation of such

events were obtained by my Department from one of the country's leading experts in licensing law. The conclusion reached, with which I fully agreed — I also fully agreed with the analysis — was that where licensed premises, or a part of such premises, are not being used for the sale or supply of intoxicating liquor and the bar counter is closed, such premises do not constitute a bar for the purposes of the 1988 Act. I subsequently conveyed my view of that issue to this House on 4 November in the context of a reply to a series of parliamentary questions on the topic.

More recently, the issue was again raised in the context of the reported cancellation of alcohol-free events planned to celebrate the release of junior certificate results. I understand that the Garda Commissioner consulted the Attorney General who advised, while making it clear that he had no function in prosecutions, that in his view the provisions in question did not prohibit under 18 year olds from attending alcohol-free functions in a portion of premises in which the bar had been physically closed and was not being used for the sale of intoxicating liquor.

The licensing Acts are an area of mixed competence. In respect of the enforcement of the licensing Acts through the licensing process before the District Court, which is a civil matter, the Garda Síochána is bound by the directions it receives from the Attorney General. Therefore, in the case of a decision as to whether something is or is not a good ground for objection to a licence being renewed, the Attorney General gives legal advice to the Garda Síochána. Since 1974, however, when it comes to a criminal prosecution, the Director of Public Prosecutions is the person in whom the decision is vested. The DPP is independent of the Attorney General when deciding to initiate prosecutions.

In respect of the same section, there are two different competences among the law officers. When it comes to a decision as to whether an objection should be taken to a licence on the grounds of the meaning of a particular section, it is for the Attorney General to advise and direct the Garda Síochána as to the proper meaning of that section. When it comes to a decision as to whether somebody should be prosecuted under the same section, it is a matter for the independent decision of the DPP. That is inevitable where there is a mixed civil and criminal competence.

I am also aware that the Director of Public Prosecutions, who, as I said, acts entirely independently of Government and the Attorney General in regard to the prosecution of offences, has directed that prosecutions be taken in certain cases where alcohol-free events have been held on licensed premises. As far as I am aware, no such prosecution has been successful to date. I have seen details of a case in County Galway where the District Court dismissed the charge on hearing that alcohol was not available from the bar and the shutters were closed. Media reports have indicated similar outcomes in other cases.



[Mr. McDowell.]

I acknowledge that the situation that has developed in regard to alcohol-free events is unsatisfactory. If the Director of Public Prosecutions takes the view that prosecutions should take place and the Attorney General is of the view that the law has a different meaning, it is important that people who are doing their best for young people should not operate under a cloud or a threat, or have ambiguity hanging over them.

The definition of “bar”, which is, for current purposes, set out in section 2 of the Intoxicating Liquor Act 1988, serves a number of different purposes in that Act. I did not invent a new definition for the term “bar” in the 2003 Act. In this respect, the 2003 Act amended the 1988 Act which already contained a definition of “bar”. The term “bar” is used in licensing law in a slightly ambiguous way. All of us would say we were standing in a bar having a drink, and “bar” has a certain meaning in that context, but there is also the sense of leaning up against the bar, as in bar counter which is a slightly different thing. If one is a barrister like me, the bar has a third meaning as well, but we will not go into that at the moment. Dealing with the two meanings of “bar”, first as an area in which drink is sold and second as a counter over which drink is sold, it is a pity the 1988 Act and previous licensing law have adopted a definition of the term “bar” which attempts to cover both the physical counter and the room in which it is situated. This has given rise to debate among lawyers as to what is meant by the definition which was inserted in the law in 1988 and this lies at the bottom of the present difficulty, that the Director of Public Prosecutions has taken one view and the Attorney General has taken a different view.

I recognise that the lack of a clear provision in statute law which could permit the holding of alcohol-free events in licensed premises and stated circumstances has created an uncertainty which has resulted in understandable caution on the part of some organisers of such events and, in particular, the licensees of the premises on which they are held. It is one thing for a volunteer to wonder whether in organising a no name club, he or she is doing so in conformity with the law. It is a much more serious thing for a bar owner to be in the position of wondering whether, if he allows these people on to his premises, he is in the clear. The purpose of the Bill is to definitively remove such uncertainties.

The importance of alcohol-free alternatives for young persons is appreciated on all sides of the House and although we had a vote on whether there should be a guillotine on today’s events one can see from the debate that everybody is clear that we favour people being able to organise discos of this kind in these kinds of premises. The National Crime Council, the National Children’s Advisory Council and the strategic task force on alcohol in its second report launched on 22 September highlighted it again in recent times. We

are all agreed about where we want to be and the real problem is whether I can leave in place a definition under the 1988 Act which has the effect of casting a doubt over this well worthwhile activity.

Deputies asked on the Order of Business what was the urgency of all this. The urgency is that if the Director of Public Prosecutions takes, as I understand, a differing view from that of the Attorney General and directs people to be prosecuted, it is a matter of urgency that the law should be clarified in that context. It would not be a matter of urgency if this were simply a matter of legal debate in lawyers’ magazines or whatever because I could then wait until the major reforming licensing legislation, which is on the Cabinet table at the moment, would go through. In drafting that legislation I had already decided to clear up this ambiguity but I have now come to the point where I cannot wait for that major legislation which will entirely restate the law in regard to intoxicating liquor. With the knowledge that the Director of Public Prosecutions takes the view that the Garda should prosecute anybody who would have somebody on his or her premises unlawfully, I cannot wait for it to go through the drafting process. That is the dilemma and the reason for urgency.

It would be wrong of me to ignore the issue and to say that is a matter for the DPP and he is independent. In those circumstances I would be exposing good people doing good work in society to a danger of prosecution in circumstances where it is unnecessary to do so. If Members of the House want to know why it is urgent that it should be done, it is urgent because if the Director of Public Prosecutions takes that view there will be more prosecutions, and even if the Attorney General’s view turns out to be correct and the view now taken by the District Court Judiciary turns out to be upheld at every level in the judicial system, it is still wrong in my view that people should be exposed to prosecution even if ultimately my view of the law and that of the Attorney General is found to be correct.

Section 1(1) provides that for the purposes of section 34 of the 1988 Act, it shall not be unlawful for a licensee to allow a person under the age of 18 to be on licensed premises or a part of licensed premises, at a time when intoxicating liquor is not being sold, supplied or consumed there, and any bar counter there is securely closed. This is a clear and straightforward provision that will provide certainty for licensees and it responds to the requests for clarity which I have received from certain licensed trade bodies.

Section 1(2) provides that for the purposes of section 34A of the 1988 Act, the section that requires persons aged at least 18 years but under 21 to have an age document with them in order to be in the bar of a licensed premises after 9 p.m., it will not be unlawful for a licensee to allow such a person who has not produced an age document to be on licensed premises in the circumstances mentioned in subsection (1). Not merely

is it not an offence for somebody under the age of 18 to be there in those circumstances but somebody between 18 and 21 who if drink was being served would have to have an evidence of age card with them are also saved by subsection (2).

While alcohol-free events are generally directed towards younger teenagers it is probable that over 18 year olds would also be present, possibly helping to run the event. So it is reasonable that the requirement to carry an age document should not apply in circumstances set out in subsection (1).

Section 1(3) provides that for the purposes of sections 33 and 34 of the 1988 Act it will not be unlawful for a person under the age of 18 to be on licensed premises in the circumstances mentioned in subsection (1).

Section 1(4) states that for the purposes of section 34A of the 1988 Act, it shall not be unlawful for a person aged at least 18 years but under the age of 21 who does not have an age document with him or her to be on the licensed premises in the circumstances mentioned in subsection (1).

Section 1(5) provides a defence for a person charged with an offence under the relevant provisions of the 1988 Act. Section 1(6) makes it clear that nothing in the Bill prevents any person raising any point of law or other plea or objection which would be open to a person to bring under the relevant sections of the 1988 Act. That is intended to prevent anybody arguing that the change we are bringing about in the law by making it more certain would sweep away anybody's defence if he or she were the subject of an existing prosecution. Section 2 contains the short title, collective citations and constructive provisions. These are standard provisions in legislation of this type.

Before concluding I wish to say a few words on the subject of codification. Some Members on the Order of Business said they would like to raise other issues at this point. When I brought the 2003 Bill before this House and Seanad Éireann I indicated that it was a temporary measure, that a codification Bill would be introduced and that I was making an immediate response to the matter of drunkenness and youth abuse of alcohol to tide the State over until such time as the codifying legislation came through. I said if anything in the legislation was objectionable, required revision or better judgment was passed on it, I would be more than happy in the context of the codifying legislation to remedy any defects that appeared in it.

Some people who referred to "nanny statery" and the like appear to forget that I was faced with untold newspaper columns asking what I intended doing about young people having their stomachs pumped out in accident and emergency departments around the country. The law as it stood was unworkable for the reasons I mentioned and I was asked what I would do about it. This House collectively decided it would take that interim measure even though it knew that a codifying Bill was on the way because it required an

immediate response, not just a paper response at some later time.

A royal commission on liquor licensing in 1899 first recommended the codification of the licensing laws. This recommendation has been repeated by Government appointed commissions of inquiry in the following years: 1925, 1957 and 2003. I am pleased to inform this House that the text of a codifying Bill comprising over 200 sections is now on the Cabinet table. It will deal with all areas of intoxicating liquor law, as it is now called. From nightclubs to the protection of young persons to theatre licences to restaurants, the whole gamut of licensing law is now on the Cabinet table for consideration, as a result of the hard work of officials in my Department and their independent legal advisers and the Commission on Liquor Licensing. I hope in the near future to get authority from the Government to draft the relevant legislation and if I do, I will also publish the heads so that everybody will be in a position to contribute to the debate on it with a view to ensuring everyone has as much input as he or she wants.

I anticipate the Government will approve the drafting of the Bill in the coming weeks. A few issues have to be discussed in detail. It will repeal all the licensing Acts and related provisions from 1833 to 2003, 100 statutes in total, and replace them with updated legislation geared to modern conditions. In particular the Bill will include provisions related to public houses, off-licences, hotels, nightclubs, theatres, supply of drink to young persons and a host of other issues that are of concern to everybody in this House. I am proud that my Department's industry has brought us to the point that after five commissions recommending codification over a period of more than 100 years, this has been done and that I will be in a position to bring that Bill before the House shortly.

In the meantime, there is no reason why good people such as the No Name Club movement should operate in circumstances where it or the owners of the premises risk criminal prosecution for doing good work in the name of youth. That is what this Bill is about. It would not have been urgent if there was not a real risk of prosecution. However, there is a real risk of imminent prosecution in these cases and therefore I am stuck with the situation. In saying that, I am by no means resentful that we have an independent system of prosecution which makes its decisions entirely independent of Government and the Attorney General. The Attorney General and I have a view of this law which is not shared by the Director of Public Prosecutions. In those circumstances I have a duty to save those people who are doing good work in our society from the threat of prosecution.

**Mr. Cassidy:** Hear, hear.

**Mr. J. O'Keefe:** I would like to share time with Deputies Enright and Deenihan. I am very much

[Mr. J. O’Keeffe.]

in favour of alcohol-free discos provided they are properly run and supervised. That is the starting point for me. I am against the principle of rushed emergency legislation. This is a procedure that should only be used in extreme emergencies. I cannot see those factors applying in this case. I am torn between these two principles: I will not oppose the legislation because of my concern that young people in this country would have alcohol-free activities available to them. It is not an issue of whether we permit that. We should actively encourage it and from that viewpoint I am prepared to let this Bill through, in principle. However, I want to record my serious objection as a parliamentarian of some years experience, as highlighted recently by the Minister. Rushed legislation is bad law and in an effort to clear one problem it may cause another. It is a sticking plaster approach and I do not commend it to this or any Minister in this Administration for the short time it has left in office.

Part of the problem arises, certainly as regards the rushing of the legislation, because the Minister did not listen in the past to the issues that were raised. It is not correct to say the issue was not touched on during the debate on the 2003 Bill. Fine Gael raised the issue. Senator Feighan, on 18 June 2003, said in the Seanad, “However, if this measure gets rid of the confirmation and communion discos, the Minister should reconsider.” He raised this because he was concerned at the time. He is a young Senator who was involved in the pub business at one stage, so he knew what he was talking about in raising the issue at the time. This goes back to the question of rushing legislation through in three or four hours. There is no excuse for that. This issue was raised as long ago as 18 November 2003 by the leader of Fine Gael, Deputy Kenny, when he said in this House:

We do not want knee-jerk reactions such as the law which deals with non-alcoholic discos for teenagers that take place on licensed premises. Gardaí must implement this law and are putting teenagers on to the streets because they have no choice. The Minister must spell out his solution to this problem. Yesterday I was told by two garda superintendents that they have no option but to enter licensed premises where a teenage disco is taking place, even though there is no alcohol on sale, and to put those teenagers on to the street.

The issue was raised almost a year ago. Again, following an incident last April when 800 teenagers were left out in the cold after gardaí were forced to prevent an under-18 disco from continuing in the Red Box club in Dublin, I raised the matter and demanded that the issues be addressed. Similarly, difficulties arose as regards junior certificate discos in the Minister’s constituency where Old Wesley Rugby Club had a problem. Again I spoke on this at the time.

I did not like to see a situation developing where the Minister appeared to be at odds with the Garda. The Garda has a job to do. It does not make the law. The DPP has a job to do and he does not make the law. He has to take legislation that is presented to this House, normally by the Minister for Justice, Equality and Law Reform, and which becomes law. He has no choice. The DPP has to take the law as it is and he took a view that he had no option but to apply the law, which was simple, that a bar is a bar. He was absolutely correct. My approach all my legal life was based on that: if a premises was licensed it was licensed. I will not deal with the legal complexities of that. My colleague, Deputy Enright, has a more considered view which supports that.

I did not agree with the Minister’s major announcement last month, even after his discussions with the Attorney General, that there was no problem. That was to bring the law into major disrepute. From that viewpoint I am glad the Minister now accepts that there was, is and will be a problem unless it is dealt with. However, the process by which he is dealing with it is not the correct way because the sticking plaster approach is in danger of creating further problems. Deputy Cowen, when he dismissed it glibly this morning, incorrectly, as being a one-act Bill, was taking the wrong approach as a solicitor and as a parliamentarian of some experience in this House. Every Bill that changes the law needs to be carefully analysed and considered by the Houses of the Oireachtas and we are not doing that.

It is the wrong approach and to some degree typical of the current Minister for Justice, Equality and Law Reform, who seems to lurch from one piece of emergency legislation to another. We had the child trafficking (amendment) Bill, the compellability Bill, even the debate on the amendment to the Constitution, which I supported, but which was inadequate. The immigration (amendment) Bill also involved emergency steps being taken. I do not believe that is the right approach. Apart from not providing for considered debate it does not allow us examine the current position in other countries, for example.

My colleague, Deputy Stanton, drew my attention this morning to the position in Australia. We are not unique in our approach in dealing with a problem of this nature. Most developed countries are experiencing this problem and we can learn from them. We do not have to reinvent the wheel but we have not had the opportunity of examining the way issues are dealt with in other countries. Australia is very much into alcohol free entertainment for under 18s in hotels, nightclubs and registered clubs but they have considered the process to ensure they are properly run and supervised. Guidelines are laid down on the way they are organised covering the original application to hold the events, the advertising of them — making clear what can be advertised — and the problem of “pass-outs” because an alcohol



free disco does not necessarily mean alcohol is not being sold there. How do we ensure that does not happen?

The worst experience for parents is to happily drop off their children to an alcohol free disco only to find that alcohol is available. Under the “pass-out” system in Australia the children leave the premises and obtain the alcohol outside, although in some instances they do pass out thereafter, if I might coin a phrase. Has any thought been given to the way these discos should be run to ensure the objective is achieved or establishing different guidelines for running them?

**Mr. McDowell:** A nanny state, is it?

**Mr. J. O’Keeffe:** I have not even had time to consider whether I should press that as an issue. I am not in favour of a nanny state but if we are supporting and encouraging alcohol free discos I want to ensure they are alcohol free. The best way to achieve that is a matter for analysis, debate and consideration but we will not have enough time to do that in the few hours available for this debate.

If a need arises to bring forward legislation now as opposed to waiting for the major Bill — it might be 12 months before that is enacted — are there other issues of immediate concern that should be addressed? If the Minister gave sufficient thought to them perhaps they could be addressed by way of a debate over the coming weeks. I am thinking of issues such as the 9 p.m. rule, on which the Minister has come up with a few headlines but no specific proposal or measure to deal with it. That issue should be addressed and one way of addressing it would be to extend the time to 10.30 p.m. Another would be to exempt hotels but that is an issue that has caused a problem, and it is not just the vintners who are concerned about it. It is causing a problem for parents also. Generally, parents believe it is best if their children are with them and under control. They can be company for their parents at times also but they are generally of the view that putting their children out of these premises at 9 p.m. is not the answer. This debate, if we had more time, would have been an opportunity to address that issue. Perhaps the Minister might explain the reason he has not done so.

Another issue which has developed into a problem recently is the analogous position in law by which nightclubs operate. The explanatory memorandum refers to under 18s in a licensed premises, for example, a nightclub, but I do not believe there is any definition in law of a nightclub. We are now explaining the Bill by reference to nightclubs without having any statutory definition of a nightclub. We do not appear to have any legislative framework under which nightclubs can operate. They appear to be operating under a backdoor use, so to speak, of the exemptions provisions. That is unsatisfactory. It is even more unsatisfactory that the policy on the operation of

nightclubs does not appear to be established by law. The gardaí are under pressure because of public order offences to make applications to District Court judges who, effectively, are establishing policy. That is not the right way to proceed. We should have a proper debate on the appropriate legislative framework for nightclubs and we should enact that legislation. This issue is causing many problems and the way to confront such issues is by bringing forward proposals and allowing adequate time to debate them properly.

I object strongly to the rapid way this legislation is going through the House. We should consider using the process of the justice committee to which the Minister could bring his proposals, which could then be debated. When they are finally included in legislation we would be at least assured that they had been properly considered.

I want to give way to my colleagues to give them an opportunity to voice their concerns but because of my own concern to actively encourage alcohol free activities for our teenagers, I will not oppose the Bill. However, I wish to record my strong objections to the process by which the Minister is pushing all Stages through the House today.

**Ms Enright:** Like my colleagues I, too, have no difficulty with the concept of alcohol free discos. It is important that young people have somewhere to gather and interact with each other. Unfortunately, these discos are one of the few night-time opportunities young people have in many areas to do so and the idea is a good one. The people who run them are brave. I share Deputy O’Keeffe’s concerns. The reality is that while they might not get alcohol in the premises, and the Minister knows that, many of them will have consumed alcohol before they enter the premises. We have a difficulty with that and it is something that needs to be examined in another way.

I have a problem with this reactive and rushed legislation because I fear it might turn out to be ill-considered in some ways. Who is supposed to understand what happened in the past and what is being done now if the Minister, the Attorney General and the Director of Public Prosecutions have different views on that? The Attorney General supported the Minister’s interpretation, which is welcome from his point of view, but how is the man on the street supposed to interpret it? How is the individual garda who is trying to do his or her job supposed to interpret it when their boss is outlining a different interpretation? How is the licence holder supposed to interpret it or parents, who are trying to decide whether to allow their children attend these events? That poses a serious problem. Perhaps that is what the Minister is trying to deal with in the legislation, but while I am not in politics that long, it is the first time a Minister for Justice, Equality and Law Reform interpreted his own legislation publicly. That is a strange phenomenon and a concern to

[Ms Enright.]

me. It is not the Minister's role to interpret legislation; that is the role of the courts and it is up to the DPP to decide whether——

**Mr. McDowell:** The courts have dealt with this issue.

**Ms Enright:** I am aware it has been before the courts.

**Mr. McDowell:** They have agreed with me on it.

**Ms Enright:** They have to some extent but the Minister came out publicly with an interpretation of the legislation saying it was all right to operate and run these events. That is not his role. It has been dealt with at different levels but it must go to the High Court where there is a case stated. It should perhaps have been resolved there before coming here. I appreciate the Minister's point about the urgency of the situation and the need for the events to go ahead but he should not have dealt with it so publicly. I understand the ramifications, particularly for licenceholders, and while I do not want to dwell too much on their point of view it can affect them quite seriously if they host these occasions when they are subject to a dual interpretation of the legislation. The problematic legislation refers to a person being on the premises. On that basis could several offences be committed on one night, in other words, does having 300 people on one's premises on a given night amount to 300 offences? If so the ramifications for the licenceholder would be far more serious because it could lead to his or her licence being endorsed in one night.

I am glad that in his speech the Minister dealt with the definition of a bar but that is why we are discussing this legislation, and why this Bill is not ideal. We are considering the definition again although different definitions were contained in the 2003 and 1988 Acts which is a problem. The 2003 definition is "any open bar or any part of licensed premises". As Deputy O'Keefe said, "A bar is a bar is a bar". That is the point. The Minister spoke about the problem of defining a bar counter. What is a bar? Like my colleague, I regard it in most cases as any portion of a licensed premises. Where does the shutter feature? When the shutter comes down one is still in a bar and on the licensed premises. If the entire premises is a bar then shutter or no shutter it remains a bar. We are moving into difficult waters on this issue. Why did the Minister use the 2003 definition instead of the 1988 one? I welcome the idea of the codification of the law but we are being asked to decide one matter today and in a few months' time, when the codification comes in, we could be considering another definition of a bar. That is not a good way to make law. If we have poor drafting then, as we have now, rushing this through will compound rather than remedy the problem.

I know, and the Minister knows, what a nightclub is but the legal definition is another matter, a problem which the codification will surely rectify. Is that not urgent too? The matter is seen as being urgent because the problem arose last week. Does the fact that it was not broadcast for a week on the "Gerry Ryan Show" affect the urgency with which we decide on legislation? We must decide what is urgent. It is difficult sometimes to come into the House and watch people vote and make decisions on legislation when like me they have probably been out till 3 a.m. We tell people not to do what we find perfectly acceptable for ourselves. Most people I know who go out behave themselves yet we are deciding that they should all go home a few hours earlier.

**Mr. McDowell:** The codification will deal with the Members' bar.

**Ms Enright:** Now that it is finally licensed, or is it?

**Mr. Costello:** The Minister must deal with that more urgently.

**Mr. J. O'Keefe:** Deputy Deenihan orders Deputy Enright to sit unless she is still speaking.

**Ms Enright:** My colleague is waiting to speak. I welcome the codification which is much needed. With regard to enforcement there is a need to ease the job of the Garda. When I discussed the concept of "found ons" with the gardaí I was surprised to find that it is a thing of the past and people no longer run out the back door of the pub. It is difficult for the gardaí to implement a law if they find me in a pub at 3 a.m. when I should not be there but because I have no alcohol in front of me they can do nothing about my presence. The rule was introduced at the time of the World Cup when people wanted to go into licensed premises to watch the matches on television and not consume alcohol at 7.30 a.m. We should be able to make exceptions for such events but it makes it difficult for the gardaí to do the job we expect them to do if they come in knowing that a person has been consuming alcohol five minutes before they arrived and will resume drinking when they leave but because there is no alcohol visible they cannot make a charge or pursue a successful prosecution.

**Mr. Deenihan:** I am pleased to have the opportunity to speak on this Bill. I spoke on the 2003 Bill when the Minister introduced this legislation and identified problems which later came to pass. I endorse what the Minister is attempting. Licensed premises, whether a hotel function room or a bar, are a better venue for a party for people under 18 than houses and other unsupervised locations. In the function room of a hotel or a bar the party can be controlled and supervised. Prior to the legislation people used alterna-



tive unsupervised locations where drink was available, resulting in problems.

While I welcome this legislation I am surprised and disappointed that the Minister did not use this opportunity to amend section 14 of the Intoxicating Liquor Act 2003. Over the summer my fellow Kerryman, Deputy John O'Donoghue, expressed strong reservations about opening times particularly in tourist areas. Many Fianna Fáil backbenchers were more vocal than Members on this side of the House in their objection to the section. There seems to be a belief throughout the country that the 9 p.m. watershed, as it is now known, should be reconsidered. It has created immeasurable problems, especially in tourist areas. I raised this point in the debate on the legislation citing the example of Ballybunion, which is close to my home. People there who wish to go out after 9 p.m. might not be in a position to pay babysitters or find babysitters on whom they can rely, which is not easy, and would be greatly inconvenienced because they would miss the opportunity to enjoy the company of their friends whom they meet maybe only once a year.

The Minister said he could not make one law for Ballymun and another for Ballybunion and I appreciate that difficulty. There are many Kerry publicans in London, and I asked one of them, whom I met at Listowel Races, if he had this problem. He said no, that in the United Kingdom the closing hours are pub specific and it is up to the local licensing board to decide whether a pub can admit customers after a certain time. It is very different from our law. The Minister once hinted that local authorities might have responsibility and it is an approach he might consider in the future.

As regards the minimum age and allowing young people on to premises, the Equal Status Act has created a problem in that proprietors cannot ask a person to leave their premises without a good reason. The matter could be resolved in a way if young children were in a pub after 9 p.m. and the proprietor could say to their parents that it was too late for them to be present and they must be removed. Under the Equal Status Act, however, proprietors cannot do so. They would break the law if they removed the children and, therefore, do not have authority to do so. I previously expressed reservations about the 9 p.m. deadline and I asked the Minister to listen to the views of the Irish Hotels Federation and the Licensed Vintners Association. It is creating major problems for publicans. I completely agree with the smoking ban but the provision to which I refer is creating huge difficulties.

Being a publican in rural areas and small villages and towns has become a part-time job. To survive, most publicans or their wives are obliged to work elsewhere. They open for a few hours at night and the entire pub trade is being destroyed. It is not that people are drinking less. They are probably drinking more now but alcohol is not being consumed in pubs. When he is codifying

the law, the Minister should consider the overall context of the legislation and its effect on pubs.

I wish to refer to excise duties. There has been a great deal of discussion about rip-off Ireland and even the leader of the Minister's party referred to it. Our main competitors in the EU, Austria, Greece, Italy, Portugal and Spain, do not impose excise duty on wine. Such duty is a major imposition here, where we have the highest rate of such duty in the EU. The position is similar in respect of beer, in respect of which a number of countries do not impose excise duty. After Finland, Ireland imposes the second highest rate of excise duty on beer in the EU. That is the reason there are high costs and why we cannot compete.

It is not only the new restrictions in the licensing laws that are becoming a major problem for publicans. There are also many taxes to pay. At local level, there are waste disposal charges, domestic rates and water charges, while at national level people must pay excise duty and VAT. The Minister will enter discussions with his colleagues in Cabinet in the near future regarding the budget. The position as regards excise duty and VAT will have to be seriously considered if the competitiveness of the tourism industry — of the infrastructure of which beer and wine sales are very much a part — is to be retained.

There is a major difficulty with the age restriction of 18 years in that a person aged 19 might go to the pub with a girlfriend who is only 17 years of age. What is supposed to happen at 9 p.m.? They are obliged to leave together. That is a major problem and perhaps the Minister will comment on it. They must leave the pub——

**Mr. McDowell:** We cannot have 17-year olds in pubs just because they are dating 19-year olds.

**Mr. Deenihan:** I am just citing the difficulties involved.

There are several problems with the legislation. I welcome its introduction but, as Deputy Enright stated, there are a number of grey areas which are a matter for interpretation. I recall the Minister stating on "Morning Ireland" some time ago that he makes the law and that there is no one who makes it better than him. He also stated that he can interpret the law better than anyone else.

**Mr. McDowell:** I do not recall saying that.

**Mr. Deenihan:** I heard the Minister saying it and that he is the supreme judge in this country.

**Mr. J. O'Keefe:** The Minister can do that when he returns to the Bar.

**Mr. Deenihan:** Right or wrong, the Minister is totally confident about what he does in the House.

**Mr. Costello:** In *The Irish Times* today, the Minister is quoted as saying "I was correct at all stages". Perhaps Deputy Deenihan is referring to his certainty that he was right in respect of this

[Mr. Costello.]  
 matter. If he was so certain in that regard, why are we here?

I have stated previously that I consider the Department of Justice, Equality and Law Reform as something of a factory when it comes to the production of legislation. The Minister would have to agree that the quantity of legislation that comes from his Department and which must be dealt with in the House far exceeds the amount produced by other Departments. Approximately, one third of all legislation comes from the Department of Justice, Equality and Law Reform and must be processed in the House. We should not deal with quantity of legislation; we should instead deal with quality legislation. I welcome the Minister's intention to codify the between 70 and 80 Acts that are extant in respect of the administration and operation of and the procedures etc., relating to licensed premises.

We already have on hand the 1998, 2000 and 2003 Acts. We have been presented this morning with this Bill and at least a further two Bills are promised for next year. I refer here to the Minister's codification and consolidation Bill and another Bill from the Minister for Health and Children regarding the sale of alcohol products and the marketing thereof. It is important that we do not produce Bills relating to the same matter on an almost annual basis. Some mechanism must be put in place in respect of all Departments in order that consolidated legislation, which can then be amended, can be produced across the board. This would be better than the practice of producing new legislation virtually every year or second year because we do not get it right the first time in respect of particular issues.

Why are we taking all Stage of the legislation today? The Minister has still not provided an answer in that regard.

**Mr. McDowell:** I fear that prosecutions may arise next week if we do not do so.

**Mr. Costello:** It is a serious matter if there are to be prosecutions and we are putting forward a Bill in this manner to deal with the situation. We will have to address the question of introducing Bills designed to obviate what is happening in the courts and to protect the Minister, the Government and the State. In particular, we will be obliged to debate whether it is an appropriate function of legislation to provide such protection in respect of court cases that are being taken and whether it is possible to do so in a retrospective fashion and for a specific purpose.

We are taking all Stages today. However, this issue was debated last month when the question of alcohol-free discos arose. It is no longer the case that groups of students want to celebrate their success in the junior certificate examinations because they have already done so. There will be no further need to deal with the matter of alcohol-free discos until this time next year. It appears the only reason for the legislation's intro-

duction is to protect ourselves against possible court cases.

It is a shame that we had to do our business in that fashion and we are now forced to rush through legislation in one fell swoop, which we may rue later if we fail to get it right. We may be introducing this for the wrong reason and may find that the substance of the legislation may again be faulty having been rushed through without proper debate and the normal procedure of two week's indication before taking it in the House and without the proper gap between Second, Committee and Report Stages. Presumably the Minister intends doing the same in the other House as here.

Much important legislation is waiting in the traps. For example, yesterday we discussed the decision of the Cabinet on the outcome of the Morris tribunal and the serious matters that arose regarding corruption, mismanagement and negligence as highlighted in Mr. Justice Morris's report. Legislation is pending to deal with the Garda Síochána and the Criminal Justice Bill, both of which are very relevant. We could have been addressing such legislation.

The explanatory memorandum for the Bill states:

*Section 1(6)* makes it clear that nothing in this Bill shall prevent a person raising any point of law or other plea or objection which would be open to a person to raise in proceedings under these sections [of various Acts referred to]. This provision is intended to avoid prejudice in any proceedings already underway.

How will this avoid prejudice? It might be thought desirable to avoid prejudice in proceedings already underway as to do otherwise would be unconstitutional. In other words the Bill could be invalid if it purported to withdraw entirely or to affect the outcome of specific cases already pending before the courts. The only way to affect the outcome of proceedings already before the courts would be for the prosecution to withdraw the case. I do not know whether cases are before the courts. The Minister seems to indicate that he knows of cases already before the courts with others to follow. We know of a case stated in the High Court. If this is the case we may have a problem with the legislation.

What the explanatory memorandum asserts is not what section 1(6) purports to do. This subsection simply makes it clear that the preceding provisions do not go beyond their own terms. They do not represent an all-encompassing outline of the various situations that are not unlawful. If a particular situation is not covered by the Bill a party is free to run the prosecution or defence of the case as before. In other words subsections 1(1) and (4) state that certain situations do not amount to a breach of the 1998 Act. Section 1(6) is then in effect stating that this does not mean there are not additional points of law not covered here, which would also be relevant to a prosecution under the affected sections.

Section 1(6) does not distinguish between pending and future prosecutions. It does not relate to the prejudicing of pending prosecutions and does not address the question of retroactivity. It is quite possible to repeal a criminal statute in its entirety in a way that not only speaks to the future, but also makes it impossible to mount or continue prosecutions in respect of already committed acts. The common law presumption is that prosecutions cannot be instituted or maintained in respect of a repeal defence. However, section 21(2) of the Interpretation Act 1937 creates the reverse presumption by providing:

Where an Act of the Oireachtas repeals the whole or a portion of a previous statute, then, unless the contrary intention appears... any offence against or contravention of the statute or portion of a statute so repealed may be instituted, continued or enforced, and any penalty, forfeiture, or punishment in respect of any such offence or contravention may be imposed and carried out as if such statute or portion of a statute had not been repealed.

This provision was held by the Supreme Court in *Grealis v. DPP*, [2001] 3 IR 144, to have reversed the common law presumption that prosecutions were not maintainable in respect of repealed offences.

The fact that section 21(2) applies only to repealed statutory offences and not to abolished common law offences gave rise to difficulties when the Non-Fatal Offences against the Person Act 1997 abolished the common law offence of assault and replaced it with a statutory offence. As section 21(2) of the Interpretation Act did not apply to offences at common law, all pending assault charges had to be dismissed, since the offence had been abolished and no provision had been made for prosecutions to be maintained or continued under the old law. The loophole has now been plugged by the Interpretation (Amendment) Act 1997.

However, if it is possible by statute to abolish or repeal an offence completely and yet to have a choice in that legislation as to whether prosecutions should be continued or even instituted after the passing of the repealing Act in respect of previously committed offences, as the Supreme Court acknowledged was the law in the case of *Grealis v. DPP*, then surely it is equally possible to take the less radical step of delimiting the operation of an existing statutory offence, with retroactive effect. In other words, it should be possible to create a defence to an existing statutory offence and also to provide for the application of that defence to prosecutions already in being or to prosecutions mounted in respect of offences alleged to have been committed before the passing of the amending Act. It would boil down to ascertaining the intention of the Oireachtas, as spelt out in the Act. Yet it is hard to see from this Bill what is the intention.

While sections 1(1) to 1(4) of the Bill are not direct amendments of any of the previous Acts,

they will of course affect their future application. They provide that certain specified situations are not unlawful. The operative part of each subsection begins, "it shall not be unlawful for." For example "it shall not be unlawful for the holder of a licence", "it shall not be unlawful for a person" etc. This seems to be strange parlance. It might be useful to eliminate the double and state "it shall be lawful". Standing by themselves, like any legislation that does not purport to be retroactive in its effect, these subsections would be presumed to speak to the future and to apply in future cases only.

On the other hand, section 1(5) does not state that a particular state of affairs shall not be unlawful but rather that "it shall be a defence for a person charged with an offence...to prove...". The sentence goes on to list the various situations that have previously been described as not being unlawful but which seem clearly to be intended to have prospective effect only. Can a person charged with an offence alleged to have been committed before the passing of the Bill into law invoke the provisions of section 1(5) as a defence to the charge? The Interpretation Act does not apply since it relates only to the repeal of offences and not to their delimitation by subsequent enactments.

Bearing in mind the Interpretation Act, one possibility is that the courts might hold that, if a prosecution could not at common law be instituted or continued in respect of a subsequently repealed offence, then neither is it possible to institute or continue proceedings in respect of a state of affairs subsequently declared by statute not to be unlawful. If so, then the Bill clearly does "prejudice proceedings already underway", since it makes it impossible to continue prosecutions in respect of acts already done but subsequently declared not to be unlawful.

The nub of the question is whether the Bill prejudices proceedings which are already under way by making it impossible to continue prosecutions. Those prosecutions which are under way will be stopped by this legislation when it is passed. Does the Minister understand that to be the case? If so, why does the explanatory memorandum say the opposite? I would like the Minister to respond to that point when he is replying. Essentially, the Minister raised at the outset the question of whether the effect of the legislation will be to neutralise any case that is in the process of taking place.

In his previous statements, the Minister said that he is certain that there can be just one view on the matter. He said on 10 September last that he had consulted the Attorney General and the Garda Commissioner. He claimed that this Bill is necessary in the interests of absolute certainty. In an interview with RTE on 10 September, he said that he "was correct at all stages". He said today that there is not just one view on the matter. In effect, the Minister is saying that he was wrong.

**Mr. McDowell:** No.



**Mr. F. McGrath:** The Minister got it wrong.

**Mr. Costello:** It is either the case that there is one view on the matter——

**Mr. F. McGrath:** He has rolled back.

**Mr. Costello:** I can find the transcript of the interview to quote verbatim the Minister's words.

**Mr. F. McGrath:** The Minister is changing his mind about the nanny state.

**Mr. Costello:** I will read from the transcript of an interview with the Minister on 10 September last.

**Mr. McDowell:** The Deputy should read it all out.

**Mr. Costello:** Why would we not read it all out? The interviewer raised the possibility of there being two views on the matter by asking the Minister how, on the one hand, he had "interpreted the Act to allow functions like this to go ahead" while, on the other hand, the Garda had "such a different understanding". The Minister replied:

Well the situation is that first of all this theory that the Act prohibits kids from being in a place even though the bar is physically closed and no alcohol is being sold has been tried out in a number of venues and has been rejected. The District Court on two occasions has flatly rejected the suggestion that it is a breach of the Act. And that is in accordance with independent counsel's advice which I obtained ... it was detailed counsel's advice by a counsel who I believe to be expert on the subject — has written a book on the matter — and I am very clear that I agreed at all stages with that counsel's advice and told the Dáil so in response to a parliamentary question a number of months ago.

**Mr. P. McGrath:** Was it Constance?

**Mr. Costello:** Was the Minister referring to the same counsel, Constance Cassidy SC, who is regarded as the expert in this area?

**Mr. McDowell:** No. It was not Constance Cassidy.

**Mr. Costello:** Although the Minister received advice from somebody he considered an "expert on the subject", he did not get the actual expert on the subject. Constance Cassidy SC, who is the author of *Cassidy on the Licensing Acts*, is regarded as a knowledgeable counsel in this regard. She told *The Irish Times* last month that the legislation was "utterly nonsensical" and "a mindless, thoughtless and knee-jerk reaction".

**Mr. F. McGrath:** Like many of the Minister's policies.

**Mr. Costello:** Perhaps the Minister will identify the other expert in this area so we know who, other than the Attorney General, has been advising him. The Minister said he would like me to quote him in full so I will continue to quote from his interview of 10 September last:

All of us are subject to an authoritative statement in relation to the law and this I understand the Garda Commissioner sought today from the Attorney General and the Attorney General has told the Garda Commissioner that it is not the law that a person commits an offence by being present in these circumstances, at an alcohol-free occasion when the bar is physically closed. And that is the — we live in a Constitution, he is the chief law officer of the State and that is the end of the matter as far as I am concerned.

When the Minister said "we live in a Constitution", I assume he meant to say that we live in a country with a Constitution. He did not refer to the Director of Public Prosecutions, the relevant officer who interprets these matters and decides whether cases should be prosecuted. It seems the Minister has demonstrated a certain degree of negligence.

**Mr. F. McGrath:** The Minister should have been reshuffled to the Department of Transport.

**Mr. Costello:** In his interview of 10 September, the Minister said he and the Garda Commissioner "discussed the matter", as if they had a role in the matter. He also said they "discussed the propriety of getting the Attorney General's view on the matter". He was glad to state that the Attorney General had advised that day that the Minister "was correct at all stages".

**Mr. P. McGrath:** Why is the Minister changing his mind?

**Mr. Costello:** The Attorney General does not have a role because he deals with civil——

**Mr. McDowell:** That was his advice.

**Mr. Costello:** He is the adviser to the Government when it comes to a criminal prosecution. The Attorney General has not had a role in the matter since 1974, when we separated those matters by statute.

**Mr. McDowell:** He has a role in regard to the law. He advises the Garda to prosecute——

**Mr. Costello:** We are talking about criminal prosecutions. They are two separate matters.

**Mr. F. McGrath:** The Minister is wrong.

**Mr. Costello:** The DPP is the relevant person. The Minister has totally disregarded the DPP, who had a function in this matter.

**Mr. P. McGrath:** That is right.

**Mr. McDowell:** It is not.

**Mr. Costello:** The Minister concluded the interview by saying:

We cannot have a State in which there are different views of the law. There is only one view of the law which binds me as a Minister and binds everyone else. Both of us agreed that there is only one way to solve the issue and that was to bring it to the Attorney General.

That is a load of codswallop.

**Mr. McDowell:** It is not.

**Mr. Costello:** The Minister told the public that everything was hunky dory, in the knowledge that the Director of Public Prosecutions is the only person who can determine whether a prosecution can take place in respect of the law. I regard it as negligence on the part of the Minister, or at the very least a deliberate attempt to misconstrue a situation in public.

**Mr. McDowell:** If I consulted the DPP, would I not be accused of interfering with his independence?

**Mr. Cuffe:** Yes.

**Mr. F. McGrath:** Yes.

**Mr. Costello:** Did anybody say that the Minister must consult the DPP? I am criticising the Minister for consulting somebody who is irrelevant to the situation.

**Mr. McDowell:** He is not irrelevant.

**Mr. Costello:** Yes, he is.

**Mr. McDowell:** No, he is not.

**Mr. Costello:** The Minister knows well that the only person who can make a decision on a criminal prosecution is the independent Director of Public Prosecutions.

**Mr. McDowell:** Yes, and the DPP has no function in advising the Garda about whether it should object to a licence.

**Mr. Costello:** We are not talking about objecting to a licence.

**Mr. McDowell:** Yes, we are.

**Mr. Costello:** We are talking about a prosecution for events taking place in an alcohol-free zone in a licensed premises.

**Mr. McDowell:** We are talking about the Garda warning people that they are in breach of the licensing laws.

**Mr. Costello:** The Minister did not make it clear——

**Mr. McDowell:** It is an area of mixed competence between the Attorney General and the DPP, as I said in my opening remarks.

**Mr. Costello:** How could the Minister so judiciously avoid mentioning the Director of Public Prosecutions in all his utterances?

**Mr. McDowell:** It is not my function to encroach on his independence.

**Mr. Costello:** Nobody is suggesting that the Minister should encroach on his independence. He could have acknowledged in public that the Director of Public Prosecutions made the decisions in these matters, but he did not do so. As a result, he has had a number of cases in the courts and I presume there are other cases which we do not know about. A case has been sent to the High Court. We are coming in here because the Minister was sure that there was nothing wrong with the legislation. He said that to the public. We have come here to spend the entire day on an emergency Bill because the Minister was wrong.

**Mr. McDowell:** No.

**Mr. Costello:** I know it.

**Mr. McDowell:** There are no other prosecutions——

**Mr. Costello:** Black is white, Minister, we know that. In many ways, one can understand why the Director of Public Prosecutions took the view he did. During our consideration of the Bill before the House, we have not examined the text of the amendment from which the DPP was operating. Section 14 of the 2003 Act relates to restrictions on the presence in bars of persons under the age of 18. It does not refer to a bar counter, but to a bar, the sort of area where John Wayne and the lads would have had a shoot-out. When one refers to a bar, one refers to a space or to a room. The bar counter is a separate area.

One must remember that the real problem emanates not from that but from the 2003 Act. The new section 34 has been incorporated into the 1988 Act. It reads:

(1) The holder of a licence of licensed premises shall not, subject to *subsections*(2) to (4) of this section, allow a person under the age of 18 years to be in the bar of the licensed premises at any time.

We were all lax when that was going through, since it is clear. It does not refer, good, bad or indifferent, to whether alcohol is on sale in the bar of the licensed premises, or to a bar counter. It refers only to allowing a person under the age of 18 years to be in the bar of the licensed premises at any time. I can quite understand why the



[Mr. Costello.]

Director of Public Prosecutions came to the conclusion that it was a breach of the legislation if one had even an alcohol-free event in the bar of a licensed premises. There was a grey area from the word “go”, and the Director of Public Prosecutions is undoubtedly the man who got it right, and that is why we are here trying to deal with it.

The Minister mentioned that it would be improper for him to consult the Director of Public Prosecutions. It would certainly be improper for him to seek to influence his view. However, finding out his view may not be as improper as the Minister imagines. I refer him to correspondence initiated by my colleague, Deputy Quinn, back in 1998, with the then Attorney General regarding this precise issue. He had a certain concern about the McCracken tribunal and why certain matters were not being prosecuted regarding a certain gentleman who figured strongly in its business. There was a delay of prosecution of more than a year. He corresponded with the then Attorney General, Mr. David Byrne, regarding those matters. The reply is interesting, since he states quite clearly that it would be improper to seek to influence the Director of Public Prosecutions in any way. However, it gives one or two instances in which contact was made between his office and the Director of Public Prosecutions.

**Mr. McDowell:** That is provided for.

**Mr. Costello:** My point is that it is one thing to seek to influence the Director of Public Prosecutions in carrying out his independent duty to prosecute but another to seek to find out what his mind is regarding a matter. When the Minister himself says *ex cathedra* that there is only one view or opinion on the matter, and that he was right at all stages and has not in any way sought to determine the view of the Director of Public Prosecutions, there is a question mark over him. He could have dealt with it in a more appropriate fashion before he announced to all and sundry that he was right and the Director of Public Prosecutions proceeded with the prosecutions which have brought us here today. That is the legal side of the matter.

I have also raised some other points in my amendments. Since we are here today to seek to amend one section of the Intoxicating Liquor Act 2003 dealing with under age drinking or not allowing youngsters into public houses even for alcohol-free events, it is appropriate to mention other aspects of under age drinking that are equally pressing and that we might have included in this legislation. What are we to do about the thorny issue of the 9 o'clock barring order regarding youngsters under 18 that has arisen throughout the country, particularly in tourism areas, and which, I suggest, should be delayed to 10 o'clock? There is the question of the lack of any labelling on products sold in off-licences, where the real under age abuse takes place, and the promotion

and marketing of alcohol products exploiting young people. All of those deal with the same age group with which we are dealing here. I hoped the Minister might have given us the opportunity to deal with those pressing issues too.

It is disappointing that we must come back and rush this legislation through, getting no proper opportunity to take the sections in their proper place or introduce worthwhile amendments that might also be introduced now and that will, in some cases, cause trouble again next year.

**Mr. Cuffe:** I propose to share my time as follows: ten minutes for me, ten for Deputy Ó Snodaigh, three minutes and 20 seconds each for Deputies McHugh, Healy and Finian McGrath.

**Acting Chairman (Dr. Cowley):** Is that agreed? Agreed.

**Mr. Cuffe:** I welcome the changes in the Bill, but we should have been given more than 36 hours' notice. It is very difficult, particularly for those of us in smaller parties, to pull out the primary legislation, examine it, read the new legislation and form an opinion on it. It is unfair to rush legislation so. The Minister might have given us a week to look at it. It raises practical difficulties for independent Deputies or Deputies in smaller parties in getting to grips with the legislation.

I want to discuss the cartel in the licensed liquor sector, the rights of children, and super-pubs. Yesterday my colleague, Deputy Gormley, described the Minister as a binge legislator. I want to continue with that analogy for a few moments. Rather than confronting the fundamental reform the legislation needs, he is merely tinkering with the system. The binge drinker promises to change tomorrow, and the binge legislator promises to radically reform the system. I know from the last few lines of the Minister's speech that he too is making promises to reform, but not just yet. Just as when Deputy Brennan promised us a metro in a matter of weeks two years ago, I have my doubts as to whether fundamental reform of the legislation will happen in the coming weeks. A few weeks is a long time in politics, and is certainly a long time when one examines the promises that have been made by this Government to introduce legislation within weeks.

I would like the Minister to reform the system rather than tinker at the edges. In the absence of fundamental reforms, he is playing into the hands of the very rich people who control the licensed industry and a chosen few who understand the intricacies of the legislation. A knowledge of the inner workings of the Byzantine liquor licensing regulations and legislation is in the hands only of an elite, a handful of wealthy individuals who are passing their secrets on from generation to generation. It should not be that way. It should not be a small number of legal experts who must be consulted to make the smallest change to a

licensed premises. A cartel should not be allowed to operate within the licensed liquor sector. The liquor business here is run by a cartel, and I want the Minister to break it open. It seems to conform with the ideology that he professes in debate. Meanwhile his partners in Government kow-tow to the licensed vintners. I wonder if the Minister is willing to allow that cartel to continue, to allow a virtual monopoly to continue to operate. The Green Party believes that the current restrictions on entry to and operation within the liquor consumption and sales area should be considerably relaxed. We see no reason the wealth of planning legislation should not be used as the primary legislative tool to control the operation of the licensed liquor sector in this country. Some changes could bring about a more sensible and mature approach to alcohol in our society. We encourage people to enjoy a glass of wine with a meal or a pint of beer with a pizza, but currently it is difficult to do that. Getting rid of these restrictions would lead to a more family-friendly approach to drinking and enjoying alcohol in a sensible manner.

**Mr. McDowell:** I fully agree.

**Mr. Cuffe:** We would like to see greater rights and responsibilities given to the consumer, and the winding-up of the cartel operating in the sector.

The Minister spoke of taking pride in his accomplishment of getting children out of pubs. Given that pubs are the public houses of Ireland, we should rethink how these public places operate. Instead of banning children from pubs, we should make them more child-friendly. That is an ideological view but it should also be a practical view. In an era that focuses on children's rights, should we make these public places more child-friendly as places for socialising? What is the Minister doing for children other than banning them from public houses? Changes are necessary in this area. Instead of not allowing children witness what goes on in public houses, we should make fundamental reforms to the culture of the public house.

People should not get blind drunk in public houses. There is a responsibility on the individual and on the publican to ensure that this does not happen. The Minister introduced significant reforms in the previous legislation in this regard but I suspect there has been no real attempt by the Garda to enforce the provisions put in place last year. Not much has happened. There are significant responsibilities on the individual, the Garda and the publican.

The Minister spoke about getting back on the straight and narrow, and about fundamental reforms. When will he address the stark reminder of this monopoly, the super-pub? The super-pub is characterised by very large premises, loud music, few chairs and security on the doors. Last week I encountered the phrase "mass volume vertical drinking", MVVD, which characterises

the super-pub, where loud music and alcohol are pumped at the customer. What is the Minister doing to control this? By continuing with the monopoly, the Minister is increasing the pressure on the traditional pubs to either sell on to allow a barn to be built in place of the pub or to rip out the guts of the pubs, the old interiors, and double, treble or quadruple the size of the premises. This is happening all over the city, throughout Temple Bar and the suburbs. The Norseman, The Foggy Dew and The Temple Bar pubs have all been rebuilt as super-pubs. The Minister has a responsibility in this area as do the planners and county managers, but the liquor licensing sector has fuelled the expansion of these premises. I want the Minister to address this.

Unless the Minister loosens the conditions of entry to the sector, we will continue to have these super-pubs in the centre of Dublin, with suburbs the size of Limerick with one or two pubs which are in the hands of a few wealthy individuals. I want the Minister to make those fundamental reforms. Those pubs have the atmosphere of an airport departure lounge and they are souring Ireland's image at home and abroad.

I welcome the words in the latter part of the Minister's speech about making fundamental reforms. Yet in much the same way as the binge drinker promises to reform tomorrow, I wonder how long we will wait for that legislation to arrive. I welcome the few simple changes in the legislation. I am opposed to running the legislation through so quickly and I look forward to the fundamental reforms necessary.

**Aengus Ó Snodaigh:** Like most Deputies, I have no problem with the general thrust of this legislation, but the fact that we are back here so quickly after passing the Intoxicating Liquor Bill, which is now the Intoxicating Liquor Act 2003, indicates some incompetence in the way the Minister has approached legislation. On every occasion there seems to be a rush towards legislation. It seems that we return every time to deal with the same issues because we have not taken the time to get them right. In the immigration area we were promised a comprehensive immigration policy but we have dealt with three immigration Bills since I was elected. This is the second Bill dealing with intoxicating liquor and we are promised codification at some stage. That has obviously been promised to the Dáil on many occasions, since the Minister outlined how long we have been awaiting that. If he succeeds in delivering it I will welcome that, and I hope it will address some of the questions raised by other Deputies.

The fact that we are here today is an admission by the Minister and the Attorney General that they no longer believe they are correct in their view. If they did, they would defend the cases taken in the courts against the Director of Public Prosecutions, or at least support those facing prosecution by the DPP. They would also have

[Aengus Ó Snodaigh.]

waited for the outcome of the High Court case before rushing in legislation.

Deputy Jim O'Keeffe gave the lie to the Minister's assertion that this was an urgent matter. He pointed out that it had been raised by him and others in November 2003 and April of this year so it is not as urgent as has been portrayed in the media and in this House. Many other Bills are as urgent or more urgent. If the Minister had the conviction he had last week when talking to the media on this matter, he would use the offices of the High Court and the Supreme Court to defend his belief.

The Minister said that the DPP and the Attorney General had different roles in terms of advice for the Garda. Will he consider changing that situation so that the sole adviser to the Garda on laws relating to intoxicating liquor is the DPP, rather than having a Cabinet member advising the Garda on those laws?

Yesterday Deputy Gormley called the Minister a binge legislator. He definitely is in terms of two issues, namely, the Intoxicating Liquor Bill and the Immigration Bill. The last Intoxicating Liquor Bill was published on 17 June 2003 and went through Second Stage on 24 June. On 2 July it was guillotined so we did not have time for proper consultation on that Bill. It was rushed. Legislation passed within two or two and a half weeks of being published is rushed legislation. It does not allow Deputies and others sufficient time to ponder all the issues involved. I know there were consultation papers regarding the Bill in question. The hospitality industry lobbied all Deputies. However, they, like Members of the House, focused on the issues. If we had been given more time, we might have been able to pre-empt those issues. We tried to pre-empt some of the other issues the Minister admitted we need to revisit, including the time at which people under 18 must leave licensed premises. There was an opportunity today to repeal the relevant section and we could have done so in support of the tourism and hospitality industry. It would not have taken much to add some paragraphs if the Minister believed it was an important matter, as he said during the summer.

The Director of Public Prosecutions is an independent officer of the State. However, it is sad that the DPP and Garda have little else to do but take prosecutions against people trying to promote the proper and reasonable use of premises for the benefit of young people, such as No Name Clubs where no alcohol is allowed. Such people are trying to make inroads into a culture of alcohol use. The DPP does not have to ignore the law but many cases are more urgent. The DPP told the Committee on Justice, Equality, Defence and Women's Rights his office had a significant backlog of cases. Without interfering with the role of the DPP, we can ask why he took this prosecution so quickly while many cases have sat on his lap for years.

It is notable that gardaí have the time to go to Old Wesley and other venues when we cannot get them to deal with drug dealing and joyriding in communities.

**Mr. F. McGrath:** Well said. That is a common complaint.

**Aengus Ó Snodaigh:** Gardaí in Dublin 4 have nothing better to do than to walk from Donnybrook Garda Station to try to prosecute Old Wesley. If such gardaí have nothing better to do, they should go to Ballyfermot or other locations where I guarantee their time would be well spent. There are problems in working class housing estates in Dublin and throughout the country which need Garda attention, and the Garda Commissioner should be reminded of this. When the DPP comes before the Committee on Justice, Equality, Defence and Women's Rights, we will question him on this issue.

There has been a significant increase of 41% in alcohol consumption but this is not just caused by young people. The increase needs to be dealt with in different ways. A future Intoxicating Liquor Bill must address such problems so we do not have to continually make minor changes.

**Mr. McHugh:** It defies logic how the Minister for Justice, Equality and Law Reform, an eminent senior counsel and a former Attorney General, could arrive at a conclusion in regard to legislation he introduced which is at variance with the view of another legal professional, the DPP. The fact that the current Attorney General also has a view that equates with that of the Minister and is consequently at variance with the view of the DPP makes a farce of the legal advice floating around the Houses. Somebody is wrong and somebody issued advice which is incorrect. Either the Minister and the Attorney General are wrong or the DPP is wrong. As Members whose role it is to consider legislation, we are entitled to know who is wrong if we are to have confidence in any legal advice we may be given in the House.

**Mr. P. McGrath:** It could not be the Minister.

**Mr. McHugh:** We are also entitled to know who is wrong if we are to have any confidence in opinions uttered by the Minister. I expect the Minister to clarify the situation during this debate.

There is a serious lesson to be learnt from this debacle, namely, that framers of legislation should not become trapped in a tunnel vision approach in their pursuit of an ideal. If the approach is not all embracing, receptive to diverse views and generous in acknowledging differences, the result is flawed legislation such as that we are trying to correct today.

To deal with the specifics of the Bill, I note that the Memorandum specially mentions night-clubs and function rooms of hotels. However, other such licensed premises also hold alcohol free



youth discos, for example, community centres with bars, sports clubs etc. Will the Bill cover these?

It puzzles me that the Bill amends the Intoxicating Liquor Act 1988 while it is section 14 of the Intoxicating Liquor Act 2003 which created this uncertainty. Section 14 replaces a particular section of the 1988 Act, but surely it replaces the section in place at the time not a section which will be in place if this amending legislation is passed. I tabled a parliamentary question to the Minister on this issue in October 2003. In his reply he confirmed:

The position is that section 14 of the Intoxicating Liquor Act 2003 prohibits persons under the age of 18 years from the bar of licensed premises after 9 p.m. Where a part of a licensed premises contains a bar counter which is physically closed and is not used for the supply of intoxicating liquor, such a part of the premises does not constitute a 'bar' within the meaning of the 2003 Act.

The problem that arises in regard to the Minister's advice is that it was used by certain organisations as justification for holding alcohol free youth discos in licensed premises, some of which subsequently ran into difficulty. The Minister should address this in his reply.

In general I am somewhat baffled by the gusto with which members of the Garda endeavoured to enforce their view of this legislation. All of the organisations involved without exception are bona fide organisations which have as their central ethos the aim of having youths enjoy themselves without alcohol. In such circumstances, it was over the top for gardaí in uniform to visit such functions. Gardaí should apply themselves to more urgent duties.

I object to taking all Stages of the Bill today. We should have an opportunity to consult the relevant organisations to ensure that when we pass legislation in the House, it is appropriate and relevant.

**Mr. F. McGrath:** I am glad to have the opportunity to speak on the Bill which will allow under 18s to attend alcohol free events in licensed premises. I welcome the Bill and, despite the short notice, I support it because it is sensible. I hope, however, that it is the beginning of a row-back on the nanny state, which has blighted this State over the past 12 months.

Many of our people are fed up with the new intrusion by the State into our personal lives and personal decisions. I do not tell the Minister what to do in his personal or private life. Why should he or any other Minister tell me I cannot bring my family for a meal in a pub after 9 p.m.? Why should the Minister for Health and Children push thousands of smokers on to the streets in the cold and rain when a sensible policy such as designated smoking rooms in all pubs is a solution? Why should the Government stop elderly pensioners, many living alone, visiting their local pub

for a drink and a cigarette? This nanny state practice must end. This intrusion into personal lives and choices is an attack on civil liberties. I urge the Government to reflect. It should not be afraid to do the sensible thing and row back on the introduction of the nanny state.

I support the Bill. I pay tribute to the many youth clubs and groups that organise events for young people. Society does not pay enough attention to voluntary workers in community groups. The whingers or the sit-on-the-fence merchants often seem to dominate this affluent society. That is something Irish people should watch. We should always assist, praise and support the carers in our community, particularly those working with young people.

In the context of the massive alcohol problem in this State, we need to get away from the blame game and accept that every citizen has a duty to respect alcohol, to inform children about the dangers of alcohol, to look after our own children and to preach and practice moderation. Moderation and balance are key in our battle against alcohol abuse, particularly among young people.

I am always fascinated that on Bastille Day in France thousands of young people can descend onto a beach at 11 p.m. to watch a fireworks display without cans or bottles and no air of threat or violence. It is not that they do not drink. They have the right attitude to alcohol, and binge drinking is not on their agenda. We could all learn from countries such as France. It is something we as legislators and leaders of society should constantly bear in mind and study.

I welcome and support the Bill.

**Mr. Healy:** The second report of the Strategic Task Force on Alcohol sets the scene for this debate. It is worth quoting from the section on children which states:

The 1999 international ESPAD report (European School Survey Project on Alcohol and Other Drugs) showed that Irish boys and girls aged 16 years are among the highest alcohol abusers in Europe in terms of binge drinking and drunkenness. One in three were regular binge drinkers and one in four reported being drunk ten or more times in the last year. The more recent Health Behaviour in School Children (HBSC) survey reported a decrease in the number of children under 15 years of age experimenting and consuming alcohol, but there was no reported change in the drinking patterns of the 15 -17 age group... In 2002, among the 12-14 age group, 16% of boys and 12% of girls were current drinkers in comparison with 1998... However, in the 15-17 age group, about half of the boys and girls were regular drinkers and drunkenness was also prevalent (60% boys, 56% girls).

That is the background that overshadows this debate.

[Mr. Healy.]

Many speakers on this side of the House have criticised the speed with which this Bill is being taken in the House. I accept those criticisms and reservations. However, this is important and urgent legislation and I certainly support it.

I take the opportunity afforded by the debate on this measure to thank and compliment all those organisations that support young people. I particularly wish to record my thanks, congratulations and compliments to the No Name Club both nationally and locally in south Tipperary. People like Eddie Kerr and Arthur Kiely, natives of my town of Clonmel, who are heading up this organisation have done hugely important and advantageous work. The part of the local organisation in Clonmel headed up by my colleague, Councillor Phil Prendergast, is doing and has done tremendous work in this area. That club and similar clubs should be supported by public representatives and should be grant aided by Government.

I want to put on record that I, like others, am amazed by the manner in which the Garda Síochána dealt with this issue in the Dublin area. There are other more important matters that should be dealt with. The gardaí in Clonmel have supported the No Name Club from day one, have been involved with the club in recent non-alcoholic discos and have been available on a voluntary out-of-hours basis to support local volunteers. I compliment them on that. It is an indication of common sense that people in the country have compared to people in Dublin.

Clubs such as the No Name Club should be supported and financed by way of a Government grant to ensure an alternative to alcoholism, drunkenness and binge drinking is available to young people. I hope the Minister will look at that suggestion.

**Dr. Twomey:** I propose to share my time with Deputy Paul McGrath.

The people of Wexford will be delighted with this legislation. I and other Deputies from County Wexford have regularly called for more gardaí and more policing in our county. Like all my colleagues in County Wexford we expected to get more resources to reduce the level of very serious crime and to reduce the level of public order offences. It therefore made us very uneasy to read in the newspapers that gardaí were invading teenage alcohol free discos as if they were some type of speakeasy. In some respects it is quite funny because when I was young I remember reading about gardaí raiding poitín stills in different parts of the country. It seems ridiculous that they are now raiding alcohol free discos. Therefore, the sooner this legislation is passed the better.

There is far more pressing legislation that should be rushed through this House. The Minister for Justice, Equality and Law Reform seems to have priority regarding rushing legislation through the House, whether in regard to keeping

children out of pubs or non-nationals out of the country. In the legislative programme for this Dáil session, the Minister of Education and Science, Deputy Hanafin, who was Chief Whip at the time, said that health will continue to be a priority for this Government. There certainly does not seem to be any move to rush the numerous pieces of important health legislation through the House. Some of it has been waiting for years. Even though Deputy McGrath might be fuming at the thought of the tobacco Act which was passed last year, there are many areas of health that could benefit from the sort of priority face-saving legislation that the Minister for Justice, Equality and Law Reform is rushing through this House on occasion.

The Health (Amendment) Bill and the Health and Social Care Professionals Regulatory Bill are expected to be introduced in the House during this session. I understand they have been on the legislative programme for a number of sessions. We are also told that Bills in respect of which the heads have been agreed and texts have been drafted will be published some time in 2005. It is important to read these pieces of legislation into the record. One is the Alcohol Products (Control of Advertising, Sponsorship and Marketing Practices/Sales Promotions) Bill. This is to protect children and adolescents from being overexposed to alcohol advertising. That is good legislation and perhaps will tie in with the legislation being dealt with here. However, there is far more important legislation, for example, the Irish Medicines Board Bill to amend the Misuse of Drugs Act, the Irish Medicines Board Act and the clinical trials Act. I have been trying to introduce an amendment in relation to it in the Dáil since the beginning of this session. In the past six months very important events have occurred. A very popular anti-arthritis drug was quickly withdrawn from the market because it was shown that long-term use caused serious, sometimes fatal, problems for people. There is an ongoing debate on a very important anti-depressant drug which is still on sale in this market. There was a programme on the BBC only last week which revealed that problems highlighted six months ago had not been dealt with by the regulatory authorities in the UK. We do not seem to have much to say here either. I hope my amendment will come through and that I will be able to discuss it with the Minister for Health and Children. There is also the medical practitioners Bill to provide for the registration of doctors and the regulation of their activities.

As a doctor I am aware how important it is for the public to have the utmost confidence in their doctors, whether they are GPs, junior doctors or consultants. The Medical Practitioners Act was passed in 1978 but since then medical practice has changed dramatically. The medical profession has pushed for the Act to be amended, yet its calls have been consistently ignored by the Government.



There is a long list of Bills concerning health services, the heads of which are still awaiting the Government's approval. There is the adoption Bill which includes the ratification of the Hague Convention. Will the Minister enlighten the House as to when the Hague Convention was made? The nurses (amendment) Bill, which will fulfil the recommendations of the Commission on Nursing, is still awaiting approval. In 2005, when the Bill will be published, no nurses will qualify in the State due to the transition in training requirements from the hospital system to diploma course. The pharmacy Bill to update pharmacy legislation remains on the list while changes occur in the primary health care sector in the funding and organisation of general practice. Touchstone Limited is offering to build primary care centres, anchored with retail pharmacy outlets. However, legislation to assist independent outlets compete with these developments, which will have long-term consequences for patients, has not been introduced.

Will the Minister use his powers of persuasion to rush legislation through the House and guillotine Bills so as to enable discussion of important health legislation? This is the only way the Government can show that health issues are its priority. The Intoxicating Liquor Bill is simply face-saving legislation to prevent the proud owner of Lissadell House from getting the better of the Minister for Justice, Equality and Law Reform. I hope it is passed quickly so time can be devoted to more important and vital legislation.

**Mr. P. McGrath:** I thank Deputy Twomey for sharing his time. Once again, the House is addressing emergency legislation introduced by the Minister for Justice, Equality and Law Reform. At this stage, he should be known as the Minister for emergency legislation as he is always in a tizzy about something and having to amend something he has already done. It is typical of his shooting from the hip and thinking afterwards.

However, I welcome this legislation in the hope it will clear up the confusion that exists in this area. I regret the Minister has not introduced more comprehensive legislation in dealing with drink-related problems and crime. The volume of drink consumed by our young people, and its subsequent difficulties, is a serious matter. Recently I learnt that it is now common for young girls not to eat their dinner on the Friday or Saturday evening they head out because it makes it easier to get merry. Young people purchase alcohol in off-licences to consume at home before they head out on the town, again to get tipsy quickly and cheaply. I always understood that going for a few jars was more a social occasion. When people behave in such a way, there must be something wrong with society. In nightclubs, young people, girls in particular, consume a drink known as "fat frog" costing €15 a glass. They can consume a number of these concoctions in a night. What about the cost of such a drink? What will be the long-term consequences of such consumption? As

a society we must introduce proposals to tackle these problems.

The Intoxicating Liquor Bill facilitates the no name clubs and non-alcoholic discos. The no name clubs do excellent work and should be supported in whatever way possible. It is a good way to show young people how to enjoy themselves without alcohol. Regrettably, the age when young people want to socialise without alcohol is falling. Fifteen and 16 year old teenagers now consider themselves too old for the non-alcoholic discos, as 12 and 13 year olds attend them. An alternative lifestyle must be provided for them.

One mistake the Minister made in this legislation was to bar children under 18 years from pubs. While I accept the need for controls and to be conscious of the alcohol problem, I saw an example of this mistake during the summer. We in Westmeath are not used to glory on the football field but this year we had a long run, winning the Leinster Final. On the victorious Saturday evening, it was 10 o'clock when one reached Kinnegad from Croke Park.

**Mr. McDowell:** I hope the Deputy left his car at home before he went to the pub to celebrate.

**Mr. P. McGrath:** It was throbbing with people, an example of a family occasion where families tend to be sensible. By barring children from pubs, we are cutting across such occasions. Are we saying that by 9 o'clock because no children are allowed in the pub they must leave? Does this mean that the children and one partner stay at home while the other heads into town to join in the celebrations? I prefer to see families joining in celebrations together because they show more restraint and a more sensible approach to alcohol on such occasions. The ban on children gives the impression that celebrations are for big, grown-up people. Surely we want to encourage families to be together as much as possible. The Minister should look at that again. It is within his competence to design a system to achieve his objective, which is to avoid having children in premises late at night when people are tanked up. We do not want that.

**Mr. McDowell:** I am much more concerned about the 16 and 17 year olds.

**Mr. P. McGrath:** Yes, but this is not the solution.

**Mr. McDowell:** If the Deputy will show me another way, I will take it.

**Mr. P. McGrath:** This is not the way to solve it. It is affecting families in other ways and is bringing the law into disrepute. We must avoid having people say: "To hell with the law; look at the stupid law they have brought in now." We must bring the people with us. We must make them aware of the problems and work with them in trying to find a solution. Barring under 18 year olds from pubs from 9 p.m. is not the solution.

[Mr. P. McGrath.]

The difficulties were visible throughout the country on summer evenings and following sporting occasions.

Another related issue is the smoking ban. The legislation was not the Minister's but emanated from the Department of Health and Children. However, having people congregate outside pubs on the main streets of towns at night is not the way to do business. Some of the smokers have drinks in their hands while others do not. As the night wears on, they get tanked up and when people walk past them on the streets, comments are made. This is leading to difficulties. The people concerned are outside the jurisdiction and control of the pub. Perhaps they should not have their drinks with them outside but in many cases they do. It means they have weapons on the street if a row breaks out.

There should be a facility provided by the publican within his or her jurisdiction. The publican must be responsible for providing an area in which the smokers can safely congregate. Obliging them to go out on to the street is not safe. It is also not a pleasing sight to see clusters of people smoking outside every pub on a street. It was a mistake to deal with the matter in that manner. I am not aware if statistics are available on the difficulties that have arisen as a result of people congregating outside pubs on the street at night. I suspect, however, that there are difficulties. There were difficulties in my home town soon after the ban was imposed.

I have walked down the street at 10.30 p.m. or 11 p.m. and encountered the various congregations of people outside the pubs who have had a few jars. It is not the nicest of experiences to walk past them. It can generate all sorts of attention that would not occur if they were indoors or in some other location. The Minister might have experienced it as well. If he came to provincial Ireland, I am sure people would recognise him and shower their attention on him.

**Mr. McDowell:** They would come up to me, shake my hand and tell me I am doing a great job.

**Mr. P. McGrath:** The local elections provide a good picture of what happened to the Progressive Democrats throughout the country. I believe the Minister would be reluctant to ask them to shake his hand on that achievement. There was a major reduction in the party's popular support as well as a major loss of seats. The Minister should not put himself forward as having won the hearts and minds of the public.

In the interests of law and order the Minister should make it obligatory for publicans to provide some other solution to the smoking ban, rather than having the smokers out on the streets. It is possible to create a smokers' atmosphere somewhere else, be it at the back of the premises or in some type of severely ventilated area. Let us remove the clusters of people from outside the pubs in the interests of public safety.

**Mr. English:** Smoking outside the pubs is an issue. It is not the Minister's responsibility but there is an opportunity for the two Departments to work together. Perhaps if this Bill was not being rushed through, it could have dealt with it.

There is a problem with people gathering outside bars with their pints to smoke. Some areas have by-laws that forbid drinking while in other towns people are allowed to drink on the street. It is a problem. I am not sure if the Minister was present for the debate on the smoking ban legislation but we said at the time that it would lead to trouble on the streets. It is doing that and will cause more trouble. It is causing intimidation, which is a matter for the Department of Justice, Equality and Law Reform. When young ladies or other people are walking past a bar and a group of lads has congregated outside after having a few pints, they will make comments. It is causing rows late at night as well. Action needs to be taken to get people off the streets. Let them smoke at the back of the pub or somewhere else. Not many pubs can provide that facility but we need to find a way to deal with it because there are problems and there will be more in the future. It must be addressed urgently.

Apart from the crime considerations, it looks bad to have people standing or sitting on the streets with a pint and a cigarette. It looks bad even if they do not have a pint.

**Mr. McDowell:** They are not allowed to drink a pint on the street.

**Mr. English:** Many of them are bringing pints out with them. There is confusion about this. Some people believe that unless the council has passed a by-law preventing it, they are allowed to do it. This needs to be clarified. In other cases, people thought they could have chairs and tables outside until a certain time in the evening.

**Mr. McDowell:** I am informed that on occasion there can be a licensed curtilage that includes the pavement.

**Mr. English:** That seems to be working well. However, the problem is where there are doubts about it and where people are gathered outside in gangs. The smoking and how it looks are the problem. When one drives through a town one will see a gang of people gathered to smoke outside every second doorway, which does not give a good impression of the town. The smoking ban is probably a good thing overall but some aspects of it must be sorted out.

The same applies to the Bill before us. It was not perfect when it was introduced so we now have to correct it. I congratulate the Minister on bringing this Bill before us so quickly. I wrote to the Minister when the problem arose and, in fairness, he replied to me and took action. He clarified his thoughts on the legislation but publicans and nightclub owners were afraid to hold events in case they would be prosecuted. At the time it

was not good enough simply to state that they would not be prosecuted because they still had grave concerns.

I welcome the Bill being brought to the House in the second week of the session. It is wrong, however, to rush it through the House today. Many Members are anxious to speak on the Bill so we should spend a few days on it to get it right. Getting the Bill wrong once was just about acceptable; if we get it wrong a second time, we will suffer. The public will blame the Minister.

**Mr. McDowell:** I would enjoy it.

**Mr. English:** The Minister would enjoy it but it is his reputation that worries me. People will blame the Minister. He is already getting the blame. I will not tell him some of the names he is called. This Bill corrects an anomaly in the previous legislation that resulted in functions for young people not being held. The proprietors were afraid to have the young people on their premises.

Young people are better off inside, where we know where they are, than outside. I believe the Minister agrees with that. The Bill makes it clear that nightclubs, hotels and other venues can hold functions for young people. However, there are still doubts that require clarification. If a hotel has a function room adjoining the venue, the bar in the function room must be securely closed. I presume the other bars in the hotel are allowed to remain open. What happens if somebody wanders from one bar to another, which can happen at functions? The position is not clear, which makes me nervous.

I am also concerned about the provision that the bar must be securely closed. Let us take as an example the nightclub in the Ardboyne Hotel in Navan, where up to 1,500 people might come to the disco. For insurance reasons, everything is calculated in detail. That includes the number of people who will be sitting, standing and so forth. I accept that the bar cannot sell alcohol and I agree with that. If the bar cannot be open, they will have to construct another bar in front of or at the side of it or at the door. It will be like the community centre with a little table with bottles of Coke and bags of crisps. That is fair enough but the people about whom we are talking are 16 or 17 years of age and they are into more sophisticated things than the little table in the corner. I would like that clarified. Does the bar have to be closed? What do we expect people to do instead? From where will they sell the drinks — Coke, water and orange?

**Mr. McDowell:** Anywhere they want.

**Mr. English:** Where will they wash the glasses? It is not practical. I have worked in many discos. The machines for cleaning glasses are behind the bar.

**Mr. McDowell:** The logic of what the Deputy is saying is that I should allow the bar to be open but not allow it to serve alcoholic drink.

**Mr. English:** Correct. That is how it always was and it worked very well.

**Mr. McDowell:** We could not enforce it.

**Mr. English:** It was enforced for years before the Minister brought in this crazy legislation. People always held functions. I went to discos in places——

**Mr. McDowell:** There was massive youth drinking.

**Mr. English:** There was not. The drinking was done before the disco, and the Minister knows that. A bit of common sense is needed here. People drank outside on the street and then went into the disco. I do not believe anybody could show me a bar that held a junior disco and sold drink. Why is the Minister so afraid this will happen now if it did not happen before the introduction of this legislation? I do not know of one publican who would risk blatantly selling alcohol at a junior disco, or a disco for young people under 18 years of age.

**Mr. McDowell:** It may not be advertised as a junior disco.

**Mr. English:** I refer to a disco for under 18 year olds. It does not matter what it is advertised as. Apart from the logic of this, from an operational point of view, it will probably be impossible to operate this second bar in front of the main bar. Have we thought this through from an insurance point of view? If a new bar is built and it takes up a great deal of space in front of the main bar, fewer people will be permitted into the place for insurance purposes, fire certificates and so on. The Minister has not thought about this. He should not shake his head at me; it is a serious matter. Proof that he has not thought about it is the fact the Bill is being rushed through and he will not allow it sufficient time. The Minister should think about it and see whether something can be done on Committee or Report Stages. I am not convinced the bar must be closed, although I agree no alcohol must be sold. I am coming from the same standpoint as the Minister. We both want the same end result, but we must be practical. Pubs and nightclubs are suffering enough as it is.

When discussing liquor and public order Bills, I asked about staff on premises. Public houses and places selling alcohol are under pressure financially not only as a result of legislation but as a result of a change in drinking habits and attitudes. The issue of security staff and trained bar staff dealing with young people and people chancing their arm to get a drink is not adequately dealt with. I asked if we could consider giving a tax break so that a publican could have people, sep-



[Mr. English.]

arate from bar and security staff on his premises to roam around. The Minister was not in the House at the time but his colleague, who has recently been promoted, the Minister for Defence, Deputy O'Dea, was. It is the bar owner's job to stay on the floor of the premises, wander around and check what people are drinking. Even at teenage discos, people could sneak in with vodka or one of these new drinks in their pockets. People hired to roam around should be distinguished from bouncers who can be seen coming a mile away as they are generally big people and dressed in black. When I ran a bar in Navan, the owner was a small woman — smaller than me, which is hard to believe — and she spent her time on the floor of the bar. She was not even noticed and she caught people doing things they should not have been doing. She could afford to do that because she owned the bar. Other pubs cannot afford to hire staff to do that.

The Private Security Services Act 2004 has still not been implemented. Bouncers still do not have to be trained and there is no registration system. That is a major problem. All these problems come together. Why has the Private Security Services Act 2004 not been implemented?

**Mr. McDowell:** It will be in three weeks' time.

**Mr. English:** When was it passed? Did we last discuss it a year ago?

**Mr. McDowell:** It was introduced four years ago.

**Mr. English:** My colleague, the former Deputy Farrelly introduced it in 1998 or 1999. The House did not accept it. It was thrown out and brought back in.

**Mr. McDowell:** I pushed it through before the summer.

**Mr. English:** We discussed it a year ago. It is a long time ago. If I am correct, this House passed that Bill was passed in 2003 and not 2004. It has been sitting on someone's desk throughout 2004. Does the Minister not believe it is urgent and more important than this legislation, although this Bill is important? That Act needs to be implemented.

This Bill shows young people we are here to act for them and to correct an anomaly. The whole alcohol debate is wrong. We constantly talk about new laws. We need to have a proper debate on alcohol that will achieve results. Despite all the laws preventing young people entering premises to get drink, they can still get alcohol. That is the bottom line and a point we are missing. We do not seem to be winning that battle. This has not just been happening in the past two or three years but has been going on long before the Minister's time in office since I was 12 or 13 years of age. There has been under age drinking for a long time but it is just more

prominent now because young people do not care who sees them. When my friends were 13 years of age, at least they hid behind a bush but now young people sit on the street and drink in view of the gardaí. There is a lack of respect but that is another issue into which I will not go.

We need to discuss the alcohol issue. It is as much an education issue as a justice one. All the laws we bring in will not solve this. I will not continue to blame the Minister because it is not all to do with his Department in that it is more an education issue when it comes to drink. There would not be a problem if young people did not want to drink in the first place.

There has been a great deal of talk about sponsorship by drinks companies and advertising. Companies want to advertise alcohol and it will be difficult to bring in laws to stop that but we should at least bring in one which would level the playing pitch. For every advertisement for alcohol, there should be one showing the worst effects of alcohol. There is an advertisement on television to deter people from drinking but it does not do so. It is a pathetic attempt and does not deter anybody. The advertisement shows the man half forgetting what happened the night before but it does not show him on the street throwing up or getting battered on the way home. The advertisement could have been much stronger. We need to get serious about these issues if we are to solve this problem so we would not need legislation such as this.

**Mr. O'Dowd:** Deputy English has put his finger on the real issue, namely, that regardless of the laws we have, if under age people continue to behave in this way towards alcohol, we will have a more serious crisis on our hands. I have read the report of the strategic task force on alcohol, which is quite damning in terms of our society and how we deal with the problem of alcohol abuse and, in particular, of young people abusing alcohol.

The national alcohol policy is totally separate from the national drugs one. The national drugs strategy is well funded throughout the country. Professional people work on it day in, day out and the health boards focus on it. There are national, regional and local plans. The Government needs to combine the national alcohol and drugs strategy as one strategy dealing with substance abuse. The reason that is not happening at present is that alcohol is a legal drug and the national drugs strategy deals with other drugs that are deemed to be illegal. All of them do harm. In this country, alcohol does more harm than any other drug.

One of the things that would work in fighting the problem of alcohol abuse is a community strategy, a community working together. The Garda is very much under staffed late at night. We rarely see gardaí on our streets on a Friday or a Saturday night. The reality is scenes of appalling drunkenness, aggression and violence. There has been an increase in road deaths and in single



vehicle accidents. The situation in our cities and towns, particularly on Friday and Saturday nights, is disgraceful. We cannot just say “stop” and put laws in place. As Deputy English said, we need a fundamental change in attitude to alcohol based on education, health awareness and so on. Few families or areas do not have somebody suffering serious illness as a result of alcohol abuse, somebody dying or who has died from liver failure or young people who are suffering appalling health outcomes as a result of alcohol abuse.

What we really need is more advertising pointing out to young people how serious and how negative binge drinking is and how it affects them. We need a proper schools policy in this regard. Although a policy is supposed to be in place I do not know who regulates it. We need a much more focused policy on alcohol abuse.

A public attitudes survey for the year 2002 was published in the report of the strategic task force on alcohol and I will refer to some of its results. Some 67% of people surveyed supported the lowering of blood alcohol limits for drivers to 0.5 mg in line with other EU countries. A total of 83% approved of random breath testing being enforced all year around. A significant majority, 89%, supported the view that children should not be allowed in pubs after 7 p.m. We should restrict advertising on television and in public areas.

**Mr. McDowell:** Would the Deputy repeat the second last one again?

**Mr. O’Dowd:** Some 89% of people agreed that children should not be allowed in pubs after 7 p.m. I do not have a problem with that. I support that policy completely. I see a great deal of sense in it as a parent, teacher and public representative.

One of the issues I wish to address in the time remaining is the drinks industry and the drinks lobby. Advertisements abound in pubs at the moment stating: “Price of the pint reduced to €3 all weekend.” This is a product that was being sold at an exorbitant profit and now the price is being reduced because people are not consuming it in the way they previously did. What are the publicans, hoteliers and the drinks industry doing about the provision of alternative recreational amenities for young people in their communities? They are complaining. The drinks industry and the community generally should look at real alternatives other than, as used to be the case, an alcohol free disco in a cold unheated hall. We should look at more attractive ways of providing recreational amenity for young people. The drinks industry should play its part. It does not at present. Some 57% of people supported the proposition that taxes on the drinks industry should be increased. If that is done then we would soon have a fund available to meet a real need and to be pro-active.

The Government appears to be hell bent on building big stadia for world class sport. More power to it. The reality is that money for sports

allocations and grants are needed for local community GAA clubs, soccer clubs and parks in which children can play. What is the point of concentrating on spectator sport? We must help young people achieve the feeling from playing sport or from community involvement that they get from drinking alcohol. A great many things could be done which we are not doing at present. The Government has failed miserably in this regard. Its policy is wrong and unfocused.

Alcohol is a dangerous substance for many people and until we marry a national alcohol strategy with the national drugs strategy we will continue to have these problems. Society needs a properly funded plan. We are at a watershed with binge drinking and related health problems. The Government is not doing enough to combat the problem. Let us sort it out. Otherwise it will be to the eternal shame of the Government at a time when we never had so much money, that there is such a miserable lack of policy and commitment to changing this appalling situation.

**Mr. Stanton:** I wish to share time with Deputy Boyle.

**Acting Chairman (Mr. Kirk):** Is that agreed? Agreed.

**Mr. Stanton:** I acknowledge the Minister’s attempt to deal with the major problem of alcohol abuse among young people. It is important for all of us in the House to be at one on the issue.

It is unfortunate that all Stages of the Bill are being taken on the one day. It would be useful if we had a couple of days before Committee Stage to give us time to think about some of the problems that might arise. My colleague, Deputy English, has already alluded to a few of them. He is a young man with a great deal of experience who is closer to the action than perhaps the Minister or I would be. He knows what he is talking about and he should be heard, as should other young people because they know what is going on. I do not know when the Minister was last at a disco or one of these events.

**Mr. McDowell:** Deputy English has now managed to have less hair than I have.

**Mr. Costello:** That is by choice on his part.

**Mr. English:** Mine is growing, it can get better.

**Mr. Stanton:** As Deputy English stated, intoxicating liquor should not be sold, supplied or consumed on the premises. The issue is whether in a hotel with three or four bars, “licensed premises” includes the whole complex. This issue needs to be teased out because “premises” could mean every single bar has to be closed.

**Mr. McDowell:** Or part thereof.

**Mr. Stanton:** It is not that clear. We have already had confusion about other legislation in

[Mr. Stanton.]  
 this area. It could be interpreted in either way. There is also a reference to the effect that any bar counter on the premises should be securely closed. Does "any bar counter" include a mineral bar? It does not specify what kind of bar is meant. Deputy English referred to a temporary bar being set up in front of the other bar. That would be a total disaster. Like Deputy O'Dowd I was involved with young people in a teaching capacity for many years. When they get together with music at night, a phenomenal amount of excitement, enthusiasm and energy is created. A constituent of mine was tragically crushed to death in the Point Theatre a number of years ago. We must be very careful about how we organise bars and places where minerals might be sold. I am sure the Minister is not suggesting that water or minerals would not be sold at under age events. However, we must be clear that the bars that will be set up to sell minerals will be secure and solid so they will not, break, fall or give way. We need to clarify if "any bar counter" includes mineral bars, because if "bar" as defined in the 1988 Act has not been amended in other Acts it needs to be looked at.

Another issue of concern is the lack of specification in the legislation regarding time of closure. My colleague, Deputy Jim O'Keeffe, referred this morning to the approach taken in this regard in New South Wales in Australia. To be helpful I direct the Minister's attention to what is being done there. It is very interesting how they have dealt with the matter. They have devised policies and guidelines to make under 18 functions a success. These functions can become huge and, consequently, there is a need for a policy to limit the number of people who attend. Perhaps this is addressed under the fire regulations of health and safety legislation.

How is it done there? Unless tickets are sold in advance, which is the case in New South Wales, thousands of young people could turn up at an event but not be able to get in. I have teenage sons and I know how enthusiastic they are and how much they look forward to these events. Accordingly, tickets should be pre-sold for such events so that numbers can be limited and to prevent disappointment for those turning up on the night with no hope of gaining access. There should also be a requirement on those running the events to notify the Garda a week in advance. They can seek Garda advice.

The Garda has a job to police huge events such as this. How can the Garda know about it unless they are told? They should be told about it and it should be in the legislation. If the Minister had allowed a break between Second Stage and Committee Stage we might have been able to do this. I do not know whether it can be done now, today. There is nothing about the type of adult supervision that is required for these events. There are no guidelines and no thought has been put into it. Is adult supervision of any sort required? Can a ten year old or a five year old attend these

events? The Minister is nodding; of course they can.

**Mr. McDowell:** What events is the Deputy talking about? He could have a disco for five year olds if he wanted.

**Mr. Stanton:** The Minister wants discos for five year olds. That is brilliant. We are talking about an under-18 disco and the Minister says it is all right for five year olds to attend, at night, with no closing time. It is bizarre.

**Mr. McDowell:** This is not a nanny state. Is the Deputy in favour of a nanny state?

**Mr. Stanton:** The Minister should let me make the point. I am suggesting that perhaps some thought should be given to lower age limits at these events. I am making a serious point and am concerned about this issue.

**Mr. McDowell:** How does one prove the age of a 12 year old?

**Mr. Stanton:** It is done in Australia where some thought has been put into it, but the Minister obviously has not. He may throw his eyes up to heaven and pooh-pooh everybody because no one knows as well as he does and he will not listen to anybody. That is his problem. He should listen more. There are other matters such as the issue of pass-outs, with people leaving an event and coming back in again. In Australia that is not allowed. It is in the legislation there and they do not do it. The Minister might learn something here. When young people leave those events, they go out, drink outside and come back in again.

**Mr. McDowell:** Is the Deputy saying one cannot leave a disco?

**Mr. Stanton:** I am not saying one cannot leave it. What the Australians say is one cannot come back in if one leaves the event. It is an issue that has to be discussed. If the Minister was familiar with how these events work on the ground, what happens is that young people may leave a disco, go outside, get drunk, come back in again and cause a problem. This is something that must be headed off at the pass to make it safe for the people who want to enjoy themselves. I am just raising the issue for debate, that is all.

**Mr. McDowell:** There is a limit to what the law can do.

**Mr. English:** Exactly.

**Mr. Stanton:** Perhaps so, but let us debate it and perhaps put down guidelines. Let us see what we can do to help.

**Mr. English:** Fine Gael is trying to work with the Minister.

**Mr. Stanton:** We are trying to be helpful. The Minister wants to knock every suggestion we put forward.

**Mr. Durkan:** The Minister does not want to be helped.

**Mr. Stanton:** No, he knows it all. We will be here again——

**Mr. O'Dowd:** We will be back changing it again.

**Mr. Stanton:** On the broader issue of alcohol abuse I am concerned that the youth work Act still has not come into force. No money has been provided for the development plan. We have a problem in this country with the lack of a youth policy. There is a good national youth work development plan, but no money has been given to it. Last year, I am told by the Minister for Finance, an estimated €12.2 million extra was collected in increased taxation on alcopops. That shows the rate of consumption, which is colossal. The volume consumed fell by 11.5%, which is small enough when one considers the huge rise in the amount of excise duty that was put on. I suggest that some or all of that money should be put into the youth work sector to try to develop clubs and youth activities to help people to take responsibility for their actions and set up citizenship programmes etc. However, that is not happening.

The youth work sector is starved of resources and the Minister for Justice, Equality and Law Reform has then to deal with the problems. Perhaps the Minister will ask the Cabinet to put some of this money into the youth work sector, clubs and organisations across the country, to have youth centres where young people may socialise in a supervised way as well as trained adult youth workers to guide and help them. Young people should be encouraged to take responsibility for themselves. They want to do it and are crying out for it, but the problem is we are not helping them.

A group of young people from my constituency was in the public gallery this morning listening to this debate. They were very interested. I met them afterwards and they had many questions about it. They should be given a voice. Listen to what they have to say and include them. I pay tribute to the no name clubs around the country. Again, they need more help and assistance. I also pay tribute to the Garda diversion programmes, which do great work around the country. As the Minister knows, the diversion programmes target disadvantaged young people, in the main. That is important and essential, but there is an entire spectrum of other young people to be considered, the quiet ones who never get involved in trouble or bother, who also need to have social outlets, and they are not getting them. I am trying to be helpful with these suggestions.

Perhaps the Minister will look at what has been done in New South Wales and take some of it on board. They have been through the experience and I believe they have some suggestions that are useful. I wish the Minister well with this matter and I hope that the other Bill will come through quickly because much more work needs to be done in this area.

**Mr. Boyle:** In looking through the Bill's explanatory memorandum I was struck by the use of the phrase "It shall not be unlawful". That in itself describes the mess the Minister has got himself into on this narrow section of a Bill that was much opposed in this House and of which several other sections still have to be remedied. I will bow to the Minister's knowledge of jurisprudence, but I would have thought that in a free society the whole point of enacting legislation is that anything is legal until it has been explicitly deemed illegal. The Minister has now gone to the further extreme and brought in the concept of something not being unlawful. There has been too much of such activity in various legislation brought before the House.

On the issue of young people having access to alcohol, there is a degree of unanimity in the House that it is unacceptable, causing grave social problems, and that actions are needed to remedy the situation. The legislation proposes a number of actions many of us said would not and could not work. It is no satisfaction to say they are not working. I speak as the father of a 14 year old girl who has been taken to a number of discos in the past year, luckily in situations where bars are not available. However, I do not list the concern at not having access to alcohol among those I have for my teenage daughter. There are plenty of other social concerns to be considered that I raise with her on a regular basis and I will continue to do so until she is a legal adult.

We are missing the point somewhat as regards young people and alcohol. The problems as regards access are occurring on street corners and in laneways and fields. If we had wider legislation to address this, regulating in particular the access of young people to licensed off-licences, maybe the debate would be improved and our time in this Chamber would be better spent. Unfortunately, we are only playing around the edges of a serious problem that will continue to exist and intensify because neither the resources nor the legislative framework has been provided that would allow society to adapt properly to it.

The difficulties involved in amending the main Bill and what I fear might necessitate an amendment in the future have been pointed out already by many speakers. The use of phrases as to whether alcohol or intoxicating liquor is being sold, supplied or consumed would seem to cover all angles. What would happen, however, if in some room or hall where a disco was being held, unopened, unsold, unconsumed alcohol was available in ready supply? It would be highly visible, an unexpected temptation for everyone there. I



[Mr. Boyle.]

know the Minister is trying to close a loophole, but this approach often invites the opening of further loopholes. The problem arises due to the difficulty in legislating in this field.

I have had active involvement in youth work service. For a number of years I was vice-president of the National Youth Council. Last weekend, that body held an important seminar on alcohol and young people and what came out of that seminar was not a call for this Bill but calls for resources, peer education in particular and general societal awareness. Those regular calls have been met with indifference by the Government and a failure to provide adequate resources, which I regret.

Deputy Stanton mentioned the Youth Work Act and the failure to implement the youth development plan. For many decades I was involved in running youth clubs on a voluntary basis and I see no difference in the approach of State agencies or Departments to this necessary part of our social fabric. It is part of our social infrastructure that can lessen many of the social problems young people experience but it has not received any real support. For Members of this House to debate the Bill without a wider debate on how and when such resources are to be provided is insulting to those voluntary organisations, and the volunteers who work with them, and is ultimately insulting to the young people who are getting whatever degree of service is offered through that framework.

I hope the Minister will take the experience of presenting this legislation to the House back to the Cabinet and that we can have a joined up Government approach on this issue. I accept that dealing with this issue by way of a small number of sections in an amendment Bill will not solve the overall problem of young people and alcohol. As a society we have a terrible attitude towards the consumption of alcohol but why is the Minister not liaising with the Minister for Health and Children, the Minister for Education and Science and the Ministers of State who have particular responsibility for younger people to produce a co-ordinated approach? That is not happening and it will not happen when this debate concludes.

On the wider issue of young people in pubs after 9 p.m., I wish to relate some of the problems I experienced during the summer, particularly in respect of tourists and their families. I was in a Cork city centre public house at 9.15 p.m. one night when a young French couple came in with their two children who were almost teenagers and immediately the atmosphere was upset by someone wondering how to inform those people that their children could not remain in the pub. They were probably in Cork city for one evening and more than likely experienced the same problem elsewhere. That family was probably from a society in which a more mature attitude is taken to the consumption of alcohol.

In not addressing that problem in this Bill but promising to address it in a future Bill the Minister has missed an opportunity. Not only is that a glaring example of where the original Bill went wrong, but the whole question of almost criminalising young people for being in a certain place at a certain time, even when they are being supervised by their parents and the family has an attitude towards the mature consumption of alcohol, is wrong. We were wrong in passing the original legislation. If we are talking about changing attitudes to the consumption of alcohol and our awareness of alcohol in society, the last thing we need to do is put people in those situations. We need to address the problem where it exists and as far as young people are concerned not only does it exist in the places I described earlier, increasingly because of changing demographics and social problems, it is happening within family homes. If young people can access alcohol of any type or quantity in those situations, a Bill such as this is almost Swiftian in its proportion. The Minister is bringing forward a Bill that ignores the central problem. It even reads as a piece of satire because, having accessed alcohol in the first instance, young people will drink too much and as a society we will continue to be ambivalent.

That ambivalence was highlighted in recent statements by IBEC, which referred to absenteeism in the workforce increasing because of alcohol consumption while at the same time presenting budget submissions that call for a reduction in excise duties on the alcohol it claims is causing the absenteeism. Those double standards exist in society, within the Government and the House in general. Unfortunately, today's debate on this legislation will not address those problems.

**Acting Chairman:** I must advise the Deputy that I will call the Minister to reply at 2.15 p.m.

**Mr. Durkan:** The Minister has seen the light, so to speak, because much concern was expressed about this particular legislation when he brought the previous legislation before the House. It is no harm to review the position now and again to determine the effectiveness of our legislation when it is put into operation. Listening to other speakers it is obvious that we must have a more informed attitude to alcohol consumption. Our culture appears to be at variance with that which prevails in other countries and as Deputy Boyle stated, the workplace and industry generally suffers as a result. Serious social problems arise also from over-indulgence of which, apparently, we have not taken full account.

I was outside the jurisdiction on holiday during the summer within the European Union — it was not Australia because it is not yet in the EU — and I was amazed at the number of families who socialised together. I am talking about large numbers of young people, including very small children, in pubs-restaurants up to 12 midnight and later who were not displaying any unruly



behaviour. There did not appear to be the same prevalence of clubs or disco type premises in that country as here, although I am aware they exist in different areas. However, there was a huge number of families socialising, which we do not see here.

It is deemed to be a bad habit for parents and their children to go into a pub, and children up to a certain age are banned, although I am not sure that is a good idea. More time and effort needs to be put into making families and young people more aware of the consequences of what we have seen in terms of binge drinking in recent years. The availability of extra money is a contributory factor. I am aware there has been a decline in alcohol consumption recently but I cannot understand why other countries appear to be able to deal with this problem more adequately than we do here. Incidentally, as far as I could see there was a greater adherence to law and order in the country I visited than is the case here. Alcohol may be a contributory factor but the number of mindless acts of violence occurring here on a daily basis appear to be fuelled by alcohol, drugs or both. There is no reason for them other than a reaction to an event at the time. We saw that in this city over the past weekend. We are beginning to get a bad reputation because of those incidents.

There is an urgent need for more visibility on the part of the gardaí. I realise the Minister gets very sensitive when greater visibility on the part of the gardaí is mentioned but it is necessary and there is little point saying we are spending more money in that area.

There is an urgent need for more visibility on the part of the gardaí. I realise the Minister gets very sensitive when greater visibility on the part of the gardaí is mentioned but it is necessary and there is little point saying we are spending more money in that area. Whatever is needed must be done urgently because the longer this continues the more our reputation will suffer, the greater the degree of contempt there will be for the law and the more people will take the law into their own hands, acting or reacting in a particular way. There were ample signs of continuous police patrols throughout the resort, day and night. Nearby, much to my annoyance, there was a disco that went on until 3 a.m. but there was no hint of bad behaviour and crowds of people went in and out of it. Banning children below a certain age from pubs is not necessarily effective or educational because the rest of the family may well be there. This Bill is a response to the impossibility of holding alcohol-free discos in certain places.

How does the Minister intend to deal with the approximately 20 Bills lined up for Government agreement? There is speculation in some quarters about the lifespan of this Administration. I was glad to note that he was most reassuring about this which is not always his wont, not that the future of the Government is in his control. It would be a good idea to bring forward urgently

the various Bills likely to affect the issues of law and order, and alcohol and drug abuse. In doing this, however, the Minister should not hold a press conference beforehand at which he informs the House that he is bringing the Bill in the next morning. We like to have time to peruse these matters and we are entitled to that. It might give rise to impatience on the part of the Government and the Minister but it does not help the end product if, for instance, we read in the morning newspapers of a press conference or a leak to some inspired journalist about the Minister's plans. The Minister's innermost thoughts are aired on Morning Ireland after such a discussion. That is not the way he should go about his business. The Opposition will provide ample co-operation and constructive debate provided it is given the right degree of consultation and recognition for the role it must play. It would be a good idea to look at the Bills listed which are relegated to 2005 or thereafter when the timescale becomes vague.

I have no objection to the amending legislation before us. It is an obvious clarification and a necessary amendment. I do not understand why this was not identified in the first place. The Attorney General and nobody else is adviser to the Government on these matters. The DPP has a different role and set of guidelines. One can identify pitfalls and if one cannot consult directly with the various agencies that must be consulted in the drafting of legislation and given this, it is surely possible in this enlightened age to have some idea of their thinking or interpretation of a Bill before it is enacted. That would save all of us time and trouble and spare the Minister the stress and trauma associated with rushed legislation, although its need was obvious to many people inside and outside the House for some time.

**Mr. McDowell:** I am very grateful to the Deputies for the views they have expressed. I agree it is undesirable to try to guillotine a Bill through the House, especially at short notice and I would not have done it but for the urgency of the situation. I hoped that I could deal with all of this in the Bill which is before the Cabinet, namely, the consolidating and codifying legislation to cover this area.

In 2003 the House decided to make necessary changes to legislation to prevent 16 and 17 year olds staying in bars all evening. The only way gardaí could stop them was by proving that a particular drink belonged to a particular person and that it contained alcohol in circumstances where it was not possible for them to do so. The District Court had thrown out some cases in which, apparently, there was drink in front of youngsters but the garda could not prove it was alcoholic. That was the situation I inherited.

Even more extraordinarily it was not possible for a garda in plain clothes to enter a pub where he or she suspected that underage people were being regularly served because they had to be in uniform to enter a licensed premises. Any misbe-

[Mr. McDowell.]

haviour stopped as soon as a garda came into the premises and there was no way to patrol the legislation.

This was a matter of life and death. Young people were losing their lives because they were being served in licensed premises. I accept that they can get access to drink elsewhere but in one case a woman travelled from Connemara to tell me about her daughter's death in circumstances where she had been served alcohol in a licensed premises in her locality. She pleaded with me to do something about it. I said I would and told her about our intentions for the legislation that came before the House in 2003.

Neither I nor anyone else ever intended it to be the case that in the local GAA club if there happened to be a function room with a shutter down at which on occasion alcohol was served, the rest of that hall could never be used for an event children would attend after 9 p.m. However, the Office of the Director of Public Prosecutions instructed some members of the Garda Síochána that the DPP interpreted the legislation in that way. If one held a disco or dance in the local GAA club and there was a bar in the corner with the shutters down, everyone was committing an offence. When I heard that theory I asked my Department officials could we have got it wrong. They consulted very eminent counsel and were told we did not get it wrong. That was not the law and the definition of a bar in the 1988 Act does not require one to come to that view. Approximately a year ago I said that was the advice I got and the basis on which I proceeded. Had I thought then that the advice was wrong I would have brought a Bill of this kind in less rushed circumstances to cure the defect but that was not the case. I was told I was on the right track.

It was only in the summer that, in the context of the junior certificate discos, the view that had previously been expressed to members of the Garda Síochána was reinforced and they were told to act on it. I discovered that gardaí were going to venues — GAA, rugby, soccer, youth and community clubs — and stating that discos were not allowed there if there was a bar in the relevant room, even if the shutters were rolled down. I spoke to the Garda Commissioner, having first obtained counsel's advice, and stated that we should seek the advice of the Attorney General as to whether that interpretation was correct. The matter was referred to the Attorney General who advised that, in the circumstances, the definition of what is a bar did not make it unlawful to hold such discos.

I was of the opinion that the position was now clear and I made a statement on radio. Had I thought, however, that there was a serious doubt about the issue, I would have immediately moved to regularise the position. What is at the bottom of this is a trenchant and radical proposition that it is, at present, unlawful for a priest or policeman, of whom there are many involved in doing

so, to organise a disco in the function room of a local GAA club if there is a bar in that room, even if the shutters attached thereto are rolled down. I would have acted to prevent that from being the law if I thought it was the case.

**Mr. J. O'Keeffe:** Matters came very close to home when it happened at Old Wesley.

**Mr. McDowell:** I would like Members to pay attention to the next proposition. I was recently informed, when my major consolidation Bill was before the Cabinet, that it was intended to bring prosecutions in all such cases in the future. I then attended the no name club launch in Croke Park and spoke to Eddie Kehir and various others who are trying to do something for the community and who were about to be prosecuted for committing criminal offences if they proceeded to hold events in clubs of the kind to which I refer.

Having learned that this was the intention, all I could do was come before the House in a hurry and state that we must change the law to stop no name clubs from being prosecuted. I am determined to stop prosecutions commencing in cases where GAA clubs allow children to use the main halls of their clubs, even for judo practice, because there is a bar, with its shutters up, situated therein. This is the situation in which I find myself and I am acting reasonably, not arrogantly, in stating that we must proceed quickly to put a stop to such cases arising.

I can only rely on what I am told by barristers and the Attorney General. I cannot direct the Director of Public Prosecutions to take a different view. For its part, the District Court has heard two, possibly three, prosecutions based on the view taken by the Director of Public Prosecutions. In each case, it has been rejected. I could state that we should just leave this matter to the courts. Is it fair, however, to say to the proponents of no name clubs that they should take their chance in court. Is that a fair approach on my part? I found myself obliged to legislate in this manner and that is what I have done.

I apologise to the House for introducing the legislation in a hurry. However, if prosecutions are being directed against people who I consider to be doing nothing wrong and who are doing valuable work in the community, and if the trustees of every GAA club in the country which have bars that have roll-down shutters will commit criminal offences if they allow children to practice Irish dancing or judo on their premises after 9 p.m., it is my opinion that I must take action. I would prefer if matters were different and if there were a consultative process in place, under which I could be contacted and informed that a particular course of action was going to be taken and asked if I would like a month in which to get my legislative act together. However, I was not given such an opportunity and I was obliged to respond to a direction given to the Garda Síochána by the person who, under our consti-

tutional law, is independent in the matter, and deal with the situation that arose as a result.

There is no time to lose. I cannot have droves of club trustees and people of that nature being brought before the courts and accused of committing criminal offences, even if I disagree with the DPP's interpretation of the law. There is a canon of construction in criminal law that if two views of the law are reasonably open, the one consistent with innocence must always be chosen. If there is, therefore, a doubt as to the meaning of the law, the view more consistent with the innocence of the accused must be taken by a court. However, that is a matter for the courts. I cannot operate in that way and I was obliged to respond to the situation with which I was faced.

I have, therefore, brought before the House a simple Bill, the purpose of which is to provide a legislative underpinning for what is the *de facto* practice at present, namely, that children can go on to a club premises after 9 p.m. and engage in judo training, even if there is a bar in the same room with its shutters rolled down. I am acting reasonably and what I am proposing to the House is reasonable. I have a great deal of regret about the fact that I am in the position of being obliged to do so with haste. However, that is the nature of the situation in which I find myself.

Deputy Costello inquired about the terms of the Bill. As he stated, section 1(1) to (4) are prospective in nature and it is stated that under their provisions "it shall not be unlawful" for various things to happen. The phrase "it shall not be unlawful" is preferable to that of "it shall be lawful" because there is a difference between the two concepts. If one says that it is lawful for a child to be in a place in certain circumstances, it means that he or she has a right to be there. If one says that it is not unlawful, it means that it is not a breach of the criminal law for the child to be present but that he or she may not, for various other reasons, have a right to be on the premises. These four subsections are intended to afford two persons who are covered by the particular circumstances described in each with a legal underpinning that the activities in question are regarded as not unlawful.

The Deputy also inquired about section 1(5) and asked if it applies to existing proceedings. My answer is simple. Subsection (5) is prospective in nature and it is stated therein that after the Bill becomes law "It shall be a defence ..." However, if there were a constitutional reason that this could not apply to existing proceedings — some people believe that to be the case — it must be given a constitutional construction and not so applied. My personal view is that there is nothing wrong with the Oireachtas furnishing a defence, even to a defendant in an existing proceeding. However, other people take a different view. I know for a certainty that if there was any constitutional reason that it would have to be interpreted to apply only to future offences, it would be so interpreted by the courts because the courts

always give these provisions a constitutional interpretation.

Section 1(6) states that the mere fact that I am doing all these things will not rob anybody who is already being prosecuted of any defence that they have or of the right to make any submissions they wish to make.

I have seen all the analysis on this issue that has been furnished to me and I have read all the opinions on which people seem to be acting in respect of this matter. I have come to the conclusion that the view taken by the Attorney General is preferable to that taken by the Director of Public Prosecutions. That is only my opinion, however, and, in the final analysis, only the courts can make authoritative decisions on these matters. No Minister gives an authoritative opinion. A Minister is required to be guided by the Attorney General as to his views on the meaning of a statute.

Some Deputies suggested it was unfortunate to have two views on a matter of this kind. As I said at the outset of the debate, the licensing law deals with shared competences. In so far as it is a civil code the Attorney General is the competent adviser of all organs of the State on it. In so far as criminal prosecutions are brought under the licensing code the Director of Public Prosecutions is the independent decider of those matters. No easy way exists to reconcile cases where the Attorney General and the Director of Public Prosecutions differ in their views as to what any particular section means. Those occasions have been extremely rare. In such circumstances all we, as legislators, can do is clarify the law as we see best and save decent people who are doing decent work, which is entirely sensible, from being the subject of legal experimentation one way or the other.

Question put and agreed to.

### **Intoxicating Liquor Bill 2004: Committee and Remaining Stages.**

#### **NEW SECTION.**

**An Ceann Comhairle:** Amendments Nos. 1 to 3, inclusive, are out of order as they are outside the scope of the Bill.

**Mr. Costello:** Why are the amendments out of order?

**An Ceann Comhairle:** They are outside the scope of the Bill.

**Mr. Costello:** The Bill relates to under age drinking and licensed premises, and these amendments are all related to those matters.

**An Ceann Comhairle:** Amendment No. 1 would insert a new section 1, which would allow a court considering an application for the grant or renewal of a licence to attach conditions



[An Ceann Comhairle.]  
 requiring the installation and operation of a CCTV system inside or outside the premises. The Bill refers only to the circumstances under which children may be present in licensed premises. It makes no reference to the renewal of licences or the monitoring of premises. Therefore the amendment must be judged out of order as it is outside the scope of the Bill.

**Mr. Costello:** What about the other amendments which relate to under age drinking?

**An Ceann Comhairle:** The other ones similarly are outside the scope of the Bill.

**Mr. Costello:** The other amendments relate to under age drinking and the sale of alcohol from off-licences to under age people and advertising targeted at under age people.

**An Ceann Comhairle:** Again the Bill refers only to the circumstances under which children may be present in licensed premises. It makes no reference to the advertising, sale, display or marketing of alcohol or related products.

**Mr. Costello:** It should do so.

**An Ceann Comhairle:** The amendments must therefore be judged out of order as they are outside the scope of the Bill.

Amendments Nos. 1 to 3, inclusive, not moved.

**An Ceann Comhairle:** Amendments Nos. 4, 5, 8 and 9 are related and amendment No. 12 is consequential on amendments Nos. 4 and 5. Amendments Nos. 4, 5, 8, 9 and 12 may be discussed together by agreement.

**Mr. Costello:** Would it be possible for the Minister to indicate which amendments, if any, he is likely to accept. This might expedite the process as we have a very limited period of time to discuss this matter.

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** On amendment No. 8 in the name of Deputy Jim O’Keeffe, if “10.30 p.m.” were changed to “10 p.m.”, I could accept the amendment.

**Mr. J. O’Keeffe:** Is the Minister satisfied with the holiday period mentioned in my amendment?

**Mr. McDowell:** I could offer the Deputy an alternative wording, which would achieve that result.

**Mr. J. O’Keeffe:** Has the Minister a copy of the alternative proposal?

**Mr. McDowell:** I need to do a small amount of work on it.

**An Ceann Comhairle:** We will leave it until we have an indication of the Minister’s thinking on the matter. When we come to discuss that amendment perhaps the Minister will have copies of it available at that stage.

**Mr. J. O’Keeffe:** I am in the hands of the Ceann Comhairle provided we have an opportunity to tease out the matter during the limited time available.

**An Ceann Comhairle:** The Chair is anxious that we have a written text of the proposed amendment, before dealing with it. We should take Deputy Ó Snodaigh’s amendments now.

**Aengus Ó Snodaigh:** I move amendment No. 4:

In page 3, before section 1, to insert the following new section:

“1.—Section 14 (restrictions on presence in bars of persons under 18 years) of the Act of 2003 is hereby repealed.”.

I had not expected these to come up so quickly. I saw the logic in Deputy Costello’s amendments, which have been ruled out of order. My amendments are ones I had indicated during the passage of the Intoxicating Liquor Act 2003. I was unhappy with the construction of these provisions in that Act. Since we now have another opportunity to change intoxicating liquor legislation, I took the opportunity to resubmit some of those amendments. These amendments deal with under age people in bars and the production of evidence of age of persons between 18 and 21.

As I said, the past decade has seen a huge increase in alcohol consumption. This is a major problem for us, as legislators, to grapple with. The media and the Minister appear to be obsessed exclusively with under age drinking when the national tragedy of alcohol abuse by those outside teenage years has increased dramatically. Many of the public order offences that precipitated much of the media coverage relate to those of 18 years and older who can legally consume alcohol on premises.

Last weekend the president of the National Youth Council, Mr. Kevin Hickey, said:

There’s no doubt about it, alcohol is a major problem for Irish society. But let’s stop blaming Young People for the problem. Our society as a whole is responsible, now we must work together to address it. Each sector has a part to play, including Government, Health Professionals, Youth Organisations, etc.

He went on to say:

Young people are often scapegoated as the perpetrators of alcohol misuse rather than the victims of a societal problem. We need to ensure that whatever policies we develop that all sections of society are engaged in their formulation and that young people’s voices are heard.



He emphasised the need for concerted action across sectors by saying “we must be cognisant of the fact that alcohol misuse is a problem which pervades our society and has done so throughout history”. He and others have stated that the steps we will take to tackle this problem have to be taken across the board and should not be discriminatory.

I said at the time that sections 14 and 15 of the Intoxicating Liquor Act 2003 are discriminatory and I remain of that opinion. It is ridiculous that a person under the age of 21, who may have been drinking legally in a pub, a bar or a nightclub from 10.30 a.m., has to wave his or her ID as soon as 9 p.m. comes to prove that he or she is over the age of 18, but that is the effect of section 15. It is discriminatory because such people are legally entitled to be on the premises and to consume alcohol. If a person is over the age of 18, he or she is entitled to be on a licensed premises from 10.30 a.m. Regardless of the need for ID cards for those under the age of 18, it is discriminatory that those over that age are asked to wave ID cards as soon as 9 p.m. comes to show that they are legally entitled to be on a licensed premises after that time. One of my amendments seeks to remove that part of the 2003 Act.

I also propose to remove the section of the legislation which prevents those under the age of 18 from being on licensed premises after 9 p.m. Some people have to be accompanied by adults. Those under the age of 15 are prohibited from being on a licensed premises at a certain stage of the day. I have travelled with my children to many places in Europe and elsewhere. It is appropriate, especially in holiday periods, that one should be able to relax by enjoying a meal after one has spent the day on the beach, for example. In Ireland, one may have spent that day indoors, in most cases. Most tourists prefer to wind down with one's children — they do not budget for babysitters when planning a trip to Spain, France, Greece or Portugal.

While the amendments proposed by Deputies Costello and Jim O’Keeffe are laudable, I do not feel that a change to 10 p.m. or 10.30 p.m. would make a huge difference to the tourism industry. I understand Deputy O’Keeffe’s argument that a different time period could be imposed in the summer period. I have no problem with that. A deadline of 10.30 p.m. would be more reasonable than that which the Minister indicated his willingness to accept. Such a regulation would be more appropriate to the long summer evenings when it is bright until 10 p.m. Some type of leeway should be introduced because the legislation is too restrictive as it stands.

Is it the case that if a local authority area wanted to introduce time restrictions, it could do so under the 2003 Act? Perhaps the Minister can clarify that matter. If Kerry County Council wished to promote tourism, it could state that the bars in that county could stay open until 10 p.m. during the summer months, but not during the rest of the year. It could decree that those in

charge of children would have to comply with normal intoxicating liquor legislation during the rest of the year. The same could apply in Dublin, as tourists go to places other than Kerry.

I have proposed my amendments to try to undo the damage we did to the intoxicating liquor legislation last year. We should try to ensure, if at all possible, that the steps I have suggested are taken. We should also repeal the law allowing the District Courts to prohibit certain conduct in licensed premises in its jurisdiction.

**Mr. J. O’Keeffe:** I wish to raise a number of points. Perhaps I will speak about the 10.30 p.m. closing time when the Minister makes the relevant document available.

**Mr. McDowell:** Perhaps I could intervene at this point, as the order in which we speak does not matter. I have seen the amendments tabled by Deputies Costello and Jim O’Keeffe and I have heard Deputy Ó Snodaigh’s thoughts on the matter. The Government has considered whether the issue in question should be addressed in this Bill. A change has not been proposed because I could not argue that this subject needs to be dealt with as a matter of urgency. Such a change might be considered if there is a general view in the House that this is an appropriate time to deal with the matter. Members should bear in mind that the legislation on the Cabinet table, to which I have referred, will take some weeks or months to be brought to its final form. One should also consider that people might like to have a clearer picture of the situation before the next tourist season begins next summer. Therefore, I propose to table an amendment to Deputy Jim O’Keeffe’s amendment. The amendment to the amendment is being photocopied at present. I ask Deputy Jim O’Keeffe to move his amendment so that it can be amended. I would then be disposed to accepting the amended amendment.

**Mr. J. O’Keeffe:** That is reasonable. I am glad the Minister is open to the suggestion that we should deal with the problem in this Bill.

**An Ceann Comhairle:** The question of moving Deputy O’Keeffe’s amendment will not arise until the two preceding amendments have been disposed of. It is not necessary for the Deputy to move his amendment at this stage.

**Mr. J. O’Keeffe:** I thank the Chair for his guidance. I wish to make a general point about some of the issues which arise from the amendments before the House and the Bill as a whole. I understand the importance of the Bill before the House — I do not fault the Minister in that regard.

I have always agreed with the DPP’s interpretation of this matter. I operated as a lawyer on the basis that if a premises is licensed, a bar is a bar. It is clear that there were different interpretations. We should think about that. If possible, law should not be made in the House that gives

[Mr. J. O’Keeffe.]

rise to different interpretations. Such legislation will probably not be passed if the Bills before the House are properly analysed and debated.

The Minister said he felt he had to bring this Bill before the House. I agree that it was important to bring the Bill before the House. However, I object to legislating on the hoof without time for proper analysis. It would have been better to have provided for an unrestricted Second Stage debate today and the subsequent Stages next week. Such arrangements would have given us an opportunity to analyse the Bill in full. Some parts of the Bill—

**Mr. McDowell:** The Deputy will appreciate that the information available to me was that immediate directions to prosecute were tendered. It is not a matter of waiting until next week.

**Mr. J. O’Keeffe:** Yes, but Deputy Kenny pointed out this problem last November. I pointed it out—

**Mr. McDowell:** Yes, but the directions to prosecute are of immediate effect.

**Mr. J. O’Keeffe:** I do not see that as a reason for us to legislate with unseemly haste. I would have liked to have analysed the Bill over the weekend and perhaps to have received legal advice on different parts of it, before coming back to the House with a more considered list of amendments next week. The amendment I have tabled, which the Minister is disposed to accept in whole or in part, is a revised version of an original amendment. I decided on the first version at 10 a.m. On reflection, I decided that it should be pinned back and that it should apply in the summer season rather than all year round. It should also apply only to under age people on the premises in a family situation and not on their own. I believe that—

**Mr. McDowell:** The Deputy does not say that.

**Mr. English:** There were time constraints.

**Mr. J. O’Keeffe:** It applies only to subsection (2)(a).

**Mr. McDowell:** The phrase “family situations” is discriminatory against those who do not have two parents. There are all sorts of problems.

**Mr. English:** A supervisor, then.

**Mr. J. O’Keeffe:** Accompanied by his or her parent or guardian. It is subsection (2)(a) that I propose to amend. We will return to that once we hear the reaction of the Minister. Perhaps I might touch on some other issues. Several arise, as mentioned by the Minister, regarding GAA clubs and so on. The Minister might know about the Old Wesley Club, which gave rise to the difficulty regarding the night the junior certificate results

were revealed. Is it clear that the way the Bill is framed referring to a holder of licensed premises covers clubs? I appreciate that in section 2 there is reference to the Registration of Clubs Acts 1904 to 2003.

The next issue that does not arise in this section is that of part of a premises. Has enough consideration been given to the situation of a modern hotel where there might be three or four function rooms and where only one is allocated for an under age disco? Then there is the question of the bar on those premises or part of those premises being securely closed. We are not clear about the definition of “securely closed”. Must it be locked? If so, should it be so provided? I can envisage that being open to argument regarding what constitutes the bar counter.

**Mr. McDowell:** A curtain would not be a secure closure.

**Mr. J. O’Keeffe:** What if one put down a shutter and it was not locked and could be pushed up again? Is that securely closed?

**Mr. English:** The staff go under the hatch to get glasses. What is “closed”?

**Mr. McDowell:** “Securely closed”, it is a matter of interpretation.

**Mr. J. O’Keeffe:** They could be serving. I am concerned—

**Mr. English:** That is the problem. That is why we are back here in the first place.

**Mr. J. O’Keeffe:** I am concerned—

**An Ceann Comhairle:** Perhaps we might allow Deputy O’Keeffe to conclude his contribution.

**Mr. J. O’Keeffe:** I accept that. All I am saying is that there is a fair number of issues, even in this alleged one-section Bill, which has two sections, which I feel should be fully and properly teased out. Perhaps I might mention another. In my Second Stage speech I referred to the Australian situation. There is a lower age limit there. Under the Minister’s Bill, would a child of ten be covered by this or is there any lower age limit? Can a baby be present? There is no lower age under this Bill, but I understand that in other jurisdictions, particularly Australia, there is one.

**Mr. McDowell:** The Deputy is talking about under age discos, but that is only one manifestation of this. One could have judo practice in the main hall of a GAA club with a bar in the corner. Age restrictions would be completely inapplicable in such circumstances. The view the Deputy agrees with is one that is radical in its effect, meaning that any person under the age of 18 in any hall or GAA club in Ireland where the shutters are down on a bar is committing an offence if he or she is on the premises after 9 o’clock. It

also means that those between 18 and 21 doing judo practice in those circumstances are obliged to have a card in their possession stating their age. That is the view the Deputy says is so obviously correct. I wonder whether, if he thought about it, he would find it that obvious.

**Mr. J. O’Keeffe:** I believe that it is correct since the way the Minister framed the Intoxicating Liquor Act 2003 is what created the problem.

**Mr. McDowell:** No.

**Mr. J. O’Keeffe:** It was the 2003 Act that caused this problem. Perhaps I will return to my original point. There should be time to tease out these issues in a full and adequate debate and discussion, but that has not been accorded us. The Minister is doing an injustice to his own legislation in not ensuring that adequate time is available. I do not pretend to have all the answers and we are in very difficult territory here, but at least it would give us the opportunity to raise the questions, suggest options and tease them out so that the Legislature might be as happy as possible that the ultimate outcome of our deliberations was the best Bill possible in the circumstances. I am not happy because of the inadequate time available.

**Mr. Costello:** I regret that the Ceann Comhairle had to rule out of order some of my amendments which are pressing and deal with what needs to be done. It will be difficult for the Minister to get together his codification of the legislation, which he states comprises nearly 100 Acts that must be brought together, within a short space of time. I am a little concerned that the Minister seemed to be blaming the DPP for the problem.

**Mr. McDowell:** I am not blaming him.

**Mr. Costello:** I believe that the Minister is doing that. Effectively he is saying that it is all the fault of the DPP and that had he not decided to prosecute, there would be no problem. The only reason the DPP has—

**Mr. McDowell:** It is not his fault. He is entitled to his view.

**Mr. Costello:** The only reason the DPP is prosecuting is that he interprets the legislation as stating: “The holder of a licence of licensed premises shall not, subject to *subsections*(2) to (4) of this section, allow a person under the age of 18 years to be in the bar of the licensed premises at any time.”

That makes no reference, good, bad, or indifferent, to whether that bar is open. It also refers to “any time”. There is a problem there, and the DPP has a perfectly valid argument in that respect. That must be acknowledged, and we must get on with the work of dealing with it, as we are doing at present. I tabled an amendment, and I will limit myself to dealing with that for

the time being. It was the amendment concerning extending the hours that someone under 18 may be in the bar from 9 o’clock to 10 o’clock. I tabled it in that fashion because it is clear-cut that serious drinking on licensed premises by and large takes place after 10 o’clock. With the extended hours that we have now, 11.30 p.m. or 12.30 p.m., that is even more so. Any problems arise after 10 o’clock and not before. I held back from the idea of making it seasonal. I am not in any way reflecting negatively on the amendment tabled by Deputy Jim O’Keeffe, but it is not simply a seasonal issue. That is one thing regarding a tourist or notional tourist season that begins on 1 May and ends on 30 September. Bord Fáilte is doing its best to have the tourist season begin on 17 March or earlier, when the first US tourists arrive in Ireland in their droves, and also to extend it at the other end. That is one aspect of it. The other is the one on which Deputy Paul McGrath reflected on with reference to Westmeath, which, for the first time in a million years, has won the Leinster championship. God help us if they go a step further and head off towards the all-Ireland; we would certainly need to extend the hours for them to celebrate. Sporting events are another aspect, taking place in all seasons. GAA games are played in the summer, soccer and rugby in the winter, and there is a lot of family activity around sporting events. I am putting the argument for a clear-cut timescale that would be open to no interpretation other than what is clearly there. The need for the change has arisen over the past few months. It would be good if the Minister came up with an appropriate formula for dealing with the problem.

The issue of the bar counter has been raised. Deputies Stanton and English noted that there could also be a mineral counter. The implication of the Minister’s statement is that there will have to be a separate mineral counter because one cannot use the existing bar counter. Is a mineral counter within a bar a bar counter? There is a point to be addressed there.

Though we may not get to amendment No. 10, which I have tabled, the Minister might have a chance to reflect on it. That amendment proposes to delete section 1(b) which deals with the bar counter. It is not really the bar counter which must be secured. It is the availability of alcohol which must be secured against. My amendment proposes securely preventing physical access to intoxicating liquor on the premises. In other words there would be an alternative mechanism to deal with the issue that would be more clear-cut than the means proposed in the legislation.

I would like to see the formula at which the Minister arrives. It would be best if he had a clear statement of time, for example from 9 p.m. to 10 p.m., rather than dividing it. Deputy Ó Snodaigh made the valid point that an application can be made to the courts for a seasonal liquor licence in a particular tourist area. The courts could decide that in Killarney, Sligo or Galway, for

[Mr. Costello.]  
example, extensions might be allowed over a set period of months, which would cater for the tourist trade.

**Mr. English:** The issue of securely closing the bar needs to be clarified. The bar might be closed, with its shutters down, yet the staff usually go in under the hatch at the end of the bar in order to get glasses, to use the machine to clean glasses, to get drink etc. Are they then breaking the law? If a garda enters will the staff be in trouble? The cash registers are also behind the bar. This is a serious issue.

Nightclubs and under-age discos are only one aspect. Someone at a karaoke bar might want to buy a 7-Up. Can a staff member go behind the bar to get that person that mineral? Dancing lessons might be going on in the back of a pub, and the publican might like to sell 7-Up to those attending, because the function room might have been freely provided. This matter must be talked through.

Most nightclubs will not run junior discos because they are a lot of hassle. That is why there are so few of them, and so much trouble at them. People from many different towns arrive in one place. In my county there is only one place running discos for 16 and 17 year olds, so they come from many towns to that one place. The Minister knows what happens when one mixes young people from different towns at night-time.

We should therefore be encouraging nightclubs and hotels to run functions for young people. There will be a great deal of hassle involved in running a function if one has to close a bar and otherwise facilitate the young people. Those who are aged 16 do not want a small bottle of Coca-Cola. They want to be able to get it in a glass, not a plastic glass. They see themselves as adults and want to be respected. They want to go to clubs, discos or wherever, and to be treated as adults. That does not mean they drink alcohol. A step further would be to turn off the beer kegs, remove the liquor and clear the bar, but to be disallowed the use of the bar is silly and unnecessary. That matter needs to be clarified.

Alcoholic drinks in a bar can be put away, so that it becomes a mineral bar, but clubs and hotels will not bother running functions for young people if there is so much hassle involved. Young people who want to do the right thing will miss out. I am sure that is not the Minister's intention, but if the Bill's provisions are left unclarified, clubs and hotels will be afraid to take any chances and we will be back in this House with another Bill.

**Mr. McDowell:** Bar closure has to be enforceable. If a garda walks into a disco, he must be able to see if the bar is open or closed. If we are to return to the situation where the garda must check what is in the glasses, whether there are alcopops on the counter, we will go back down the road of unenforceability.

**Mr. English:** What is the Minister proposing instead?

**Mr. McDowell:** In most cases, bars are secured by shutters. If people are bringing children to those premises after 9 p.m., the proprietors will have to choose whether to close the bar. It might be more convenient to do as Deputy English suggests, to clear away all the optics and beer kegs and padlock the beer taps.

**Mr. English:** They just turn off the kegs. That is what is done every night.

**Mr. McDowell:** That may be one way of dealing with it.

**Mr. J. O'Keefe:** Deputy English will bring the Minister on a training course.

**Mr. McDowell:** What I am providing for is that in a place which has a securely locked bar, children may be there after 9 p.m.

**Mr. English:** That is not the same thing. The Minister is changing the definition again.

**Mr. McDowell:** I know it is not the same. I am not changing what I have said. The bar must be securely closed. If people do not have shutters on their bars, that is too bad. That is clearly the basis on which I am legislating. Deputy English should reflect on the reason.

**Mr. English:** The Minister should reflect. Reflection is a two-way thing.

**Mr. McDowell:** The reason is that the law must be practical. A garda sergeant walking into a premises must be able to see at a glance if the bar is open or closed. He should not have to root around in the bar, asking if there is liquor there, or if the beer kegs are open. He does not have to do that. I am trying to provide a workable law.

**Mr. English:** The Minister is not doing so.

**Mr. McDowell:** I am trying to provide a law which is reasonable in all the circumstances, and the Deputy is trying to provide a lazy man's law.

**Mr. English:** I am not.

**Mr. McDowell:** He is trying to provide a lazy man's law which is convenient for anyone.

**Mr. English:** I want to make a point.

**An Ceann Comhairle:** We want to bring some order into this debate. That applies to all sides of the House. The Deputy should allow the Minister to conclude his remarks.

**Mr. McDowell:** I will finish soon, and the Deputy can reply.



**Mr. English:** I will not be allowed. The time will be up because the Minister is guillotining the Bill.

**Mr. McDowell:** The Deputy need not worry. I will not continue speaking until 3.30 p.m.

**Mr. English:** The Minister is ranting and raving.

**Mr. McDowell:** What I am saying to the Deputy is very clear. I am faced with a situation where GAA clubs with their bar shutters down and the premises secure cannot allow an Irish dancing class with 10-year old children in the same room. That is the interpretation that some people are putting on the current law. It is not self-evidently so to me. I have looked at all the documents and I still believe it is not correct to think that.

I am faced with that situation and want to end it. I do not want a situation where it is a defence to say that no alcohol was being served or that all the bottles had been moved down under the counter, or whatever. That is not what I want to bring about.

**Mr. J. O'Keeffe:** Will a separate mineral bar be allowed?

**Mr. McDowell:** Clearly, one can have a table in the hall with minerals on it.

**Mr. English:** Would that be a bar counter?

**Mr. McDowell:** It would not be considered a bar counter unless it were set up as a bar counter, which it need not be.

**Mr. English:** For 2,000 people.

**Mr. McDowell:** This is being done in this way for the simple reason that I do not want these premises being used as bars but as discos. Those attending will not mimic adults drinking Coke in pint glasses on a bar stool at the bar. The purpose is to allow premises which happen to have a securely closed bar to be used for other purposes which have nothing to do with the consumption of alcohol.

I want a workable system so a garda sergeant or inspector entering a premises can tell the owner that discos for young people cannot be held on the premises because there are no shutters on the bar. If a garda enters a premises at 10 p.m. and sees the shutters up, he will know an offence is being committed. I want a clear law not one designed to create chaos so far as enforcement is concerned. It may inconvenience some if they cannot use cash registers behind the bar for non-alcohol sales but that is just too bad. If I go down the other road, I am effectively saying that the law is becoming unenforceable. While children sat at the bar, gardaí would have to sniff at glasses to find whether there was vodka in

orange. I will not go down that road and should not be asked to.

**Mr. English:** The Minister told us what he is faced with and that he is bringing in the Bill to get this matter off his back. As a representative of the young, I am faced with people who want to go out to socialise. An 18 year old can go into a bar and drink a pint. What is wrong with a 17 year old just a few days younger sitting at a bar drinking a Coke? The Minister stated he wants the law to be enforceable by gardaí entering a premises without them having to sniff glasses. However, whether the bar is open, people could have vodka in a glass, as the Minister is aware. The Minister should not patronise me by telling me about gardaí entering a premises.

**Mr. McDowell:** It is illegal to consume alcohol on these premises and no defence is provided by the statute if alcohol is consumed.

**Mr. English:** Whether the bar is open, a person could have vodka in his or her glass and the garda would have to sniff it to know.

The Minister stated it might be possible to have a table for soft drinks. I am talking about venues which might hold 2,000 yet the Minister wants a table in a corner. It is not practical. I understand the Minister's point but I do not like the way he pushes my point to one side. Mine is a common sense perspective. I hope young people will not miss out. Venues will not bother to run functions for young people if they have to go through all this hassle.

Before the 2003 Act which prevented young people from being on licensed premises after 9 p.m., I was not aware of any case where a hotel running a function specifically for young people was questioned or prosecuted for selling alcohol directly over the bar.

**Mr. McDowell:** I think the Deputy is correct. It was rare.

**Mr. English:** If it was not a problem, why is it now a problem? To have a bar is practical and gives a venue a proper appearance for young people to enjoy their night out. It is neither unenforceable nor impractical. Listening to both sides, some common sense would help. The Minister may wish to return with another Bill following this, although I accept he may want to rush this one through. However, I will not accept my suggestion being rubbished as not practical.

**Mr. McDowell:** I did not intend to rubbish the Deputy.

**Mr. English:** My suggestion was rubbished.

**Mr. Costello:** I wish to return to the question of the bar counter and the appropriateness of section 1(b) which states that any bar counter on

[Mr. Costello.]  
 a premises would be securely closed. The intention of the legislation is not to close bar counters but to close off or prevent access to the drink behind the counters. What exactly does the Minister mean by “bar counter”? A bar counter is the platform on to which the drink is served but the thrust of the legislation is to prevent access to the drink. Will the Minister consider my amendment which aims to ensure that physical access to intoxicating liquor on a premises is securely prevented. While that might involve shutters along the bar counter, it might involve another mechanism whereby the supply is properly policed and which would allow soft drinks to be served while the alcohol behind the counter is securely prevented from being accessed by a minor.

This might assist the valid point made by Deputy English regarding large numbers of young people entering a premises. They will dance and be thirsty and there will be a demand for refreshments. To set up a little table and expect it to suffice without glasses or running water is unrealistic.

This needs to be teased out more before we reach a final version and the Minister should give it more thought. Alcohol is not purchased and consumed on premises where young people come for discos but at off-sales prior to a disco, although alcohol may be brought on to a premises. We must be careful to be pragmatic in our efforts and recognise that the real issue is not properly supervised non-alcohol discos. The problem which leads to alcohol being consumed is often extraneous to a particular venue.

A different description of the bar section of a licensed premises would facilitate the Minister's purpose far better than the one before us. It would allow the premises to operate properly and cause no difficulties. At the same time, it would allow the sale of non-alcoholic drink in a proper and orderly fashion while accommodating the needs of the young.

**Aengus Ó Snodaigh:** I have sympathy with both sides of this issue. As one who worked behind a bar, I understand how difficult it is to separate soft and alcoholic drinks. However, unless our society begins to provide other venues, it would be difficult, for example, for a GAA club with limited hall space to run a disco. Health and safety issues would arise if a table was placed in the middle of a floor with many bottles and perhaps a fridge.

I would prefer to make the Minister's proposal work. It also highlights that we are debating something which is central to this legislation and even at this late stage there is no input from the industry on whether it can deliver what the Minister wants. Deputy English is right when he says many hotels will refuse to provide the facility with the result that GAA halls, some of which may not

be suitable, will be used. We should encourage more building of community centres which have no bar facilities, and these should be the location of discos in future. We should allocate money for the provision of such centres.

The amendments we discussed do not directly relate to it, but in the little time I have left let me mention that Ireland is being sold abroad, particularly in the United States of America and in Britain, as being inviting, family friendly, warm, on a par with holiday destinations anywhere else in the world with the exception that we do not have temperatures of 30° or 40° Celsius in the summer. Many hotels, pubs and other establishments have invested heavily in improving their facilities in the hope of attracting families to holiday in Ireland and to persuade Irish people to view Ireland as a holiday destination. In passing the Intoxicating Liquor Act 2003 the Minister discriminated against people with families using Ireland as a tourism resort and prevented them from enjoying their holiday by forcing them out of licensed premises at 9 p.m. if they have children.

The Minister got it wrong in this instance. That is why he is here. He got it wrong on the time factor, and on the other issues included in my amendment, by implementing a policy which targeted one group over another. In this case the measures taken in the Intoxicating Liquor Act 2003 targeted young people exclusively in terms of their being on licensed premises after 9 p.m. or, in the case of 18 to 21 year olds, having to produce identification.

My amendment No. 6 relates to the jurisdiction of the Equality Tribunal. We probably will not reach it. However, I will still take every opportunity in this House to pursue that issue.

**An Ceann Comhairle:** The Deputy should confine himself to the amendments before us because Deputy Jim O'Keeffe is anxious to contribute and has been indicating for some time. We cannot move on to other amendments which are not before the House.

**Aengus Ó Snodaigh:** The last three speakers, including the Minister, spoke about matters which were not in the amendments before us. I mentioned one issue and I am returning to that issue which relates to young people on licensed premises. The amendment is to change the law to allow young people to be on licensed premises after 9 p.m. The original submission of the ICCL stated that licensed premises are places that, as a whole, offer a range of social, cultural and entertainment activities. There is a perception that they are unsafe for children in the legislation which provides that those under 18 years of age should not be there after 9 p.m. They are no more dangerous than supermarkets which sell poisons or chemist shops which sell drugs. We need to get

real in this society and to see this in a proper and holistic way.

In the interests of allowing Deputy O’Keeffe to contribute, I will withdraw my amendment.

Amendment, by leave, withdrawn.

**Mr. McDowell:** Will Deputy O’Keeffe give way for a moment?

**An Ceann Comhairle:** The Minister has provided the text of an additional amendment. As we have begun consideration of section 1, the amendment is technically late. However, if the House agrees, I will accept the amendment.

**Mr. J. O’Keeffe:** On the basis that the Minister is accepting the thrust of my amendment, I am prepared to agree. However, I would like it to be explained.

**Mr. McDowell:** On Deputy English’s argument, I did not mean to rubbish him. I am persuaded by his and Deputy Costello’s argument. It would be better if paragraph (b) in subsection (1) was “physical access to intoxicating liquor on the premises or, as the case may be, that part is securely prevented.” I agree with Deputy English that if there is water on tap and other equipment it would be ridiculous if the management were told it could not use it for washing glasses and would have to bring a tub.

**An Ceann Comhairle:** Perhaps the Minister will provide an exact wording for the amendment.

**Mr. McDowell:** I will.

**Mr. J. O’Keeffe:** That deals with the first point I was going to make. One does not close a bar counter. Deputy Costello’s formulation is much better.

The second point was that if we are to deal in three and a half minutes with the problem of families not being able to——

**Mr. McDowell:** I cannot deal with the families in three and a half minutes.

**Mr. J. O’Keeffe:** I understood the Minister was accepting my amendment. It relates to the issue of families, on holiday in particular, between May and September. The Minister has accepted the thrust of my amendment but has reformulated it. Would he tell me the basis on which he is reformulating it and then I will respond and accept the reformulation?

Amendments Nos. 5 to 10, inclusive, not moved.

**Mr. McDowell:** I move amendment No. 10A:

In page 4, between lines 6 and 7, to insert the following new subsection:

“(7)(a) Sections 33 and 34A of the Act of 1988 are amended by the substitution of ‘9.00 p.m. (10.00 p.m. during the period commencing on 1 May and ending on 30 September)’ for ‘9.00 p.m.’.

(b) Section 34 of that Act is amended by the substitution of ‘9.00 p.m. (10.00 p.m. during the period commencing on 1 May and ending on 30 September).’ for ‘9.00 p.m.’, where it occurs.”.

I accept the point that has been made. I have been conscious of the fact that the 9 p.m. limit in cases of people coming off boats on the Shannon or from beaches in rural Ireland in summertime is too tough on occasions. A limit of 10 p.m. for the summer months would be better. I suggest that the threshold should be 10 p.m. during the period from 1 May to 30 September each year. The normal time for children to leave pubs is 9 p.m. but the threshold will be 10 p.m. from 1 May to 30 September.

It may be that we will think of something better when we deal with the consolidation Bill. This is the best I can do now and what, as far as Government is aware, I intended to accept if the Opposition puts it forward.

**Mr. J. O’Keeffe:** The Minister has gone most of the way towards accepting my proposal. He has accepted the thrust of my amendment in allowing families extra time during the summer months. I agree, therefore, to the amended version of my proposal. I emphasise that I accept this on an interim basis. It is extremely important that we have proper debate and analysis of the various proposals and that adequate time be allowed for that.

**Mr. Costello:** Did the Cabinet agree only to an extension to 10 p.m. on a seasonal basis or across the board?

**Mr. McDowell:** It is seasonal. It applies to the summer months, and I am taking a liberal view of what constitutes the summer months, from May to the end of September.

**An Ceann Comhairle:** In order to be clear, amendment No. 10A has already been circulated by the Minister. On the Minister’s other amendment to section 1(1)(b) the wording is “physical access to intoxicating liquor on those premises or, as the case may be, that part is securely prevented.”

As it is now 3.30 p.m. 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 Justice, Equality and Law Reform for Committee Stage and not disposed of are hereby made to the Bill, in respect of each of the sections not disposed of, that the section or, as appropriate, the section as amended, is hereby agreed to in Committee, the Title is hereby agreed to in Committee and the

[An Ceann Comhairle.]  
Bill as amended is, accordingly, reported to the House, Fourth Stage is hereby completed and the Bill is hereby passed.”

Question put and agreed to.

## Ceisteanna — Questions.

### Priority Questions.

#### Community Employment Schemes.

1. **Mr. Hogan** asked the Minister for Enterprise, Trade and Employment if he will assess the impact of cuts in the community employment scheme on areas of disadvantage; if he will consider reversing these cuts; and if he will make a statement on the matter. [23792/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The primary purpose of community employment is to provide work experience and training opportunities for the long-term unemployed and other disadvantaged groups. The total funding allocation for employment schemes in 2004 was fixed at €351 million, which is similar to the level of funding provided in 2003. This allocation supports 25,000 places across the three FÁS employment schemes — community employment, social economy and the jobs initiative. The number of funded places is similar to the number of participants at year-end 2003 and no reductions have taken place in the overall participation levels in these schemes in 2004.

While there have been reductions in previous years in the number of places available, in line with the reduced number of unemployed, the critical service delivery areas of health and child care, and drugs task force services have been ring-fenced and maintained at the 2002 levels, at approximately 6,000 places. FÁS has endeavoured to support local communities in the services they wish to deliver while keeping the scheme’s focus on securing jobs for participants in the open labour market.

Target participation rates for 2005 will be considered in the context of the ongoing review of active labour market programmes and the budget allocation for FÁS programmes in 2005. Extensive consultation with the social partners and key stakeholders has taken place on the future direction of community employment schemes and other FÁS labour market programmes. I hope to conclude this process shortly.

**Mr. Hogan:** I wish Deputy Martin well in his new ministerial post. However, with all due respect, his reply shows that he has not engaged in any consultation on community employment schemes with his new Department or FÁS. The reply is the same litany we received from his predecessor, the Tánaiste, and the Minister of State, Deputy Fahey. I note the community employ-

ment, social economy and jobs initiative schemes have been amalgamated to make the figures look better. However, the reduction of 5,000 places in the 2004 Estimates is hitting the voluntary sector and various community efforts hard, with sponsors becoming concerned. Will the Minister take his courage in his hands and ring-fence the number of places at 2003 levels? Government backbenchers are demanding this. It will give some comfort and recognition to the great work these schemes achieve.

The Minister must also examine the three year cap. In some areas, particularly rural ones, if the cap is not removed, the number of places will not be available when there is higher unemployment. However, a category of people, particularly the over 50s, will not get employment elsewhere. We are looking for modest changes that will make a meaningful impact on communities. I ask the Minister to review the response he received from the “permanent Government” and make a political decision in the interests of community groups.

**Mr. Martin:** The consultation paper went out in July and various options are being considered. I have already met with the chief executive of FÁS and the departmental team responsible for this matter to discuss the issue. It is only fair that we await the submissions from the various interest groups. The same levels applied in 2004 as in 2003 for the three schemes. Any reductions were prior to this.

**Mr. Hogan:** Actual community employment scheme places have been reduced.

**Mr. Martin:** The three year cap issue has been identified by many as an issue. However, the scheme is not just about numbers but also the policy context within which the schemes are operated. There is a labour market component to these schemes in moving people from long-term unemployment. Those figures have been greatly reduced due to Government successes on the economic front but there is still a category of long-term unemployed. We must not forget the concept of progressing from community employment to full employment.

**Mr. Hogan:** The long-term unemployment rate is growing.

**Mr. Martin:** It is fair to acknowledge that, as the schemes have evolved, they have had a strong community and social impact. I want to see that reflected in any decisions made on the schemes. By the end of the year the situation will be resolved.

**Mr. Hogan:** The Minister will be aware from his conversations with the chief executive of FÁS that he is opposed to the existing policy. From correspondence I have received from him, he has proved that his mind is made up on the number of places and what the long-term unemployed should be doing. A political decision must be



taken. What is the Minister's view on the future of the community employment schemes? Does he believe the policy should be changed? Enough consultations and internal reviews were carried out by his predecessor. Deputy Martin was also good at that practice in the Department of Health and Children. Will the Minister tell the House that he is personally committed to ensuring the retention of places on the community employment schemes on behalf of community groups at 2003 levels?

**Mr. Martin:** There is no question about the continuation of community employment schemes.

**Mr. Hogan:** I asked about the number of places available.

**Mr. Martin:** The Government is committed to them.

**Mr. Howlin:** It is not.

**Mr. Martin:** My predecessor issued a consultation paper in July. It is only fair that the interested parties can make their observations on the scheme before a unilateral decision is made. I accept that, while the chief executives of FÁS and Forfás have perspectives on these issues, they do not dictate to the Government but work with it.

#### **National Irish Bank Investigations.**

2. **Mr. Howlin** asked the Minister for Enterprise, Trade and Employment the action he has taken or intends to take arising from the report of the High Court inspectors into the affairs of a bank (details supplied); and if he will make a statement on the matter. [23790/04]

**Mr. Martin:** The inspectors appointed to National Irish Bank Limited and National Irish Bank Financial Services Limited, on application by the Minister under section 8 of the Companies Act 1990, presented their report to the High Court on 12 July 2004. The court furnished a copy of the report to the Director of Corporate Enforcement, as required by section 11 of the 1990 Act. The report was subsequently published on the order of the court. The court also ordered that a copy of the report be sent to relevant authorities, including the Irish Financial Services Regulatory Authority, the Revenue Commissioners and the Director of Public Prosecutions. Primary responsibility for follow up action on the matters raised in the report rests with the various statutory agencies.

Following the commencement of the Company Law Enforcement Act 2001, it is now the statutory responsibility of the Director of Corporate Enforcement to pursue the possible breaches of the Companies Acts identified in the report. The Act requires the director to perform his functions with respect to the Companies Acts on an independent basis. It is not, therefore, the practice of the director to report to me on any individual

case or issue which is the subject of examination by his office. However, the director has emphasised his determination to take appropriate action on foot of the report.

The report further confirmed the concerns the Tánaiste and the Government had for some time about the extent to which companies and their officers complied with the requirements of company and other law. However, the Tánaiste did not wait for the completion of this or other reports before taking action to ensure that any regulatory failures coming within the Minister's area of responsibility were dealt with.

Within my area of responsibility, various initiatives have been taken in recent years to improve the regulatory framework. These include proactive enforcement of the provisions of company law by the establishment and resourcing of the Office of the Director of Corporate Enforcement; increased penalties and additional resources to ensure companies meet their filing obligations with the Companies Registration Office; better oversight and regulation of the accounting and auditing profession by the proposed establishment of the Irish auditing and accounting supervisory authority; establishment of the company law review group on a statutory footing to ensure that the provisions of our company law are appropriate to the needs of Irish society; the introduction in the most recent Companies Act of new requirements on company directors of significant corporate entities to prepare an annual statement in respect of the company's compliance with company, tax and other key legislation.

The Government has also strengthened the regulation of the financial services sector in two Central Bank and Financial Services Authority of Ireland Acts in 2003 and 2004, including the establishment of the Irish Financial Services Regulatory Authority.

**Mr. Howlin:** I wish the Minister and his Ministers of State well in their new responsibilities. Obviously, we must give the Minister some leeway to read himself into the brief but it is disappointing that in his replies to the two questions so far, the civil servants are winning the argument. Perhaps things will change in the future.

The Minister has outlined the situation with NIB. That was an absolute scandal which rocked public confidence in the banking system to its core. The Tánaiste said, on publication of the report, that too many people, including the bank itself, saw themselves as above the law and believed they could get away with what they did. What action has the Minister taken since his appointment to acquaint himself with the full implications of the report? Has he sought a meeting with the Director of Corporate Enforcement? Does the director have legal responsibility to report to the Minister on this matter? Does the Minister see it as his responsibility to ensure that the banking institutions in the State have public confidence and that where there is flouting of the

[Mr. Howlin.]  
law, as was clearly evident in the inspectors' reports, people will be called to account?

Legislative changes were mentioned in the Tánaiste's statement in July. What progress has been made by the Department since July in dealing with that and when will specific proposals be brought before the House?

**Mr. Martin:** I must take issue with the Deputy. Obviously, I share his concerns about the findings in this report. However, with regard to the issues and the role of the courts and the director, the director is independent in his function of pursuing these issues, as are the relevant authorities. The key issue now is that any breaches that may have occurred are properly prosecuted by the respective authorities. That is happening in this case.

The courts ordered that this report be sent to the relevant authorities, including IFSRA, the Revenue Commissioners and the Director of Public Prosecutions. The primary responsibility for follow-up action on this report is with those authorities, given the serious and grave matters raised in the report across the wide range of issues investigated. I have read the report. It was issued prior to the August bank holiday weekend and I recall publicly commenting at that time on RTE about the issues.

The Tánaiste took many pre-emptive actions in terms of legislative responses, not least with the establishment and resourcing of the office of the Director of Corporate Enforcement. Other legislation has also been passed and recent statistics show that this is beginning to show results. The Companies Registration Office, for example, reported for last year that 14 companies and 39 directors were convicted for breaches of company law. The Office of the Director of Corporate Enforcement reported that last year the number of convictions for breaches of company law had doubled. There were 45 successful prosecutions for company law offences and hundreds more cases are due before the courts. There was also an increase in directors being restricted from 25 in 2002 to 164 in 2003. The legislative measures put in place are beginning to bear fruit.

**Mr. Howlin:** Is the Minister aware that today at a conference in Wexford the General Secretary of the Irish Bank Officials Association said there is something rotten at the core of banking in Ireland? Does he have a response to that statement? Is the Minister saying he is content that all that can be done to bring those who were complicit in wrongdoing to account is being done and that he believes there is nothing further he or his Department can do? Will he also confirm that he proposes to bring no further legislative improvements to the House?

**Mr. Martin:** As I said, there will be further legislation on company law in the future. However, with regard to this issue, it was this Government that took the initial decision to

establish the investigation on foot of some good work undertaken by RTE in the context of NIB. The Tánaiste took resolute action in establishing this comprehensive investigation and it has produced significant results. It is not a question of being content that it is being referred further. It is now a matter for due process and politicians and Departments are not the correct vehicle for prosecuting breaches of the law.

### **Economic Competitiveness.**

3. **Mr. Eamon Ryan** asked the Minister for Enterprise, Trade and Employment his plans to implement the recommendations of the enterprise strategy group which reported in July 2004; and if he will make a statement on the matter. [23788/04]

4. **Mr. Hogan** asked the Minister for Enterprise, Trade and Employment the steps he will take to address concerns expressed by the enterprise strategy group and the national competitiveness council regarding the need to streamline the system of regulation affecting key sectors in the economy to ensure that competition is at the centre of the regulators' focus; and if he will make a statement on the matter. [23793/04]

**Mr. Martin:** I propose to take Questions Nos. 3 and 4 together.

Towards the end of 2003 my predecessor, the Tánaiste, Deputy Harney, established the enterprise strategy group, under the chairmanship of Mr. Eoin O'Driscoll, to undertake an examination of enterprise strategy. The group was tasked with identifying a comprehensive approach to sustain employment and maintain our economic growth while facilitating a transformation to a knowledge based and innovation driven economy.

The Government considered the report of the enterprise strategy group in advance of its publication on 7 July last. In view of the extensive recommendations and their impact on a range of Departments other than my own, the Government decided to set up a high level group to consider the implications of the report and the best manner to address its recommendations. The group is finalising its report and I expect to report to Government on its work shortly. It would not be appropriate for me to make further detailed comment before reporting to my Cabinet colleagues.

The enterprise strategy group's recommendations aim to provide the economy with the capacity to quickly act against emerging threats to business and to exploit the new opportunities being presented by technological developments and business internationalisation. Its recommendations come at a potential turning point in the trend of economic development. We are currently enjoying the benefits of sustained economic expansion but our past success, while providing a platform for future growth, does not guarantee that growth. Fundamental changes are taking place in the international business environment.

These present exciting new opportunities and some formidable competitive challenges but never easy or simple choices, either for business or Government.

With regard to streamlining the system of regulation affecting key sectors in the economy, I am strongly supportive of encouraging competition in all sectors of the economy and I will give serious consideration to any proposed measures aimed at promoting this objective. Indeed, in this regard the Competition Authority has already concluded co-operation agreements with each of the sectoral regulators. The purpose of these co-operation agreements is to ensure a consistent approach, to avoid duplication between the actions of the authority and the bodies concerned and to keep competition at the centre of the regulators' focus.

I believe these agreements will have the desired effect and that the Competition Authority will keep matters under close scrutiny. I have met Eoin O'Driscoll and Forfás and have had preliminary discussions on the strategy and the road map forward.

**Mr. Eamon Ryan:** I wish the Minister the best of luck with his new portfolio. His success with it will benefit the entire country. One of the main findings in the report, which shocked me, was in a table on page 6. It contained a graph showing the remarkable success of this country in exports from foreign investment industry. However, there has effectively been no growth in exports from indigenous industry over the past 14 or 15 years. Was the Minister shocked and concerned by that finding which I had not seen previously? I believe it was an unpublished figure.

The Minister seems to be saying we are going to have a report to analyse the report and that he cannot really discuss anything here until he has received that report. I have a slight fear that we are heading in the same direction which was, in a sense, a failure to take on board the lessons or the points made in the Culliton and Telesis reports which said that we needed to develop our enterprise sectors. The table to which I referred shows that we have completely failed to do that. I am slightly concerned that the Minister is now telling us that he is waiting for a further report.

I refer to an area which is covered by the Minister's Department, so he can, in a sense, have an opinion on it, and which does not affect his Cabinet colleagues. There is a number of recommendations in the report regarding internal structures within Enterprise Ireland, for example, that it would have a separate, new technology Ireland section and a special export Ireland section, that Shannon Development would have a remit within Enterprise Ireland and that the city and county development boards would also have a central function within Enterprise Ireland. The Minister may not be able to answer for his Cabinet colleagues but, in the area for which he has full responsibility, Enterprise Ireland and its structures, does he intend to implement those four

basic recommendations of the report? Do we need another report to examine that report?

**Mr. Martin:** I strongly endorse the report, which is excellent. There is no point reinventing the wheel in terms of going around the analysis. The analysis is excellent and there is a series of recommendations but it makes absolute sense in that there is no point publishing a report with recommendations and leaving it there. One must engage all the players and that includes other Departments as it does Enterprise Ireland and those involved in the business. This is not a long piece of work but a relatively short one. However, this is a very substantive issue. The Deputy is correct in identifying the issue of indigenous industry and enterprise strategy for same as perhaps being the critical policy issue for which I will have responsibility. I believe it is one of the big ticket items going forward. Therefore, one does not just publish a report and leave it there.

The report analyses both the strengths and the weaknesses. It says very clearly that in terms of manufacturing and operations, we are nearly world class at this stage and that our basic general education system has served us very well. However, it identifies core weaknesses in terms of sales and marketing capability, particularly in regard to Irish owned firms competing abroad, and the lack of research and development as a core part of indigenous enterprise and so forth. It is basically saying that if we want to remain competitive into the future, we need to go after a range of issues, niches and sectors.

There is a need to look at the skills sets within Enterprise Ireland in terms of achieving those objectives and ensuring Enterprise Ireland has the necessary scope, capacity and skills sets to move up the league in regard to sales and marketing capability and in the other areas identified. I met the chief executive officer of Enterprise Ireland and it is already in the process of change. He was very clear in terms of the strategic direction of that organisation. Obviously, there is a certain dovetailing between that and what the enterprise strategy group has produced.

**Mr. Hogan:** I refer to the question on regulators. Since many of the regulators have been appointed, it has seemed to mean higher prices for consumers, particularly in the energy sector. Today I see reports of another increase in energy prices by the energy regulator, Mr. Reeves. The enterprise strategy group recommended the bringing together of all the regulators rather than having empire building, which is going on at present, and no co-ordination on cross-cutting issues in regard to the various sectors. In the interest of the consumer and of costs and prices, which are out of control, there should be an amalgamation of the groups under some body, such as the Competition Authority, which would protect consumer and business interests and ensure the prices of goods and services are taken into



[Mr. Hogan.]

account rather than what is happening at present. Rip-off Ireland is alive and well. We are living in the most expensive country in Europe. Will the Minister instigate a review of the regulators? When will he implement the recommendation of the enterprise strategy group on the amalgamation and co-ordination of the regulators?

**Mr. Martin:** Decisions of that kind will fall to Government. There are other Ministers involved in that particular sectoral regulators come under the aegis of their Departments. I would be broadly sympathetic to the recommendation in the report and to the Deputy's comments in terms of the desirability of having an overarching structure for regulation which would allow for a critical mass of skills, particularly where similar skills sets are required by the various sectoral regulators. That is a recommendation which must be pursued with my colleagues in Government and with those involved. I know the Competition Authority has already concluded agreements with the various sectoral regulators.

**Mr. Eamon Ryan:** I have another concern in regard to the research and development we have done. Does the Minister share the concern that research spending at present tends to be in areas of use to the larger multinational, foreign owned companies, for example, in the area of bio-pharmacy, biopharmaceuticals and so on? The investment in that area is welcome but the research spending tends to favour those large multinational rather than indigenous companies. Will the Minister carry out a review of our research and development spending to try to steer it towards research spending which would have a real affect for small, indigenous Irish companies?

Returning to the Enterprise Ireland structures, the recommendations in the report are fairly clear, for example, whether Shannon Development has a link. To whom must the Minister go to make a decision on that, or can he do so?

**Mr. Hogan:** Does the Minister have a view on the sectors of the economy that require to be opened to competition? Has he considered any action to open those areas to competition in light of the failure of the current regulatory system?

**Mr. Martin:** There are two parliamentary questions on Shannon Development, so perhaps we could deal with it later.

Deputy Eamon Ryan asked about research and its emphasis on the major players. We need to be careful that we do not divide in too simplistic a fashion the large multinational from the indigenous firm. There is a relationship between the two. The degree to which we have attracted foreign, direct investment has impacted on the growth of indigenous firms in terms of supply and skills derived from the multinational side. Clearly, some of the major projects which have emerged from Science Foundation Ireland, the centres for

science, engineering and technology, will have a significant bearing on enabling us to attract some of the major bio-pharma entities and projects to this country, which is very desirable. What that type of research is doing for the universities is equally critical, that is, developing multi-faculty, multi-disciplinary research and changing the strategic direction of universities in terms of different faculties working together, concentrating on their strengths and governance systems etc. All that is for the good. The challenge for smaller and Irish owned industry is to develop the culture of a commitment to research and development within small industry and then, through Enterprise Ireland, the institutes of technology and the universities, to work more on the applied research to see if the research can be more directly applicable to the type of activities in which small industries are involved.

**An Ceann Comhairle:** Ceist Uimh. 5.

**Mr. Eamon Ryan:** On a point of order, I think there is a small amount of time left in this section.

**An Ceann Comhairle:** There is not. We have only got through four priority questions in a half an hour. The Chair has been lenient and has been neglecting his duty today.

### Regional Development.

5. **Mr. Howlin** asked the Minister for Enterprise, Trade and Employment his strategy for supporting employment and creating jobs in unemployment blackspots within the southern and eastern regions; and if he will make a statement on the matter. [23791/04]

**Mr. Martin:** Balanced regional development is a significant focus of Government policy. Its importance has been confirmed in the current national development plan and the national spatial strategy. Our objective is to develop the strategy to enable as many areas as possible to share the benefits of regional development. The State development agencies are working to ensure the key centres under the NSS, such as Wexford, Waterford and others in the south and east region, play a cohesive contributory role in promoting strong regional development.

The enterprise development agencies have had a good deal of success in attracting higher value enterprises to the region, in line with our policy of moving enterprise in Ireland to the higher value output of products and services. These successes are reflected in the southern and eastern region, as recent announcements such as Guidant's expansion in Clonmel, Altera in Cork and ALZA's recent opening in Cashel attest. We are also accelerating delivery of economic infrastructure for businesses, including broadband, roads etc.

While IDA Ireland is actively marketing the region as a prime location for new investment, it is also working with other agencies to spread the regional benefits of foreign direct investment. For



example, last June Enterprise Ireland held a seminar in Cork to inform potential supply partners of opportunities relating to the construction and operation of the ALTANA Pharma plant in Cork, in effect, maximising the potential for indigenous firms across the region to capture new business from foreign investments.

In addition to attracting foreign investment, a focus of our strategy is to support the development of new vibrant Irish enterprises built on successfully harnessing the creativity and innovation of home grown entrepreneurs. State support for entrepreneurship, through Enterprise Ireland, is clearly centred on the creation of new entrepreneur-led business entities with a solid base in innovation, intellectual capital and the capability to become internationally competitive.

In the past five years in the southern and eastern region, over 210 high potential start-up companies have been supported by Enterprise Ireland with a further 49 targeted for the region for 2004. Enterprise Ireland's competitiveness fund designed to help companies overcome distinctive competitiveness problems, has approved €5.8 million for companies in the region. This is almost 50% of fund approvals to date.

Some areas within the region have not fared as well as others in enterprise development. To help address this, the Wexford County Enterprise Board operates a technology transfer programme under the EU EnAct initiative to help small businesses bring more technology into their operations. The board also provided over €400,000 in grants to support Wexford micro enterprises last year. Over the past four years, Enterprise Ireland, through the community enterprise centre programme helped 32 projects establish and expand enterprises with community participation. Many of these are in areas of deprivation and high unemployment or in areas where there was a low level of enterprise culture. The agency is now developing the programme further by building networks of enterprise centre managers to share knowledge and instigate other co-operation activities.

Many regional locations can suffer badly from the loss of one industry and replacement of the inevitable losses is a tough challenge. I cannot and will not be complacent about job losses. Every effort is made to find replacement enterprise and provide appropriate supports to reorientate those who have been affected by redundancy. By encouraging infrastructural development and taking advantage of improvements in infrastructure to expand the number of alternative locations Ireland can offer investors, opportunities for overall investment levels will be enhanced and a more even geographic distribution of enterprise investment will be achieved. I am satisfied that the continuing and intensive efforts of the agencies, the modification of enterprise policies to reflect the reality of the global marketplace and the ongoing commitment of the Government to regional development are

positive supports to help stimulate further employment opportunities in the region.

**Mr. Howlin:** I am afraid I am no wiser after the long answer the Minister put on the record of the House. The issue is a straightforward one, that is, within the so-called developed region, the southern and eastern region, there are economic blackspots whose manufacturing base in particular is well below the average for the rest of the region. Areas such as County Wexford which the Minister instanced would qualify for membership of the BMW region if it was contiguous with that area rather than being surrounded by more affluent counties like Deputy Hogan's which did not allow that to happen.

I have received no evidence of a clear strategy from the Minister to deal with blackspots within the so-called developed region. There are specific inducements to bring industry into the BMW region, which I do not in any way want to undercut, but there are other areas that deserve a similar specific approach from the Government in regard to job creation within the so-called developed region. I am sure the same would apply to areas of Cork city.

Will the Minister develop a sub-focus within the so-called developed region that will address the haemorrhaging of jobs? In the past ten days in Wexford, Spring and Precision Engineering and the P & O Company are just two employers to pull out and there has been no replacements in recent years of the county's already impoverished manufacturing base. There needs to be a specific target above the task force that was established and the enterprise groups that are common to every county to address in a focused way the delivery of jobs to areas that need them. I do not expect the Minister to have had an opportunity to do much to date, but will he undertake to the House that the development of a dovetailed strategy to deal with blackspots within the so-called developed region will be a priority for him?

**Mr. Martin:** Those areas will clearly be areas of priority for me. However, I would not be dismissive of the initiatives to date or the fundamental response to the question.

**Mr. Howlin:** No jobs are coming, that is the problem.

**Mr. Martin:** I have been through this in my area, albeit in the 1980s when some major manufacturing companies closed. The one thing we learned at that time is that there was not a big bang response, that one did have to change strategy, to go back and reconfigure. I see skillsets as being the critical area. It is not sexy to say this and it does not give consolation to those who have lost jobs, but clearly training and education are the priority in terms of reorientating and repositioning an area to secure and attract industry.

[Mr. Martin.]

Clearly there are certain infrastructural changes one can make to try to improve the overall infrastructure of a community. To be fair to Enterprise Ireland in terms of the enterprise centres, one can adopt a strategy to try to put expertise on the ground in the unemployment blackspot areas to act as a catalyst and a support to entrepreneurs who want to start their own businesses. That is happening and if there is a degree to which we can improve, as far as I am concerned my door is open to those with ideas.

We should not lose sight of the overarching strategy. The spatial strategy offers us an opportunity, especially in the southern and eastern regions, to become a new magnet. Maybe a change of mind is necessary in the regions because, unfortunately, within regions centres see each other as rivals as opposed to seeing themselves as one region. I have seen this in different areas in which I have worked. As we know, the magnet is to the east, to Dublin and beyond, which is where the focus of economic activity is located. The only way we can reverse that trend is by the major centres working together. Wexford, Waterford and Kilkenny have been identified in the spatial strategy as a triangle that should see itself as an identifiable region and work in a combined way to attract industry.

**Mr. Hogan:** We have no spatial strategy. It is being ignored.

**Mr. Howlin:** I welcome what the Minister has said but the proof of the pudding is in the eating. We have done the analysis. For example, it was said that we provided a road system in Wexford that is among the best in the country. We also provided a site with an adequate water supply but it has not worked. We need to do an analysis of why the manufacturing base is so low when traditionally we have had a very high manufacturing base almost from the 19th century.

There does not yet appear to be a specific subset of policies that sees blackspots within the developed region and the pressure appears to be on developing the BMW region which clearly must have a priority in terms of the totality of the southern and eastern region. I instance Wexford because it is the area I know best but there are other blackspots within that developed region that need more than the general approach we have had to date. When unemployment rates are at such a good low base as we now have, we can afford to go that extra focused mile to ensure that everybody benefits equally. Otherwise we will have regions that are simply service regions that provide dormitory facilities for workers to travel to contiguous urban centres. That is something we should try to avoid.

**Mr. Martin:** I do not have a difficulty with the broad position the Deputy has adopted, other than to say that it is interesting, even in the context of the BMW region, notwithstanding the

additional grants that are at the disposal of the State to award, that the bulk of foreign direct investment has still headed to the east in any event.

**Mr. Howlin:** To some section of the east.

**Mr. Martin:** The grant issue is no longer the pre-eminent issue in terms of where a particular industry will locate. As state aid rules are revised in the European context, I suggest we need to look in other directions to create the conditions to secure an investment in a particular location of the type the Deputy is suggesting. The Deputy is clearly aware that the traditional sectors are under pressure and moving to low-cost bases. In a globalised economy that is inevitable. The key for us is to try to move up the value chain to see whether we can create employment of a different kind in these locations.

### Other Questions.

#### Insurance Industry.

6. **Ms O'Sullivan** asked the Minister for Enterprise, Trade and Employment the progress made to date with regard to the implementation of his action plan for the insurance industry; and if he will make a statement on the matter. [23664/04]

**Mr. Martin:** Following the establishment of the Irish Financial Services Regulatory Authority and the coming to an end of my Department's lead role in the insurance reform programme, my colleague the Minister for Finance retains overall responsibility for policy and legislation as regards the provision of financial services in Ireland. My colleague, the Minister for Transport, in light of broader responsibility for road safety, will take over the lead role as regards policy and legislation on the availability and cost of motor insurance and any related interdepartmental co-ordination. The transfer of responsibilities to the Minister for Transport has been agreed and will be activated shortly following the completion of logistical issues relating to the transfer of an agreed number of posts from my Department to the Department of Transport.

An Agreed Programme for Government includes a commitment to tackle the high cost of insurance. The action plan outlined how the 67 recommendations contained in the Motor Insurance Advisory Board report of April 2002 were to be implemented. To date 41 of the recommendations have already been fully implemented with a substantial proportion of the rest either partly implemented or progressing. All the measures relevant to my Department have now been fully implemented and my colleagues the Minister for Transport and the Minister for Justice, Equality and Law Reform and IFSRA, under the aegis of the Department of Finance,

continue to progress measures that are relevant to their own Departments. For example, a new road safety strategy was launched on 24 September last and the enactment of the Civil Liability and Courts Act 2004 introduces significant changes to the manner in which claims are dealt with, including introduction of new offences to deal with fraudulent claims.

A number of significant measures have been introduced by my Department. A key initiative was the establishment of the Personal Injuries Assessment Board, PIAB. The Personal Injuries Assessment Board was established by ministerial order on 13 April 2004. From 1 June 2004 all personal injury claims arising from workplace accidents, where an employee is seeking compensation from his or her employer, must be referred to the PIAB before legal proceedings may be issued. From 22 July 2004 all motor liability and public liability claims must also be referred to the Personal Injuries Assessment Board before legal proceedings may be issued.

By eliminating the need for litigation costs where legal issues are not in dispute, the PIAB resolution of cases will significantly reduce the cost of delivering compensation for insurance claims. The PIAB will also offer speedier assessments to the benefit of claimants.

A book of quantum, for assessing the level of compensation based on the type of injury involved, which is essential for the successful operation of the PIAB, was published by the board on 2 June 2004.

#### *Additional Information*

The Motor Insurance Regulations 2002 require that insurance companies provide motor insurance policy holders with the terms upon which renewal is offered and their "no claims bonus" documents a minimum of 15 days before the end of their current policy. This allows consumers sufficient time to "shop around", which is helping to improve competition.

My Department and the Competition Authority have undertaken a joint study into the insurance market. The study will identify and analyse barriers to entry and limitations on rivalry in the insurance marketplace. The bulk of the study was completed in 2003 and a preliminary report and consultation document on competition issues in the non-life insurance market was published by the Competition Authority on 18 February 2004. Following consultation a final report will be published later in the year which will contain recommendations based on the findings.

Clearly the action plan is contributing to reductions in insurance premiums. The CSO consumer price index statistics show that there was a reduction of 15.2 index points, 14.1%, in motor-car insurance between the months of April 2003 and August 2004, the latest figure available. The CSO index is based on averages but many individual policyholders have done much better as may be seen from data provided by the MIAB. Examples provided by MIAB for three specific companies between March 2003 and March 2004

indicate the following reductions: 10% to 16% in comprehensive insurance for a 30 year old male; 10% to 41% in comprehensive insurance for a 50 year old female; and 10% to 45% for third party, fire and theft insurance for a 21 year old male.

Recent reform measures taken have led to a better functioning insurance market. We are seeing enhanced profits reported by the Irish Insurance Federation and significant premium reductions which must continue as the full impact of the reform programme is felt. These new operating conditions in the insurance market enhance its attractiveness for prospective new entrants.

The insurance market is growing. Gross written premiums increased to over €4 billion in 2003 compared to just €2 billion in 1998. As the economy continues to grow, the insurance market will also continue to grow in size. Competition from new entrants attracted by better market conditions will be an important element in ensuring continuing downward pressure on premiums.

**Mr. Howlin:** I do not know whether my colleagues heard, but I express my surprise that responsibility for insurance is to be broken up among a number of Departments. The notion that the Department of Enterprise, Trade and Employment should not have responsibility for motor insurance is wrong. Much more is involved than the safety aspect, important as that is. Neither is it a transport issue. It is an insurance business matter. The issue of brokerage, the PIAB and the cross-subsidising of insurance are all insurance matters that rightly are the responsibility of the Minister for Enterprise, Trade and Employment. It causes me great concern to hear that. Will the Minister say when that decision was made and whether he is in full agreement with it.

Will he say, specifically, how that will work as regards his monitoring of insurance premiums? Does it mean that his Department will have no responsibility in terms of watching how the motorist is charged for insurance? It would be wrong if that was the case. Finally, as regards the operation of the PIAB, established through ministerial order by the Tánaiste, which is specifically within his remit, has he had the opportunity to make an evaluation of its working to date and is it on target with regard to processing the volume of claims that was anticipated? Is it having the impact that we all anticipated in supporting its enactment through this House in the teeth of stringent enough sectoral opposition from the industry itself?

**Mr. Martin:** The Department of Enterprise, Trade and Employment took the lead role in the insurance reform programme, but it was very much an interdepartmental exercise, with individual Departments having clear lines of responsibility in terms of their respective functions. For



[Mr. Martin.]

example, the Minister for Justice, Equality and Law Reform brought in legislation in terms of the fraudulent claims issue, the Minister for Finance had certain responsibilities for financial services regulations etc. It was a good exercise as regards how Government worked in this instance. The recommendations were made and the interdepartmental group met under the chairmanship of the Tánaiste and progressed its business effectively.

There comes a stage when the recommendations are implemented that one moves on. Basically, some of the areas will come under the Minister for Finance who will have overall responsibility for policy and legislation as regards the provision of financial services. It was agreed prior to my appointment that the Minister for Transport would take the lead role in terms of policy legislation on matters involving the cost of motor insurance and interdepartmental co-ordination. The Department of Enterprise, Trade and Employment obviously retains competition issues. My Department and the Competition Authority have embarked on a joint study of the insurance market. That study has already commenced and will analyse the barriers to entry, limitations and rivalry in the insurance marketplace. For the record, the bulk of that study was completed in 2003 and the final report is to be published later this year. It should be stressed that the action plan worked as regards the subject matter.

**Mr. Hogan:** Has the Minister any indications in his file about the number of recommendations of the MIAB that have been implemented and will he give some indication as regards those that have yet to be implemented?

**Mr. Martin:** There have been 67 recommendations to date and 41 have already been fully implemented, with a substantial proportion of the remainder either partly implemented or progressing. All measures relevant to the Department of Enterprise, Trade and Employment have been fully implemented. The Minister for Transport, the Minister for Justice, Equality and Law Reform and IFSRA, under the aegis of the Department of Finance, continue to progress measures relevant to their own Departments. For example, a new—

**Mr. Hogan:** They are dragging their feet somewhat.

**Mr. Martin:** No, the new road safety strategy was launched on 24 September last. The enactment of the Civil Liability and Courts Act 2004 by the Minister for Justice, Equality and Law Reform introduces significant changes in the manner in which claims are processed, including new offences, to deal with fraudulent claims. The important point is that the programme is working.

The consumer price index statistics show that there was a reduction of about 14.1% in motor car insurance between the months April 2003 and August 2004. The example provided by the MIAB for three specific companies between March 2003 and 2004 indicate the following reductions: 10% to 16% in comprehensive insurance for a 30 year old male; 10% to 41% in comprehensive insurance for a 50 year old female; and 10% to 45% for third party, fire and theft insurance for a 21 year old male. That is a significant improvement on where we came from. By and large we have a better functioning insurance market at the moment. There is significant interest from outside in terms of new entrants to the marketplace, which should improve competition. Better competition should enhance price reduction.

**Mr. Morgan:** I would like, first, to congratulate the Minister and wish him well in his new position. I hope it is successful for him. When may we have sight of the details of his proposals in terms of segmenting the insurance industry into the various Departments? I am not sure that it is a bad idea, by the way. I would like to consider it more carefully instead of giving an instant reaction to the proposal. However, it occurs to me that transportation is now a fundamental cost on business and clearly insurance is a major element of that. I would like details. When may we see the detail of these proposals?

**Mr. Martin:** Much of the relevant information was to be found in the reply to the parliamentary question this evening but I can forward further documentation the Deputy may require.

**Mr. Morgan:** Will I first have to submit a parliamentary question?

**Mr. Martin:** I do not have an issue about the insurance on Louth hospital. I have dealt with the Deputy on many occasions as regards that matter. When I saw him I immediately had a flashback.

**Mr. Morgan:** I think he said we had moved on.

**Mr. Martin:** Absolutely.

#### National Minimum Wage.

7. **Mr. Gilmore** asked the Minister for Enterprise, Trade and Employment if it is intended to review the level of the national minimum wage, following the completion of the talks with the social partners on the second phase of Sustaining Progress; and if he will make a statement on the matter. [23656/04]

**Mr. Martin:** The parties to the mid-term review of part two of Sustaining Progress, Pay and the Workplace, have agreed to request the Labour Court to review the national minimum wage and to make a recommendation to the Minister for



Enterprise, Trade and Employment in accordance with the National Minimum Wage Act 2000, to apply with effect from 1 May 2005. On receipt of such a Labour Court recommendation, the minimum wage legislation provides a three month period for the Minister to consider the recommendation.

**Mr. Howlin:** I welcome the Minister's response. I hope the review will be completed and that the good progress made on the minimum wage will be continued. I commend the Minister and his Department on the work they have done on this issue, which in some respects goes beyond more so-called progressive countries, but I want to ask a specific question on enforcement of the minimum wage laws. In a number of high profile cases recently the law of the land in that regard has been flouted, in particular in respect of non-national workers. Is the Minister satisfied there is adequate policing and resources at his disposal to ensure the minimum wage laws are enforced and that people in vulnerable employment in particular have easy access to make complaint in the event the law is not being complied with? Will the Minister ensure this area is fully implemented because it is vitally important for the people on the margins of our society?

**Mr. Martin:** I thank the Deputy for his comments on the performance of the Government and this Department regarding the minimum wage issue. We have moved from €4 an hour in 2000 to approximately €7 an hour as of February of this year. There has been a significant reduction in the percentage of workers on the minimum wage, from approximately 21% in 1999 to approximately 4.5% in 2002. That may be reflective of the general economic position, increased incomes and good economic management of the economy by the Government, but I will not invite responses to that.

In terms of enforcement, approximately 950 inspections were carried out in 2002. An additional four labour inspectors will be appointed to bring up the complement to approximately 21. That should provide additional strength in terms of enforcement and inspection.

I accept the Deputy's comments on non-nationals who come into the country. It is important they are afforded the same rights as anybody else. That will be a particular focus for our activities.

### **Industrial Development.**

8. **Ms Shortall** asked the Minister for Enterprise, Trade and Employment the rental income the Shannon Development Company currently earns from the property in the Shannon free zone that is proposed to be transferred to Shannon Airport Authority and if he will make a statement on the matter. [20401/04]

11. **Ms Burton** asked the Minister for Enterprise, Trade and Employment if he has received proposals from the board of Shannon Development on the role the company can play in the future development of the region; if he will report on such proposals; the position with regard to the proposal to transfer the company's rental income from the Shannon free zone to the Shannon Airport Authority; and if he will make a statement on the matter. [23649/04]

**Mr. Martin:** I propose to take Questions Nos. 8 and 11 together.

There have been a number of developments that will impact on the mid-west region and the roles of the respective State agencies operating there. I draw attention, in particular, to the proposed relocation of the headquarters of Enterprise Ireland, involving 300 of the agency's Dublin based staff to Shannon, as part of the Government decentralisation programme. Shannon Development provides support for indigenous businesses in the Shannon region on behalf of Enterprise Ireland, there is the decision to establish an independent Shannon Airport Authority and the enterprise strategy group, which reported in July, has recommended that Shannon Development should disengage from industrial development functions which should be left to the national agencies, that is, Enterprise Ireland and IDA Ireland.

A number of meetings took place between my predecessor and Shannon Development in recent months to discuss these developments and their implications for the future of the company. I emphasise that Shannon Development fully supports the decision to establish an independent airport authority which it sees as vital to the economic development of the region. Furthermore, it has agreed that the company should refocus its activities on the airport with a view to generating business for the airport and the company's assets should be used to support the airport authority particularly in its early, vulnerable years. A working group representative of my Department, the Department of Transport and the Department of Arts, Sport and Tourism, Shannon Development and the Shannon Airport Authority was also set up to examine the specific issue of how Shannon Development could best contribute to the development of the new independent airport in this regard.

A number of options have been under consideration by the working group, including a possible transfer of responsibility for managing the Shannon free zone industrial estate to the new airport authority. I stress that no decisions have been taken. I am in the process of reviewing the deliberations of the working group in the context of the overall developments I have outlined.

In terms of the specifics of the question, I understand the Shannon free zone yielded a gross rental income of approximately €10.4 million in 2003. The costs associated with the management and operation of the zone have not been taken into account in the calculation of this figure.

**Mr. Howlin:** I tabled two questions to the Minister to give him an opportunity to review a very important strategic decision his predecessor had made, I believe, for ideological reasons in co-operation and consort with the former Minister for Transport, who, again for ideological reasons, was in the process of breaking up a very successful public company, Aer Rianta, into three component companies. I believe the only reason the assets of Shannon Development were being transferred to the stand-alone Shannon Airport was to give a veneer of economic viability to Shannon Airport because it would not be economically viable without some additional asset transfers.

I had hoped this Minister might not have regurgitated the old script. Unfortunately, we got the old script but I do not give up hope yet. Careful consideration should be given to this matter. Does the Minister acknowledge that Shannon Development has been the most successful stand-alone regional development company in the State with the specific result that the Shannon region is the most industrially developed region outside Dublin? Had we such a company in the south east and another in the north west, those regions might have thrived in the same way yet the approach is to dismantle a success story, so to speak. What does the Minister see as Shannon Development's role if it is not to have its traditional industrial development role? Since the gross generated income of €10.4 million was a significant part of the €25 million operating costs of Shannon Development, what resource base will be available to it to perform whatever function is now agreed or is it simply to be left as a token sinecure under the umbrella of Enterprise Ireland until people forget about it and it can wither away? Does the Minister see a role for Shannon Development into the future?

**Mr. Martin:** Let us be clear. I have read the file on this matter and I have examined the options. Further consultation will have to take place but a number of events have happened that changed matters, and I am not reading from the script. That is a fact. The independent Airport authority, whether the Deputy agrees or disagrees, has been established.

**Mr. Howlin:** Is being established.

**Mr. Martin:** It is a key issue which highlights the future——

**Mr. Howlin:** The Minister has to see the economic development potential.

**Mr. Martin:** The airport has always been a centrepiece in terms of economic development in the mid-west. An airport is a central infrastructural issue in terms of the development of any region and it would be foolish not to utilise a transatlantic airport like Shannon. The relationship between that and surrounding industrial

development is clear, they are inextricably bound through the evolution of the industrialisation of that region over the past 30 or 40 years. It is interesting that Shannon Development believes the establishment of the independent authority will have a beneficial economic impact on the region. As the Deputy is aware, north Kerry came in under Cork-Kerry Tourism. That has changed that side of the equation. Shannon town, which was set up by Shannon Development, has come in under Clare County Council. There has been a number of developments which, by definition, are changing the role of Shannon Development as we move forward. It promotes investment in the Shannon free zone. Even the taxation changes changed the attraction in that respect. Life has moved on.

The key issue for the future is the role it will play. Clearly, there is a role in the context of the airport. That was the perspective of the working party but it had a particular structure in mind as to how it would continue to support the airport. Others might have had a different structure in mind as to how it should support the airport, whether it should be within the airport structure overall, continue to invest or invest its assets and have a separate independent role. It manages a significant property portfolio, not just in the Shannon free zone but in Thurles, Tralee, Ennis and Limerick. That is a continuing function. It promotes the development of indigenous industry in the Shannon region. What we are saying is that there is an opportunity now to bed down the future role, given the changes that have occurred.

**Mr. Howlin:** What is the role?

**Mr. Martin:** We will not unilaterally impose that on Shannon Development or the region. There are further consultations to be held and I am keeping an open mind.

**Mr. Howlin:** I am tired of old words being repeated from the script the Tánaiste delivered the last time we discussed this. I still do not know what the new Minister has in mind for the future of Shannon Development. If it will not have industrial development, or an international or domestic role, and its assets in the upward zone are to be transferred to the airport authority depriving it of an annual income of €10.4 million, what will be its role and what resources will it have to implement that? Last month, Shannon Development signalled its total opposition to the Government's proposals to transfer the Shannon free zone to the airport authority. It is the driver of a successful strategy. Allowing for inevitable changes, what role does the Minister see for Shannon Development in the future?

**Mr. Martin:** The role for the future is centred on the airport. Shannon Development will continue to have a significant role in terms of supporting the airport.

**Mr. Howlin:** There is an airport company and an airport authority.

**Mr. Martin:** The airport is critical to the economic underpinning of the region.

**Mr. Howlin:** What role does the Minister see for Shannon Development?

**Mr. Martin:** That has yet to be determined. It has a view on how it could continue to support the airport and others have a different view. It is not straightforward. The Department of Transport is involved and has its own perspective on it. The working group was formed to get all the parties together to see if they could hammer out an agreed position which has not emanated from the working group. There is work to be done.

**Mr. Howlin:** When will there be a conclusion?

**Mr. Martin:** I will consult the parties first and make a decision in due course. I have been in office for a week.

**Mr. Hogan:** I thought the Minister had all the answers.

**Mr. Howlin:** Has the Minister met Shannon Development?

**Mr. Martin:** Not yet.

**Mr. Howlin:** Does he intend to?

**Mr. Martin:** Yes.

### Enterprise Strategy Group.

9. **Mr. Broughan** asked the Minister for Enterprise, Trade and Employment the steps his Department intends to take arising from the report of the enterprise strategy group published on 7 July 2004; and if he will make a statement on the matter. [23644/04]

27. **Caoimhghín Ó Caoláin** asked the Minister for Enterprise, Trade and Employment if he intends to implement the recommendations contained in the report of the enterprise strategy group (details supplied); and if he will make a statement on the matter. [23606/04]

**Mr. Martin:** I propose to take Questions Nos. 9 and 27 together.

I do not want to repeat all I said in response to Question No. 9 during Priority Questions. The high level group was established on foot of the recommendations of the enterprise strategy group which will report to me in the next week or so. I have met the chairman of the strategy group and the next step is to bring an action plan back to the Government to develop the issues contained in the enterprise strategy group report.

**Mr. Howlin:** I accept that the Minister answered Question No. 9 in Priority Questions although I could not participate. The strategy

group recommended joined-up government to ensure that any decision of a Department would not adversely impact on Ireland's enterprise culture. Unfortunately, there are many examples of this, for example, when the Department of Social and Family Affairs restricts access to participants in education and training as it did through some cutbacks. This runs counter to the need for upskilling. How is the joined-up government concept to be achieved? Will there be an overarching committee chaired by the Minister? Government memoranda refer to the implications for women of any Government decision, should the question of impact on enterprise strategy be posed in response to any Government decision or Minister's change in policy? This could ensure that we are at the cutting edge of winning jobs, growing our economy and making it competitive and fit.

**Mr. Martin:** The report recommends an overarching structure involving six Departments with six Secretaries General and four outsiders to advance the recommendations. No decision has been made on that. I had a good discussion yesterday with the chairman who outlined the background to the proposal. The committee refers in the report to the benefit Ireland has derived from having an agile Government. That is the Government's capacity to get things done quickly, a can-do attitude when multinationals or other outside players want to invest here. In those cases there is a good relationship between Departments and we resolve these cross-cutting issues fairly quickly. That achievement is attributed to successive Governments and the political structures.

**Mr. Howlin:** The report said there is no longer a clear focus on enterprise.

**Mr. Martin:** Sometimes society does not give credit enough to the political system in terms of economic progress. Politicians are the last group ever considered to have an impact on any aspect of the economy and the political system.

**Mr. Howlin:** Except when it goes wrong.

**Mr. Martin:** Except when it goes wrong. The report identifies the significant role played by agile government in the past in getting rid of obstacles and advancing matters. There is concern that we retain that agility and even enhance and improve it.

**Mr. Howlin:** That is why the Taoiseach appointed Deputies O'Dea and Roche as Ministers. They are the agile wing.

**Mr. Martin:** The Minister, Deputy O'Dea, is very agile — he always has been. I told the chairman that I am interested in a structure that has an impact on a joined-up group. I am open to the issue but there is no point in simply forming another committee that has no impact. Whatever structure or mechanism we put in place must have an impact in terms of outcomes and involve



[Mr. Martin.]

genuine proofing of the issues as Deputy Howlin suggested. The group should have an effect on decision-making in each Department responsible for creating the enterprise environment we require. I am very positive about this. It is a matter of finding the structure that will get us the best result in terms of joined-up government.

**Mr. Howlin:** I welcome what the Minister has said but I fear structures, meetings and secretaries general.

**Mr. Martin:** So do I, that is my point.

**Mr. Howlin:** I would like to hear that when a decision is made in the Department of Social and Family Affairs, the Department of Transport or elsewhere, it must go through some vetting procedure to say that it has no impact, or some impact, on enterprise culture or on Ireland Inc. in enterprise terms. It would act as a sort of clearing house from which the proposal goes to the Department of Finance whether it resides in the Department of Finance or another place. There must be a box that someone must tick to weigh that against its impact. It is daft to make an economic cut in training that looks good on the balance sheet at the Department of Social and Family Affairs but is bad for preparing people who are unemployed for getting jobs.

**Mr. Martin:** As Deputy Howlin knows from his experience as a member of Government, when a memorandum goes to Government there are several items included, such as gender-proofing or the impact on poverty. We could apply that to the impact on enterprise. There was a ceiling on all the social welfare and back-to-education schemes. From my experience in the Department of Education and Science we never quite reached that ceiling even in the good days. The take-up rarely matched the estimate.

**Mr. Howlin:** That is not something of which to be proud.

**Mr. Martin:** No, it is a reality. People try to save face about the estimations made when it was a fluid marketplace. I suppose the Celtic tiger also reduced the numbers. However, I take the Deputy's general point, if something is happening in the education area how does that affect enterprise and so on. I have no difficulty with that idea. We do not want to create an obstacle that blocks Department decision-making or initiatives.

**Mr. Morgan:** I wish to address the competitiveness element of the report. Is it not the case that the report fails to address the house prices which have a sharp negative impact on our competitiveness in a host of areas, for example, the obvious pressures on wages or the hours people must spend travelling to and from work because they cannot afford a house close to their work-

place? The same applies in terms of the need for child care. For example, the lack of child care resources prevents people from being involved in the labour market. Does the Minister propose to deal with that? Will he talk to the Minister with responsibility for housing? We have talked about cross-departmental relations, does the Minister have any plans in that regard or does he accept that it is an important area that must be tackled?

**Mr. Martin:** The Deputy is correct that the cost base is a significant issue in terms of our competitiveness going forward. The strategy group identified that, as has the Competitiveness Council which will be publishing its report next week. The report refers to wages and energy costs, particularly those relating to electricity, and states that Ireland is a very expensive location for food and drink. The latter probably reflects that we have a very developed economy.

There is clearly an issue as regards young people, particularly those living in this city and other major centres of population, being in a position to purchase housing. The level of house construction in the past decade has been phenomenal. In the past five to seven years it has outstripped anything that happened in the past in terms of the number of houses built here. We will again reach record levels this year. There is major demographic pressure on the system at present in terms of the numbers coming forward to purchase houses. Housing policy is designed to try to reduce prices and the rate of increase attached thereto. That is the clear objective of Government policy on the housing front. The Minister for the Environment and Local Government has particular responsibility in this area and is pursuing a range of initiatives that is designed to increase supply. The latter will then reduce the rate of overall increase.

**Mr. Morgan:** I am concerned by the Minister's answer. He is stating that we will allow the construction sector to produce more houses and that this will hopefully resolve matters. It is clear that it will not do so. I refer, for example, to the Ninth Progress Report of the All-Party Committee on the Constitution which deals with the price of building land. Does the Minister agree it will take a proactive policy on the part of Government to reduce house prices? I agree with him regarding the other elements — fuel, etc. — which are damaging competitiveness. However, house prices could be tacked quite quickly. The Minister does not seem to have proposals for a cross-departmental task force to deal with the issue in general terms. Is simply allowing the building industry construct more houses the only answer at our disposal in terms of reducing the cost of housing? Such a policy is unlikely to solve the problems.

**Mr. Martin:** I assure the Deputy that I am not going to become Minister with responsibility for housing but I accept that we have a cost-cutting role and responsibility for highlighting the issues.



Anyone who considers the past five years will know that the rate of construction has been phenomenal — they will also be aware that people are under huge pressure — and if one looks at it from one perspective it has been a significant achievement. On the other hand, it is extraordinarily difficult for young people to purchase houses.

**Mr. Morgan:** Prices are still going up.

**Mr. M. Ahern:** They are slowing down.

**Mr. Morgan:** Marginally.

**Mr. Martin:** Compared to the position in 1999 and 2000, it is evident that there is a difference now. That will continue to be the case. As we move on, the level of increase will ease. A range of initiatives has been undertaken to date in terms of trying to increase supply. The rate of supply will ultimately affect the price.

As regards land policy and trying to set aside sites, all Departments were asked to offer up land to ensure the Department of the Environment, Heritage and Local Government and local authorities could develop new social housing units. Efforts are being made on a range of fronts to try to improve the situation. I have no doubt that those efforts will continue in terms of trying to improve matters for those purchasing houses. I accept this is a significant issue.

#### **Job Creation.**

10. **Mr. McGinley** asked the Minister for Enterprise, Trade and Employment the measures being taken to find replacement jobs for County Donegal following the announcement of job losses at a company (details supplied); and if he will make a statement on the matter. [23627/04]

18. **Mr. Rabbitte** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the serious level of job losses announced in County Donegal in recent months in such plants as those of companies (details supplied); the steps he intends to take to deal with the job losses which have potentially serious consequences for the county; if, in particular, he will consider reactivating the Donegal jobs initiative, which was established after similarly serious job losses in 1998; and if he will make a statement on the matter. [23675/04]

**Mr. Martin:** I propose to take Questions Nos. 10 and 18 together.

It was with regret that I learned of the closure announcements by Unifi Ireland and Fruit of the Loom of their manufacturing plants in County Donegal. Finding alternative employment for the workers affected is a priority for FÁS and the State development agencies. In the case of Fruit of the Loom, FÁS contacted the company and offered its full range of support services to those who will lose their jobs. In the case of Unifi, the agency, during the three separate phases of

redundancies, has offered its full range of support services to those affected.

IDA Ireland is committed to the development of the north-west region and continues to strive to secure new investment for Donegal. Both IDA Ireland and Enterprise Ireland are working closely with their existing base of companies in the region. In its efforts to secure investment, IDA Ireland is working with Invest Northern Ireland on a virtual cross-Border park which will involve joint marketing efforts and planned improved telecoms infrastructure on a cross-Border basis. Construction of the Letterkenny business park has been completed and construction by Donegal County Council to extend Letterkenny ring road to this part is well advanced. Work has now been completed on the provision of a second 25,000 sq. ft. advance factory at the park and planning permission has been granted for a third advance facility.

Planning permission has been obtained for a new facility at Ballyshannon and IDA Ireland has recently undertaken a significant amount of site development work recently there. In addition to this, further land has been purchased in Buncrana and planning permission has been obtained for a 20,000 sq. ft. factory. IDA Ireland is currently working with a local private developer in the provision of advance space within this estate.

Enterprise Ireland works with companies in Donegal and in the north west to assist them grow their sales and exports and improve innovation in order that they can compete on world markets. It is encouraging these companies to adopt new technologies and move up the value chain. Its range of supports includes strategy development, production and operations, marketing, human resources development, finance and research and development.

In 2000 the Donegal County Development Board was charged with implementation of the employment initiative task force report. The county development board, which includes the State development agencies, local interest and representative groups as well as the local authorities, was generally viewed as the most appropriate vehicle for taking forward the task force recommendations.

#### *Additional Information*

I understand that a review of the original 1998 task force report is currently being finalised and will be considered shortly by the Donegal County Development Board.

At the request of my predecessor, the Tánaiste, the expert group on future skills needs, which operates under the aegis of Forfás, is, in conjunction with IBEC, undertaking a detailed analysis of the education and skills requirements of the north-west region. I understand this work will be completed shortly.

In conjunction with the ongoing work of these agencies, other issues need also to be addressed to promote employment creation in the north west. These include the development of infra-

[Mr. Martin.]

structure in the area, in particular roads, water, energy — electricity and gas — air access and broadband communications. Recent developments on these fronts include the provision of funding for the Letterkenny water supply scheme and the approval of a feasibility study grant for the extension of the natural gas pipeline from Derry to Letterkenny.

It is clear that the economy has been undergoing substantial change for some time now, which has impacted on both the manufacturing and service sectors. A fundamental shift in our strengths and competitive advantages has taken place and our economy is now typified by higher output and productivity together with high returns to labour in the form of wages, salaries and better living standards. Ireland has become a more prosperous and wealthy economy, converging with the broad income and prosperity levels of other member states of the EU. I doubt if anyone would have it any other way.

I assure the Deputies that the Government, along with the State development agencies, is committed to balanced regional development, particularly through the implementation of the national spatial strategy and the Government's decentralisation programme, which will see 380 civil servants moving to Gweedore, Buncrana and Donegal town. County Donegal is one of the areas to which priority is being awarded and that will continue to be the case.

*Written Answers follow Adjournment Debate.*

### **Adjournment Debate Matters.**

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Deasy — that the Minister consider the inconvenience and unnecessary hardship that the new security measures certified by his Department are having on fishermen in Passage East, County Waterford; (2) Deputy Michael Moynihan — calling on the Minister to further enhance the attractiveness of the CLÁR region as a centre of enterprise development by offering greater incentives for setting up businesses there; (3) Deputies Pat Breen and James Breen — to ask the Minister to immediately provide emergency funding for the provision of temporary accommodation for additional teaching staff at a school (details supplied) in County Clare; (4) Deputy Morgan — the necessity for the Minister to address the absence of maternity services at Louth County Hospital in Dundalk; (5) Deputy Twomey — what role the Minister has taken in the continuous monitoring of medications available in Ireland and if she is aware of any more ongoing concerns regarding this or other medication; (6) Deputy Neville — the review of the care and treatment of a person (details supplied) at the Mid-Western Regional Hospital; (7)

Deputy McHugh — the need for the Minister to approve the submission from the Western Health Board of the planning brief for Tuam Hospital which was forwarded to her Department on 8 October 2002; (8) Deputy Gogarty — the reason a person (details supplied) was not told by health board officials that they had a sibling (details supplied) in foster care and the reason an investigation into alleged abuse at a residential institution was not proceeded with; (9) Deputy Broughan — the urgent need to ensure that An Post pensioners are paid their due pension increase under the national pay agreement; (10) Deputy Hogan — the need for the Minister to indicate when the necessary approval will be given for construction of a new school (details supplied) in County Kilkenny; (11) Deputy Ó Snodaigh — the need for the Minister to grant a school (details supplied) in Dublin 8 disadvantage status as it is the only school in an area of disadvantage not to have such status; (12) Deputy Costello — the need for the Minister to explain the reasons for the alarming increase in burglaries in the Clonliffe area of Dublin; (13) Deputy Shortall — the need for the Government to clarify its plans for the future of Aer Lingus; (14) Deputy Upton — that the Minister consider issuing a circular to local authorities regarding subsection 247(5) of the Planning and Development Act 2000; (15) Deputy Perry — that the Government rescind the decision to locate the new regional health services in Galway and establish them in Manorhamilton, north County Leitrim.

The matters raised by Deputies Morgan, Perry, Costello and Michael Moynihan have been selected for discussion.

### **Adjournment Debate.**

#### **Hospital Services.**

**Mr. Morgan:** The lack of maternity services at Louth County Hospital is a major ongoing concern to the 80,000 residents in the greater Dundalk area. However, when, as happened this week, a baby was born by the side of the road, people's minds are focused in a powerful way. Is it reasonable or fair that a young mother and her baby should be subjected to this type of experience in 2004? Of course it is not. If the Minister of State agrees that this experience is unacceptable, why is the Government doing nothing to avert it? After more than seven years in office and almost 50 reports on our health service, citizens expect and, indeed, demand more from their political rulers.

Last weekend, another hospital in the North Eastern Health Board area, Our Lady of Lourdes, was forced to cancel elective surgery, as if waiting lists are not long enough already. Those individual members of the public who were already forced to endure lengthy waiting periods must suffer further hardship by waiting longer as

a consequence of these cancellations. Indeed, the hospital was on the verge of going off call. That prospect would have resulted in patients, some requiring urgent treatment, being forced to travel to Dublin, where hospitals regularly go off call.

This is not a proper health care service. It is not the health care service that our citizens both deserve and demand. Neither is it fair nor reasonable for an Administration to neglect the will of the people in the way that this Government is doing.

Let us consider some of the details relating to a roadside birth. A member of Angela Hughes's family telephoned for an ambulance at 3 a.m. yesterday, five minutes after her waters broke. At 3.20 a.m. an ambulance from Dundalk arrived but instructed Angela that they must await a ambulance from Drogheda. At 3.50 a.m. the Drogheda ambulance arrived, collected the expectant mother and set off for Our Lady of Lourdes Hospital in Drogheda, passing the Louth County Hospital on the way. Approximately five minutes after doing so, the ambulance was forced to stop at the roadside to deliver the baby. Luck was in on this occasion. Both baby and mother were fine. However, we know that any one of a multitude of complications could have arisen. Does the Minister of State really believe that in this day an age women should have to give birth in circumstances of this kind? Has he any idea of the increase in anxiety and stress that the lack of maternity services at Louth County Hospital is causing for expectant mothers? Women in Third World countries can expect better conditions than expectant mothers in the Dundalk area. It is nothing short of a disgrace that the State cannot deliver modern accessible maternity care for all expectant mothers.

The sheer stupidity of forcing women who are going into labour to travel to Drogheda from the north Louth area is evident from the timeframe of the Drogheda ambulance journey. It takes 50 minutes to travel from Drogheda and if there had been no stop for small issues such as births on the return journey, it would have taken a further 50 minutes to get back. The round trip is, therefore, over one and a half hours. Where was the "golden hour" rule in this instance? Are people who reside in the greater Dundalk area exempt from this essential medical rule?

When the maternity ward at Louth County Hospital was closed in 2001, we were informed that it was a temporary measure. We were then informed that it was being replaced with a midwife-led unit. Three years on, there is absolutely no sign of this new unit, limited as it would be.

The Minister should avoid playing the numbers game on this occasion. I know about the 800 births per annum requirement. When the maternity unit was closed there were more than 600 births annually and that was with only one gynaecologist on site. Any cases with complications were referred to Drogheda for that reason. On average 2,500 births take place in the county. Had the unit been properly staffed we

know that with the continuing growth of Dundalk we could have reached the required number.

What is happening in this case? Does the Minister of State have answers to any of these questions? The Minister of State must accept that patient safety is not the primary issue in respect of north Louth. Why are citizens from this area not entitled to the same reasonable level of care as other citizens?

It would be remiss of me to address the health care issue and not acknowledge the commitment and contribution of staff in our hospitals and ambulance service. I do not know how they do it. They are wonderful and courageous people. They generally work in understaffed conditions and are, like members of the public, carrying the can for the lack of proper health care services. Health care services represent the most important issue in the State. Why is the Government unable to deal with it? Why are we not getting the most essential care for our people, particularly in light of the democratic reminder the Government got last June?

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** I am making this reply on behalf of the Tánaiste and Minister for Health and Children, Deputy Harney. I take this opportunity to clarify the background and present position on the provision of in-patient obstetric services at Louth County Hospital, Dundalk.

I do not accept the characterisation made by the Deputy of our health service as having a Third World character. Neither the volume of investment made, the quality of staff engaged nor the facilities provided in the health service justifies the epithet used by the Deputy that ours is a Third World health service. As far as democratic reminders are concerned, given the Deputy's general lack of awareness of the issues involved in maternity provision in the State, I would be very depressed if his party had any say in a future Government deciding how such services should be provided.

**Mr. Morgan:** The Minister's attitude is depressing me.

**Mr. B. Lenihan:** The Deputy should begin by examining the views of the Institute of Obstetricians and Gynaecologists. It advised all health boards in 2000 on the levels of consultant staffing required to provide an appropriate level of care in the maternity and gynaecological service and on the consultant supervision of trainee specialists. The institute is the professional body representing the specialty of obstetrics and gynaecology in Ireland and is the advisory body in Ireland for education, training and administration in the specialty. Neither the Deputy nor I are experts in this area; members of that body are. They considered that a viable unit requires in the region of 1,000 births per annum to enable consultants to maintain their expertise and trainees



[Mr. B. Lenihan.]

to develop their skills. The figure is 2,000 births per annum in the other jurisdiction in Ireland, where the Deputy's party has exercised responsibility in government.

The North Eastern Health Board established a review group on maternity services, which issued its report in November 2000. The report, having examined the level of obstetric activity at Louth County Hospital, which in 1999 and 2000 recorded only 406 and 553 births respectively, advised that consultant-led maternity services at Dundalk should be discontinued as the provision of such services was not in line with the recommendations of the institute. These are the facts.

The North Eastern Health Board was informed at that time by Irish Public Bodies Mutual Insurances Limited that insurance cover was being withdrawn for maternity services at Louth County Hospital. As a result, in-patient maternity services at the hospital were discontinued. The board established a further review group to investigate fully all the options regarding maternity services in the board's functional area. This group reported in October 2001.

The group engaged in widespread consultation with medical, nursing and other professionals, as well as with users of the service. The report recommended that midwife-led units should become operational as soon as possible at Our Lady of Lourdes Hospital, Drogheda, and Cavan General Hospital prior to the phased opening of a similar unit at Louth County Hospital, Dundalk. The board adopted the report and established a task force in early 2002 to implement the various recommendations.

The pilot midwifery-led services at Our Lady of Lourdes Hospital, Drogheda, and Cavan General Hospital commenced in July last and are providing antenatal care for eligible women. I understand that in-patient services will commence in these units by the end of this year. The board has also commissioned the School of Nursing and Midwifery Studies at Trinity College Dublin to evaluate the performance of the units. Following evaluation of the efficacy of these services, decisions will be taken on the provision of such a unit at Louth County Hospital, which I am sure is a matter of legitimate concern to the Deputy.

**Mr. Morgan:** The Government has not even considered it.

**Mr. B. Lenihan:** With regard to the specific incident referred to by the Deputy, the Department of Health and Children has been informed by the North Eastern Health Board that the ambulance personnel involved in the treatment of the patient followed procedures as per the national pre-hospital care standard operating procedures for ambulance services. Mother and baby are both well.

**Mr. Morgan:** No thanks to the Department of Health and Children.

## Departmental Programmes.

**Mr. M. Moynihan:** I am glad to have the opportunity to speak on the Adjournment about incentives which the Government should introduce to further enhance the attractiveness of the CLÁR region as a centre of enterprise development by offering greater incentives for setting up businesses there.

About three years ago the Government designated areas in rural Ireland known as CLÁR regions. These areas had suffered 50% or greater population decline between the census of 1926 and the census of 1996. By and large this initiative has been welcomed throughout rural Ireland and has made great strides in upgrading the infrastructure. Many enterprises and businesses have benefited as a result of the CLÁR initiative, for example through the connection of the three-phase electricity which has allowed small and medium-sized enterprises to grow their business through community enterprises.

In the past 12 months local authorities have introduced or increased considerably their development charges. On the one hand the Government has designated these areas in rural Ireland as areas of disadvantage and population decline while the local authorities have applied blanket development charges, which reduce the likelihood of enterprise development in these areas. To follow the Government policy on such areas of disadvantage, local authorities should have applied tiered development charges. I ask the Minister to have development charges applied by the local authorities reduced or eliminated altogether in areas of greater disadvantage.

In recent years the Government and its predecessor have done a considerable amount to enhance rural Ireland. The prosperity of the Celtic tiger has seen improvement in areas that were not developing economically. It is hugely impractical to have the same development charges applied in my area of western Duhallow in north County Cork as are applied within a mile of the airport or Ringaskiddy. While all other set-up costs are equal we must ensure that in CLÁR regions and some smaller towns incentives exist for entrepreneurs wishing to establish indigenous industries. As business people they will try to get the best value for every euro spent on such development.

As these areas have CLÁR regions and areas of decline and disadvantage, they should have reduced development charges. If the Minister were to ask local authorities to review their charges, I am sure they would reduce them. I am grateful for the opportunity to raise this issue and I look forward to the Minister's reply.

**Mr. B. Lenihan:** I have noted the comments made by Deputy Michael Moynihan about the CLÁR programme, which were addressed to the Minister for Community, Rural and Gaeltacht Affairs. I undertake to ensure that the matter is examined. Financial provision is made in various

5 o'clock



Government schemes for certain areas which are designated as CLÁR areas. Deputy Moynihan has argued, however, that inadequate provision is made to recognise the fact that the full rigour of development levies apply to such areas, which are found in the functional areas of local authorities, just as they do to areas which are not designated under CLÁR. I appreciate that the failure to make such provision has caused particular difficulties for those who are trying to stimulate much-needed development in CLÁR areas. On behalf of the Minister, Deputy Ó Cuív, I undertake to raise the issue with local authorities.

### Health Reform Programme.

**An Leas-Cheann Comhairle:** Deputies Perry and Costello were absent from the House when they were due to speak on their Adjournment matters. As the Deputies are now present, I propose that we allow them to speak on their matters, if there are no objections. I appeal to Deputies and Ministers to be present when they are due to speak. If they are not present when they are called, their matters will fall.

**Mr. Perry:** I thank the Leas-Cheann Comhairle for allowing me to discuss the local implications of health service reform. In particular, I wish to debate the decision of the former Minister for Health and Children, Deputy Martin, to locate the western regional centre of the Health Service Executive in Galway. It is important that we build on the successes achieved by the North Western Health Board in areas such as acute services, primary care services, child care and family support, services for older persons, services for persons with disabilities, mental health services and hospice care.

I would not like the innovation in health services in the north west to be lost. Emphasis should be placed on keeping people at home, for example, by supporting them and their carers to do so. We need to provide a wide range of flexible services, such as home care packages, respite care, personal assistants, carer support and subvention payments. Such issues need to be addressed by the new Minister. The North Western Health Board uses its limited funding effectively to provide the best service possible, but that is not always good enough. It is important to achieve a high level of self-sufficiency in acute services so that more people can receive treatment in the north-west region without having to go elsewhere, as cancer patients regrettably have to do at present.

The health board has been effective in linking closely with statutory authorities. We need to form partnerships with voluntary organisations, such as disability groups, mental health associations, care of the aged committees, community groups and religious orders to provide facilities and services. The community nursing home in Ballymote and Nazareth House are examples of such bodies. Services such as orthodontics have been contracted out of the region, unfortunately.

It is regrettable that the peripheral nature and disadvantage of the north-west region were not taken into account in the new structural arrangements. Although the location of the regional office has already been announced, I appeal to the Minister to consider the factors I have mentioned when locating other health service structures. I refer, for example, to the primary, community and continuing care directorate, the national shared services centre, the centre of management of the national acute hospitals sector and other regional centres. There was great disappointment when Deputy Martin announced on his last day as Minister for Health and Children that Galway would be the new regional centre. As I have said, the peripheral nature and disadvantage of our region was not taken into account. I hope the north west does not become the poor relation within the expanded region.

We hear each day that the Government is committed to balanced regional development, but it could have affirmed its commitment by locating the regional office in Manorhamilton. It did not take its first opportunity to encourage such development. Manorhamilton, which has served a large geographical area very well, is geographically central in the expanded region. Carndonagh is as far from Manorhamilton as Galway. The head office of the North Western Health Board is important to north Leitrim. It is astonishing that there are no other major agency offices in the north-west region. Every regional office seems to be located in Galway. I cannot see the logic of that.

We should use the health service as a means of increasing the opportunities for cross-Border co-operation. The North Western Health Board has more than ten years' experience of successful cross-Border collaboration under the co-operation and working together initiative. It has secured significant investment for major project work within cross-Border communities. There is a need for a significant regional office in the Border region and Manorhamilton is ideally placed for that purpose.

I call on the Minister of State, Deputy Brian Lenihan, and the Tánaiste and Minister for Health and Children, Deputy Harney, to rescind the decision to locate the regional centre in Galway from January 2005. If that is not possible, I demand that Manorhamilton, a town in the Border region which is in critical need of investment and opportunities, be considered when decisions are being taken about the three other structures which have yet to be located. There was huge disappointment in the town, which has some of the finest facilities in the country, when last week's decision was announced. The regional office in Manorhamilton serves the area extraordinarily well and has the capacity to continue to serve as a regional office. The Government missed an opportunity when it failed to announce last week that the office in Manorhamilton will be retained.

I reiterate my call on the Minister of State to establish clearly what will be done for the north-

[Mr. Perry.]

west region. I ask him to indicate in his reply, in the interests of balanced regional development, that Manorhamilton will not be omitted again when further announcements are being made about the Health Service Executive

**Mr. B. Lenihan:** I am replying to Deputy Perry on behalf of the Tánaiste and Minister for Health and Children, Deputy Harney.

The Government's June 2003 decision on the health service reform programme was based on the Prospectus and Brennan reports. I am sure the Deputy is aware that the health services reform programme will consolidate the multiplicity of different structures within a single agency, the Health Service Executive. The board of the interim Health Service Executive was set up last November. Under its establishment order, the interim executive has responsibility, subject to the Minister's approval, to plan the establishment of a national unified structure for the delivery of health services. This includes responsibility for the integration of the management, administrative and service delivery structures of the health boards. The Government's decision provided that the primary, continuing and community care directorate to be established within the HSE would be supported by a network of four regional health offices and the maintenance of the existing community care area structures, in the form of the 32 local health offices.

On foot of proposals from the interim Health Service Executive, the former Minister for Health and Children, Deputy Martin, and the executive chairman of the interim HSE, Mr. Kevin Kelly, jointly announced the four regional areas of the HSE and the location of the regional offices. The western regional area will be located in Galway city, the southern regional area will be located in Cork city, the Dublin and north-east regional area will be located in Kells, County Meath, and the Dublin and mid-Leinster regional area will be located in Tullamore, County Offaly. The 32 local health offices are to remain in place.

The western region, which will extend from County Donegal to County Limerick, will cover a population of approximately 950,000 people. In making its proposals, the interim HSE has taken cognisance of a variety of issues, including the Government's policies on issues such as the national spatial strategy, and has ensured a minimum disruption of the existing system and the integration of services. Mr. Kevin Kelly has emphasised that the local health office will be the primary service delivery unit in each community. The regional health offices will not take over regional responsibility for the services managed and delivered by the health boards. Instead, they will co-ordinate services where they span more than one local area and will be responsible for performance management, translating national policies through the local areas and gathering and relaying information on a regional basis. Interaction with local communities and their elected rep-

resentatives will also be part of the functions of the regional offices. It is envisaged that each regional office will employ approximately 25 to 35 staff.

Mr. Kelly has said that while it is not yet possible to be precise about the services and functions which will be delivered from specific locations, significant health employment within the Health Service Executive will continue to be located at the current locations of health board headquarters. Future changes will be made in consultation with staff and unions and with the objective of resulting in minimum staff disruption. The role of Manorhamilton and the existing headquarters of the North Western Health Board is being planned by the interim HSE in that context.

### Crime Levels.

**Mr. Costello:** Today I raise the burglaries that have taken place in inordinate numbers in a very middle-class area of my constituency, something that had not happened there before. The residents felt compelled to hold a meeting in the Tivoli Centre regarding the spate of burglaries. It was attended on 28 September by 200 to 300 residents. The gardaí came along, as did officials from the local authority and local public representatives. They indicated that they had received reports of nine break-ins for September. The residents stated that the figure was more than double that, but that some of them might not have been reported. Perhaps some people felt that it was not worth their while doing so, since they did not expect much of a response. The discussion went on, and it was a microcosm of what is happening throughout the constituency and the city of Dublin. There has been an increase in crimes against property and burglaries affecting people's homes, apparently without any adequate response. There is a great deal of concern about the absence of gardaí on the beat and the fact that 2,000 gardaí have not been recruited. Promises were made and not kept. Some were reiterated, seemingly without anything being produced. I assure the Minister that the Government got quite a roasting on the matter.

The other aspect to the issue is the slow progress on community policing, which was promised and incorporated into the Criminal Justice Bill, which is now a year old and has not yet seen the light of day in this House. We would like to see the Minister for Justice, Equality and Law Reform getting his priorities right and showing a certain sense of urgency in dealing with policing issues in urban and rural areas. We need both greater numbers of gardaí and a new type of policing that engages the community, is participative, and commands the respect of those whom it serves. In that context, I thought it better to concentrate on a single area. I could go through other parts of the city where the problems are the same. I do not want to mention Stoneybatter, where there are currently major problems with policing. The same is true of East Wall and North Strand.

The inner city itself has massive problems with drugs and their policing.

There is difficulty getting in contact with the gardaí. If one dials 999, that is one query, and one does not know where it goes. It disappears into a black hole, and there is no guarantee of when there will be a response. Gardaí have no individual telephone numbers, so no one is really responsible when a complaint is made and no one knows whom to get back to. It also transpires that gardaí do not have e-mail; one cannot e-mail a member. In this day and age, every garda in Store Street, Fitzgibbon Street or any other Garda station should be available via e-mail if one wishes to contact them with an issue. They could e-mail back so that one established some connection or communication to pursue one's complaint.

We have serious problems regarding burglaries and crimes against property, and difficulties with gardaí on the beat and with the Minister for Justice, Equality and Law Reform getting his promised legislation up and running and delivering on the numbers of gardaí promised.

**Minister of State at the Department of Justice, Equality and Law Reform (Mr. B. Lenihan):** I thank the Deputy for raising this matter, and I am aware of the interest in this subject. I am speaking on behalf of the Minister for Justice, Equality and Law Reform, Deputy McDowell, who is unfortunately unable to be present. I assure the Deputy that the Minister and I share his concern and that of the residents in the Clonliffe area on this matter.

Before commenting on the particular issue identified by the Deputy, it is helpful to put the issue of crime and crime statistics into perspective. In July the provisional quarterly figures for headline crime for the State were released by the Minister for Justice, Equality and Law Reform. I am sure all Deputies will agree it was encouraging to see that headline crime had fallen by 10% for the second quarter of the year when compared with the second quarter in 2003.

**Mr. Costello:** That is because there were no gardaí on the beat to apprehend the perpetrators.

**Mr. B. Lenihan:** Burglaries as an individual category of headline crime decreased by 10%. Headline crime for the first half of 2004 was 7% less than that for the first half of 2003. Furthermore, headline crime for 2003 was 2% less than that for 2002.

At the time those statistics were released, the Minister cautioned, as he had done before when discussing statistics, that one should be careful when interpreting trends over short periods. However, the timely release of statistics is a valuable source of information for both elected representatives and the public whom they represent. Statistics allow us to identify problem areas and target particular types of crime in addition to facilitating informed debate on crime. The Garda PULSE system provides a range of operational

reports based on a variety of criteria which permit local Garda management to identify trends and take action to address difficulties as they arise in particular areas.

However, it is important to realise that the Garda Síochána is not an island of law enforcement. They rely on the ongoing and active support of the public to enable them to be at their most effective in their duties, whether that support is given through the provision of information to the gardaí by members of the public or through more general co-operation by members of the public with the gardaí. As members of society we all have an active part to play in the fight against crime, and a duty to do so.

I will now address the question raised by the Deputy with particular reference to the area he identified. I understand from the Garda authorities that the difficulties being experienced in this area were discussed with approximately 200 residents of the area at a recent meeting held at the Tivoli Centre. I am informed by the Garda authorities that the Clonliffe area is actively policed by gardaí from Fitzgibbon Street Garda station, where the personnel strength currently stands at 119, covering all ranks.

The Clonliffe area is covered regularly by both mobile and foot patrols and by plain clothes and uniformed gardaí. In addition, the divisional mobile units also pay regular attention to the area. There are currently two sergeants and 13 gardaí assigned to community policing in Fitzgibbon Street, with three vacancies to be filled in the near future. As the Minister previously informed the House, local Garda management assured residents at their recent meeting that Garda resources and a higher Garda visibility would immediately be directed to the area concerned. A further meeting with the residents is planned for next week. I have no doubt that the ongoing efforts of the gardaí to tackle the problems encountered by residents will bear fruit in the near future.

Current policing plans in the area are predicated on the prevention of crimes, including crimes of violence against persons and crimes against property, and the maintenance of an environment conducive to improving the quality of life of the residents. This strategy is, and will continue to be, central to the delivery of an effective policing service to the areas in question.

In addition, there is one Garda youth diversion project, which caters for residents of the area in question. Those projects are a community-based, multi-agency crime prevention initiative which seeks to divert young persons from becoming involved, or further involved, in anti-social or criminal behaviour by providing suitable activities to facilitate personal development, promote civic responsibility and improve long-term employability prospects. By doing so, the projects also contribute to improving the quality of life within communities and enhancing Garda-community relations.

[Mr. B. Lenihan.]

The Garda juvenile diversion programme, which deals with juveniles who have committed an offence and have admitted their guilt, constitutes a significant means of dealing with young offenders. As I mentioned earlier, the statistics for the second quarter of 2004 show an overall reduction of 10% in the number of burglaries against the same quarter in 2003, although I realise this will be of only some comfort to the recent victims. However, it is important to stress that these decreases, which are to be welcomed, can only be continued and built upon by the assistance and support afforded to the Garda Síochána by the public at large.

Community-based schemes such as community alert and neighbourhood watch are extremely tangible and practical aspects of crime preven-

tion. If we are to develop a strategy to prevent and reduce crime — not just to detect crime after it has been perpetrated — it is critical that the broad local community be actively involved through, for example, giving it the opportunity to identify those crimes which are the most prevalent and the most damaging to the community and local voluntary groups.

The recent burglaries which have been carried out in the Clonliffe area are under active investigation by the Garda at Fitzgibbon Street Garda station. The Garda Síochána is confident that it is making progress in solving the recent spate of burglaries and that it will be in a position to bring those responsible to account in the near future.

The Dáil adjourned at 5.20 p.m. until 2.30 p.m. on Tuesday, 12 October 2004.



## Written Answers.

---

**The following are questions tabled by Members for written response and the ministerial replies received from the Departments [unrevised].**

*Questions Nos. 1 to 11, inclusive, answered orally.*

### Tribunals of Inquiry.

12. **Ms Shortall** asked the Minister for Enterprise, Trade and Employment the costs incurred by the State, at the latest date for which figures are available, arising from the various inquiries instigated by or on behalf of his Department; the element of these that costs have been recovered from any of the other parties involved; and if he will make a statement on the matter. [23680/04]

14. **Mr. Wall** asked the Minister for Enterprise, Trade and Employment the position in regard to each of the inquiries being carried out by or on behalf of his Department; the projected date for the conclusion of each such investigation; the inquiries in respect of which reports have been referred to the DPP; and if he will make a statement on the matter. [23679/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** I propose to take Questions Nos. Nos. 12 and 14 together.

Sixteen investigations into company law matters were initiated by my predecessor since this Government first came into office. In three cases, the High Court appointed, on an application by the Minister, inspectors under section 8 of the Companies Act 1990. The inspectors appointed to Ansbacher (Cayman) Limited presented their report to the High Court on 10 June 2002. The report was subsequently published. The report has been passed to the Director of Public Prosecutions. The inspectors appointed to National Irish Bank Ltd., and National Irish Bank Financial Services Ltd., presented their report to the High Court on 12 July 2004. The report was subsequently published. The court ordered that a copy of the report be sent to several relevant authorities, including the Director of Public Prosecutions.

One investigation under section 14 of the Companies Act 1990 was completed in 1998. The report on this has been passed to the Director of Public Prosecutions.

Eleven investigations were initiated by the Minister under section 19 of the Companies Act 1990. Six of these have been concluded. Of the six investigations completed, two of the reports were passed to the Director of Public Prosecutions. A number of summary prosecutions have since been successfully concluded in one case. One report provided an input into the suc-

cessful application to the High Court for the appointment of inspectors under section 8 while the fourth report was passed to the relevant High Court inspectors. One report was completed in September 2002 and a further report was completed in March 2003. Both reports have been referred to the Director of Corporate Enforcement.

Three investigations under section 19 remain to be concluded. The authorised officer has been directed by my predecessor to cease investigative work and to commence writing up his reports with a view to facilitating appropriate follow-up action as soon as possible by the relevant authorities. My Department is currently in discussion with the authorised officer regarding an updated timetable for the completion of these investigations.

Two investigations were held up in legal appeals. These inquiries are now the responsibility of the Director of Corporate Enforcement.

One investigation was undertaken under section 59 of the Insurance Act 1989. The report on this was referred to the Director of Public Prosecutions as well as to the inspectors who undertook the section 8 investigation into that company.

The costs incurred since 1997 on company investigations initiated by or on behalf of my Department currently amount to approximately €10.7 million. This amount does not include the salary costs of Civil Service staff working on a number of these investigations or the legal costs which are primarily being borne by the Vote of the Chief State Solicitor's office. Most of this €10.7 million derives from the costs of the High Court inspectors appointed under section 8; €5.7 million in the case of National Irish Bank Limited/National Irish Bank Financial Services Limited and €3.5 million in the case of Ansbacher (Cayman) Limited.

The question of recovering costs from the section 8 investigations does not arise until such time as the inspectors complete their investigations. In the case of the Ansbacher inquiry, the High Court proceedings taken by the State to recover the costs of the inquiry were settled out of court for the sum of €1.25 million in favour of the State. In the case of National Irish Bank Limited/National Irish Bank Financial Services Limited, the court ordered that National Irish Bank pay the full costs of the investigation. Section 19 as originally enacted did not provide for the recoupment of costs. This has now changed with the enactment of the Company Law Enforcement Act 2001.

### Export Licensing System.

13. **Mr. M. Higgins** asked the Minister for Enterprise, Trade and Employment his views on the report of the independent review of Ireland's export licensing system, in regard to military and dual use goods; if he intends to act on the recommendations of the report; and if he will make a statement on the matter. [23654/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern):** The independent review of our export control system was published in July. The review proposes a number of areas in which the Irish export licensing system can be modernised and strengthened, including: introduction of new primary legislation to govern Irish military exports, and filling a number of gaps in the Irish regime; enhanced co-operation between the Department of Enterprise, Trade and Employment and the other agencies with a role in the area including the Department of Foreign Affairs and Customs; better use of new technology including introduction of web based export licence applications; greater preventative enforcement through information provision to all actual and potential exporters about the requirements of export licenses, particularly in the case of dual-use goods where exporters might be unaware of their obligations; ensuring that relevant exporters have good in-company compliance procedures rather than detailed item auditing by the authorities; and publication of a annual report on export licensing activity, including an aggregate value of military exports, with this annual report laid before the Oireachtas.

I welcome the constructive proposals contained in the report. Consideration and implementation of the report's recommendations are being addressed within the framework of an inter-agency group, chaired by Forfás, involving the Departments of Enterprise Trade and Employment, Foreign Affairs, Environment, Heritage and Local Government and Defence, Justice, Equality and Law Reform together with the Revenue Commissioners.

*Question No. 14 answered with Question No. 12.*

### **Youth Employment Protection.**

15. **Mr. Gogarty** asked the Minister for Enterprise, Trade and Employment his views on IBEC's recommendation to members of the employers body (details supplied); if he is satisfied with the level of implementation and enforcement of the Protection of Young Persons (Employment) Act 1996 and with the level of evaluation that measures the effectiveness of that legislation. [23599/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr.: Killeen):** The Protection of Young Persons (Employment) Act 1996 came into operation on 2 January 1997. The Act is designed to protect the health of young workers and to ensure that work during the school years does not put a young person's education at risk. It sets minimum age limits for the employment of children, that is, persons under the age of 16, and young persons, that is, 16 and 17 year olds. It also sets rest intervals and maximum working hours, and prohibits the employment of those under the age of 18 on

late night work. Employers must keep specified records of their workers who are under the age of 18.

The ESRI study, to which Deputy Gogarty refers and which I have not yet seen, on part-time employment among second level students will, I gather, be published shortly and is primarily a matter for my colleague, the Minister for Education and Science. I understand that the study has examined the extent of student employment, the objective and subjective characteristics of young workers and those who do not work, the nature of the jobs in which students engage and the effects of that employment on a range of academic and social outcomes. I am advised by the Department of Education and Science that the study will contain a number of important findings regarding the beneficial, and not so beneficial, effects on students of part-time employment. As soon as the study is published my Department will give careful consideration to its findings. It will also be necessary to examine the interactions between the labour inspectorate and the National Educational Welfare Board — established under the Education (Welfare) Act 2000 — so as to align responsibilities and effort to the educational attainment and benefit of young people. The study will also inform an ongoing review of the role and function of the labour inspectorate arising from Sustaining Progress — Part 2.

I welcome IBEC's recommendation to its members in the circumstances. It stands to reason that while working can be of benefit to young people, it should not have a detrimental effect on their studies.

One of the objectives of paragraph 2.8 of Sustaining Progress, the Social Partnership Agreement 2003 to 2005, which is concerned with tackling educational disadvantage, is to evaluate compliance with the Protection of Young Persons (Employment) Act. As part of that commitment, the labour inspectorate of my Department liaises with the Department of Education and Science in this regard.

The labour inspectorate of my Department has responsibility for the enforcement of the Protection of Young Persons (Employment) Act. In the years 2001, 2002 and 2003 inspectors undertook 1,062, 1,453 and 1,595 inspections, respectively, arising from which prosecutions were instituted and obtained in a total of 41 cases in the District Court against employers for non-compliance with the Act. To date in 2004, eight convictions have been obtained under the Act. It should be noted that the enforcement of the Protection of Young Persons (Employment) Act 1996 requires out-of-normal-hours inspection activity in relation to young people in employment. In this connection, the out-of-normal-hours inspections included in the above inspections are 294 inspections in 2001, 594 in 2002 and 594 in 2003. Up to 30 September this year, the inspectors have completed 766 inspections of which 377 were conducted out-of-normal-hours. This level of activity will increase

with the recruitment of four additional inspectors as agreed in Sustaining Progress — Part 2.

While, to date, all reasonable measures have been taken by the labour inspectorate to enforce the 1996 Act with a view to safeguarding the rights/protections of young persons, I am nonetheless keen that all avenues open to my officials to improve and strengthen the enforcement function are availed of. In this connection, I should say that as the new school year gets under way, we have planned to undertake a short intensified and targeted campaign of enforcement involving all inspectors before the end of October 2004.

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

16. **Ms B. Moynihan-Cronin** asked the Minister for Enterprise, Trade and Employment the position with regard to the operation of the Personal Injuries Assessment Board; the number of staff recruited to date; the number of claims received to date by the board; and if he will make a statement on the matter. [23665/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The Personal Injuries Assessment Board was established by ministerial order on 13 April 2004. From 1 June 2004 all personal injury claims arising from workplace accidents, where an employee is seeking compensation from his/her employer, must be referred to the Personal Injuries Assessment Board before legal proceedings are issued. From 22 July 2004 all motor liability and public liability claims must also be referred to the Personal Injuries Assessment Board before legal proceedings are issued.

The structure and staffing levels of the PIAB have been agreed. The PIAB, when fully operational, will have a staffing complement of up to 85 in addition to the CEO. The PIAB is also utilising an out-sourced service centre to assist injured parties in completion of its claim submissions and to ensure a comprehensive, fair and independent service is provided.

The recruitment of staff is an operational matter for which the CEO of the Personal Injuries Assessment Board has responsibility. However, I understand a significant recruitment campaign is still under way and the majority of key management and assessor positions have been filled.

While matters relating to the claims received by PIAB is also an operational matter for which the CEO has responsibility, I understand that to date 5,404 telephone calls have been received, 369,000 website hits have been recorded and a total of 873 applications for assessment have been made, broken down as follows: 420 employer liability applications, 225 public liability applications; and 228 motor accident applications.

The establishment of the PIAB will lead to reduced insurance premia to the benefit of consumers and businesses alike. By eliminating the need for litigation costs where legal issues are not in dispute, the PIAB will significantly reduce the cost of delivering compensation. The PIAB will

also offer speedier assessments to the benefit of claimants.

#### **Public Safety.**

17. **Mr. Crawford** asked the Minister for Enterprise, Trade and Employment when he will give effect to the recommendations of the review group on public safety and establish an agency with responsibility for public safety; and if he will make a statement on the matter. [23618/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** One of the recommendations contained in the report on public safety in Ireland, which was published in 2000, was that an Office of Public Safety Regulation should be considered. While that office would not be responsible for public safety issues, it was envisaged that it would have some form of overseeing role of all the agencies and bodies involved. It should be noted that the group was not in full agreement on this recommendation due to issues relating to duplication of existing services and additional costs. Some members of the review group expressed reservations about the need for such an office and the extra burden on State finances.

The review group's recommendation was quite clearly inconclusive and a clear-cut case has not been made for the establishment of a new agency. Another State agency, whose function is merely to oversee other agencies on public safety matters, is not the right way forward.

*Question No. 18 answered with Question No. 10.*

#### **Economic Competitiveness.**

19. **Mr. P. McGrath** asked the Minister for Enterprise, Trade and Employment his views on the latest report from the National Competitiveness Council (details supplied); the measures he intends to implement to combat this erosion in competitiveness; and if he will make a statement on the matter. [23628/04]

48. **Ms Lynch** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the recent report from the National Competitiveness Council which found that escalating business costs and consumer prices were putting Ireland's economic success at risk; the action his Department intends to take arising from the report; if it is intended to act on the report's recommendation that large increases in excise duties and VAT should be avoided in budget 2005; and if he will make a statement on the matter. [23669/04]

69. **Mr. Cuffe** asked the Minister for Enterprise, Trade and Employment his views on a study (details supplied) by the National Competitiveness Council which concluded that the Irish pay more for food and rent than consumers in any other euro zone country; the effect of this



[Mr. Cuffe.]

on wage demands and competitiveness; and if he will make a statement on the matter. [23596/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** I propose to take Questions Nos. 19, 48 and 69 together.

The National Competitiveness Council, NCC, Statement on Prices and Costs 2004 highlights the key areas that contribute to Ireland's cost base and which affect our competitiveness. The NCC statement found that Ireland is an expensive location for many goods and services and is no longer a low cost economy. In addition to this statement, each year the NCC undertakes a comprehensive benchmarking exercise comparing Ireland's performance across a wide range of indicators against 15 other countries. This benchmarking exercise provides the statistical analysis for the NCC's Annual Competitiveness Report, which is published each year in conjunction with the council's report on the key competitiveness issues facing the Irish economy in the forthcoming year. This report is entitled the Competitiveness Challenge.

These reports will be published later this month and will contain detailed recommendations designed to address weaknesses in Ireland's competitiveness performance across a range of areas including cost. I look forward to receiving these reports and to addressing the issues to sustain Ireland's competitiveness. The recommendations will require attention across a range of Departments and will be considered by an interdepartmental group set up to take the issues forward.

#### **Air Cargo Services.**

20. **Mr. Howlin** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the concerns expressed by the Irish Exporters Association regarding the implications of the decision by Aer Lingus to end most of its cargo services; if his Department has done an assessment of the implications of the decision for firms exporting; if he intends to raise the matter with Aer Lingus or take other steps to ensure that air cargo services remain available to exporters; and if he will make a statement on the matter. [23639/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern):** I am aware of the concerns expressed by the Irish Exporters Association about the decision by Aer Lingus to discontinue the majority of its short-haul cargo services. However, the Irish Exporters Association has not formally raised the issue with me or with my Department. The decision by Aer Lingus was a commercial and operational one and, therefore, was outside the scope of political intervention or interference. It was taken in the context of implementing its business development plan.

Both as a trading country and as an island, having reliable freight links is crucial. I understand

that other airlines operating here have the capacity to deal with the demand resulting from the decision by Aer Lingus.

However, with an eye to our longer-term economic development, the maintenance of adequate air cargo services is of considerable importance. In that context, I intend to ask the National Competitiveness Council for its views on this issue so as to ensure that any competitiveness implications can be addressed.

#### **Bullying in the Workplace.**

21. **Mr. Stagg** asked the Minister for Enterprise, Trade and Employment the terms of reference of the recently established expert advisory group on bullying and the resulting stress in the workplace; when it is expected that the group will report; and if he will make a statement on the matter. [23682/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** The terms of reference of the expert advisory group on bullying and the resulting stress in the workplace is to advise and report on: the effectiveness of measures relating to the prevention of workplace bullying; the identification of improvements in procedures; and how to address the contribution made by bullying to the incidence of workplace stress and its impact on health. I expect that the group will report within about three months of its first meeting which was held on 16 September.

#### **County Enterprise Boards.**

22. **Mr. Naughten** asked the Minister for Enterprise, Trade and Employment the plans he has to review the eligibility criteria for funding from county enterprise boards; and if he will make a statement on the matter. [23461/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** Within the past 12 months my Department, through Forfás, commissioned a review of the role and functions of the CEBs in the development of micro-enterprises. Fitzpatrick's Associates conducted this review and it involved consultations with all relevant interested parties. The review represents the most comprehensive examination of the role and functions of the CEBs since their inception over ten years ago. The review was considered appropriate against the background of the major economic changes that have taken place in Ireland over that period.

The review largely endorsed the activities and operations of the CEBs. It concluded that there is justification for continued State support to micro-enterprises and that the CEB network can continue to play a useful role in the overall national enterprise development policy. The review recommended that, in providing assistance to micro-enterprises, CEBs should focus more on economic, rather than social or local development, objectives; that there should be a renewed focus on the core enterprise mission; that the



issues of potential dead-weight, displacement and duplication should be more systematically and rigorously addressed; and that there should be a move away from grants to repayable finance as well as to soft supports.

In addition, as funding for the CEBs is provided by the Exchequer, through the National Development Plan, 2000-2006, support for the development of micro-enterprise as offered by the CEBs must operate within the parameters laid down in the relevant operational programmes of the national development plan, NDP.

The current NDP specifically states that there will be a progressive shift, over the lifetime of this NDP, from providing direct financial assistance to other non-financial supports such as advice, mentoring and management development. As a result, where finance is provided, this is increasingly in the form of equity and refundable grants. In addition, the CEBs will continue to give priority to manufacturing and internationally traded services companies, which over time may develop into strong export entities.

#### **Job Losses.**

23. **Mr. Sherlock** asked the Minister for Enterprise, Trade and Employment if he has received correspondence from Mitchelstown Business Association concerning the imminent economic crisis facing Mitchelstown currently; and, if so, the steps that have been taken. [22142/04]

76. **Mr. Stanton** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to recent job losses and projected job losses in Mitchelstown; his plans to encourage job creation in Mitchelstown; and if he will make a statement on the matter. [23755/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** I propose to take Questions Nos. 23 and 76 together.

The situation in Mitchelstown has been very much to the forefront of considerations particularly since a meeting with a delegation from the town last April at which, I understand, the Deputies were present. This meeting was arranged on foot of correspondence from Mitchelstown Business Association to my predecessor.

The Deputies' concerns relate to the job losses at Dairygold and its pigmeat division, Galtee Meats. In terms of a response to job losses to date and pending job losses, people affected by the redundancies have been written to by FÁS, inviting them to register with it. I understand that, so far, 150 employees of Galtee Meats, who are to be made redundant at the end of this month, have availed of the offer. The full range of FÁS services are being offered to all relevant employees and FÁS has also increased its activity in north Cork, offering additional courses and support.

The industrial development agencies, for which job creation is a day to day operational matter, are continuing to promote Mitchelstown for

industrial development. Enterprise Ireland is keeping in close contact with Dairygold, and is continuing to work with the company on the future development of its business. As agreed, at the meeting with the delegation in April, Dairygold has been approached for assistance in relation to industrial development in Mitchelstown. A socio-economic study of the Mitchelstown area has been commissioned and a proposal will be presented to Dairygold in the coming weeks with a view to securing funding for the study.

Last year, Enterprise Ireland approved a grant of €200,000 for a Food Enterprise Centre in the town. Approval for business expansion scheme, BES, relief is awaited pending the outcome of certain EU State aid issues in relation to BES relief in general. However, in the meantime, a Food Forum Committee, of which EI is a member, has been arranged to drive the project forward. The first meeting of this committee took place last week. A site has been agreed and a company is to be formed in relation to the project. The next meeting of the forum will take place on 22 October 2004.

A substantial new industrial facility has also been funded under the BES and this is being marketed by IDA Ireland to potential clients. There have been two site visits to date, the most recent being in August 2004. However, no client interest has been expressed in the facility as yet. Four small advance industrial units are being provided following a joint initiative involving the county enterprise board, the local credit union and Cork County Council.

Cork County Council has designated Mitchelstown as an important growth and development centre. The council has acquired lands for industrial purposes and new industrial sites are also being sought. I understand that Mitchelstown is also to be included in the roll-out of broadband infrastructure. In addition, Mallow has been designated as a hub location under the national spatial strategy and this has the potential to benefit Mitchelstown and the broader north Cork area.

I am satisfied that the combined efforts of State agency and local interests will address the ongoing needs of Mitchelstown. However, I should point out that in addition to increased global competition for investment and as a result of the slowdown in the global economy in the last few years, there are fewer companies seeking investment locations than in the past. This has resulted in both fewer companies visiting Ireland and fewer companies choosing to locate in Ireland. The final decision on where to locate a project rests with the promoter of that project. Mitchelstown continues to be marketed by the development agencies for new investment as actively and vigorously as possible.

#### **Decentralisation Programme.**

24. **Ms B. Moynihan-Cronin** asked the Minister for Enterprise, Trade and Employment the number of existing employees who have indicated

[Ms B. Moynihan-Cronin.]  
 their willingness to transfer to the new locations announced by the Minister for Finance in budget 2004, in regard to the boards or agencies operating under the aegis of his Department; the proportion, in each case, this represents of the numbers required; his views on whether such agencies may suffer a serious loss of expertise with a consequent deterioration in the level of services available to the public; and if he will make a statement on the matter. [23681/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The four agencies under the aegis of my Department included in the Government's decentralisation programme are: National Standards Authority of Ireland — Arklow; the Health and Safety Authority — Thomastown; Enterprise Ireland — Shannon; and FÁS — Birr.

In relation NSAI a total of ten existing employees have applied to transfer to Arklow. This figure represents 8% of the total number of 132 required. However, the total number of applications received from both within the agency and across the Civil Service and public service amounts to 90% of the total complement of staff required by the agency.

With regard to the Health and Safety Authority a total of 11 of its staff have applied to transfer to Thomastown. This figure represents 10% of the total figure of 110 staff required but once again when the total number of applications received is considered it climbs to 46% of the 110 staff required by the agency.

Some 20 existing employees in Enterprise Ireland have indicated their willingness to transfer to Shannon. This represents 7% of the total number of 292 required. However the number of applications received from both within the agency and within the Civil Service and public service amounted to 49 which is 17% of the total staff required.

There have been a total of eight applications from existing FÁS employees for decentralisation to Birr. This figure represents just under 2% of the 383 staff required. However, the total number of applications across the Civil Service and public service brings the figure to 69 or 18% of the total staff required. In light of the recent CAF results and other issues, proposals concerning the sequencing and timing of moves under the decentralisation programme is something that the Decentralisation Implementation Group, chaired by Mr. Phil Flynn, is working on at present. These proposals are due to be brought to the Cabinet sub-committee on decentralisation this autumn for consideration. In the meantime, my Department is committed to managing the decentralisation of its four agencies in a way which minimises disruption to the business community and the general public. Consideration of appropriate risk minimisation strategies, including loss of expertise and corporate knowledge, has been included in my agencies' implementation plans and this will be built upon as the plans are further updated throughout the process.

A structured training programme is being developed by CMOD and agency staff will be encouraged to participate in this programme along with whatever specific training they themselves put in place. Given the careful planning and communication strategies that are in place between my Department and agencies, I am confident that the proposed decentralisation programme is achievable over a reasonable time-frame and will have no long-term adverse effect on level of services to the public.

### Energy Costs.

25. **Mr. Boyle** asked the Minister for Enterprise, Trade and Employment his plans to address rising energy costs and the effect on competitiveness of firms here; and if he will make a statement on the matter. [23595/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The National Competitiveness Council, NCC, statement on prices and costs 2004 states that electricity prices for industry have increased by approximately 40% in the past three years. Of the ten countries surveyed by the NCC, Ireland is the second most expensive for electricity for industrial users. According to EUROSTAT, Ireland was relatively cheap for gas tariffs for small and medium sized users, ranking us fifth out of ten countries as of January 2004. However, increasing energy costs are a matter of serious concern as they are an important component in the cost base for industry.

The NCC 2004 reports, the Annual Competitiveness Report 2004 and the Competitiveness Challenge 2004, will be published later this month and will contain detailed recommendations designed to address weaknesses in Ireland's competitiveness performance across a range of areas including energy costs. These will be addressed in the context of structures set up for consideration of the NCC recommendations.

### Community Employment Schemes.

26. **Mr. Gogarty** asked the Minister for Enterprise, Trade and Employment the progress made in providing places on community employment schemes for persons with disabilities; and if he will make a statement on the matter. [23598/04]

28. **Mr. O'Shea** asked the Minister for Enterprise, Trade and Employment the number of persons on community employment places at 1 January 2003 and 1 January 2004; the anticipated numbers at 1 January 2005; if his attention has been drawn to the difficulties faced by many community and voluntary groups due to the shortage of community employment places; if changes are planned with regard to eligibility to participate in the scheme; and if he will make a statement on the matter. [23667/04]

41. **Mr. Boyle** asked the Minister for Enterprise, Trade and Employment the number

of places he expects to be available on each of the community employment, job initiative and social economy programme schemes in 2005; and if he will make a statement on the matter. [23594/04]

68. **Mr. O'Shea** asked the Minister for Enterprise, Trade and Employment the latest position with regard to the various reviews or studies of community employment commissioned or undertaken by his Department; the main findings of each; if he intends to publish the reports; and if he will make a statement on the matter. [23666/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** I propose to take Questions Nos. 26, 28, 41 and 68 together.

Community employment, CE, provides work experience and training opportunities for the long-term unemployed and other disadvantaged groups with the aim of progressing to a job in the open labour market. Persons with disabilities who satisfy the eligibility criteria may be considered for participation in the scheme. The current participation rate for this group of participants is 19.8%.

The total funding allocation for employment schemes in 2004 has been fixed at €351 million, which is similar to the level of funding provided in 2003. This allocation is supporting up to 25,000 places across the three FÁS employment schemes, community employment, social economy and job initiative. The number of places being funded is similar to the number of participants at year-end 2003 and no reductions have taken place on the overall participation levels on these schemes in 2004.

In January 2003 there were 24,991 CE participants, 19,848 in January 2004 and it is estimated that there will be 21,300 participants on CE at the start of 2005. While there have been reductions since 2003 in the level of places provided the critical service delivery areas of health and child care, and drugs task force services have been ring-fenced and maintained at the 2002 levels, at approximately 6,000 places. FÁS has endeavoured to support local communities in the services they wish to deliver while keeping the focus of the scheme on securing jobs for participants in the open labour market.

Target participation rates for 2005 will be considered in the context of the ongoing review of active labour market programmes and the budget allocation for FÁS programmes in 2005. There has been extensive consultation with the social partners and key stakeholders over the past year on the future direction of CE and other FÁS labour market programmes and I would hope to conclude this process shortly.

With regard to the other reviews of CE that have been undertaken the position is as follows: the Indecon International Economic Consultants report on active labour market programmes was finalised in November 2002 and is published on my Departments website; the Standing Commit-

tee on the Labour Market review of active labour market programmes, mandated by the PPF, concluded without reaching a group consensus on the various elements of the review and will not be published; and a review of community employment conducted by FÁS has been submitted to my Department and will be published in due course.

*Question No. 27 answered with Question No. 9.*

*Question No. 28 answered with Question No. 26.*

### **Migrant Workers.**

29. **Aengus Ó Snodaigh** asked the Minister for Enterprise, Trade and Employment his views on whether the State should make clear its commitment to the prevention of exploitation of migrant workers by ratifying the UN Convention on the Rights of Migrant Workers and their Families; and if he will make a statement on the matter. [23604/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The State is committed to the prevention of exploitation of migrant workers through its legislation and work practices. All workers in Ireland have the full protection of Irish employment law which reflects the wider EU social protection framework. The law does not discriminate between workers either on nationality or other grounds.

Ireland has not yet signed and is not a party to the International Convention on the Protection and of the Rights of all Migrant Workers and Members of their Families which was adopted by the UN General Assembly in December 1990.

The convention on the rights of migrant workers has been examined by my Department. It would appear that in order for Ireland to ratify the convention significant changes would have to be made across a wide range of existing legislation, including legislation addressing authorisation to stay and to work, education/training and integration, family reunification, social security, transfer of income and taxation, housing, health and medical care and electoral law. These changes would also have implications for our relations with our EU partners, none of whom have signed or ratified the convention — or signalled an intention to do so — and possibly for the operation of the common travel area between Ireland and the UK. There are no plans at present to introduce the changes in the areas above which would be necessary before Ireland could ratify or consider signing the convention.

### **Job Creation.**

30. **Mr. Timmins** asked the Minister for Enterprise, Trade and Employment the number of jobs created by the IDA and Enterprise Ireland since 1997 in counties Carlow, Wexford, Wicklow, Kilkenny, Meath and Kildare; the



[Mr. Timmins.]  
number of jobs lost in each county for that period; and if he will make a statement on the matter. [23616/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The issue of job creation in companies assisted by IDA Ireland and Enterprise Ireland is a day to day operational matter for the agencies and not one in which I have a direct role. The agencies have provided me with the following data, in tabular format, detailing the number of jobs created and lost in IDA Ireland and Enterprise Ireland supported companies over the seven year period 1997 to

Jobs created and jobs lost in Enterprise Ireland and IDA Ireland Companies over the period 1997-2003.

County	EI Clients' Job Creations	EI Clients' Job Losses	Change in EI Clients' staff complement	IDA Clients' Jobs Creations	IDA Clients' Job Losses	Change in IDA Clients' staff complement
Kildare	3,753	-2,699	1,054	6,236	-2,807	3,429
Meath	2,969	-2,457	512	649	-833	-184
Wicklow	3,792	-2,371	1,421	2,867	-1,460	1,407
Carlow	1,558	-1,142	416	135	-272	-137
Wexford	2,442	-2,961	-519	890	-963	-73
Kilkenny	2,029	-1,698	331	392	-380	12
Total	16,543	-13,328	3,215	11,169	-6,715	4,454

### Construction Industry.

31. **Mr. Kehoe** asked the Minister for Enterprise, Trade and Employment the number of fatalities in construction sites since 2000; the number of fatalities since the start of 2004; and if he will make a statement on the matter. [23624/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** The number of fatalities in the construction sector since 2000 are:

Year	Fatalities
2000	18
2001	21
2002	21
2003	17
2004 (to end September)	12
Total	89

Deputies will join with me in acknowledging that one death is one too many in terms of loss and sorrow to family and friends. However, in terms of raw statistics the number of deaths in the industry is, thankfully, not keeping pace with the huge level of increased activity.

The Health and Safety Authority will be promoting a nationwide publicity campaign to highlight safety awareness during the European Week

2003 for the counties Carlow, Wexford, Wicklow, Kilkenny, Meath and Kildare.

In summary, a total of 11,169 new jobs have been created in IDA supported companies in these counties over the period while 6,715 jobs were lost, resulting in a net gain of 4,454 jobs. In Enterprise Ireland supported companies a total of 16,543 jobs were created and a total of 13,328 were lost, resulting in a net gain of 3,215 jobs.

I am confident that the strategies and policies being pursued by IDA Ireland and Enterprise Ireland, together with the ongoing commitment of Government to regional development, will bear fruit in terms of additional sustainable investment and jobs in the south east region.

on Construction Safety, which commences on 18 October.

### Price Transparency.

32. **Mr. Penrose** asked the Minister for Enterprise, Trade and Employment his views on the call from the Consumers' Association of Ireland for some system of price transparency which would allow consumers to see the person exactly responsible for inflation; and if he will make a statement on the matter. [23670/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** My officials have worked closely with the Central Statistics Office, the Office of the Director of Consumer Affairs, the Consumers' Association of Ireland and Forfás on the issue of price transparency. This led to the publication last July, for the first time, of the CSO consumer prices average price analysis for Dublin and outside Dublin, for May 2004. My Department proposes to continue to work with these interested parties to consider if there is further potential to build on this CSO work in the area of prices to enhance price transparency for consumers.

The National Competitiveness Council and the Competition Authority, for instance, undertake on a continuous basis, investigations into the competitiveness of the Irish economy and the level of competition within it. These investigations highlight the key areas that require attention to enhance Ireland's competitiveness and



economic performance. The National Competitiveness Council, in its statement on prices and costs 2004, this September noted that both prices and wages in Ireland had been rising faster than in other EU countries for a number of years and makes recommendations across a range of policy areas, that is, fiscal, competition and regulation, trade, incomes and labour market.

With regard to other sources of price transparency the ongoing work of the Office of the Director of Consumer Affairs which has published and highlighted the results of price surveys on products such as CDs, petrol, potatoes, over-the-counter medicines, car insurance and drink price increases coinciding with major sporting and social events.

The consumer strategy group was established last March to advise on the development of a national consumer policy strategy. In the performance of this role the group is initiating studies which should demonstrate objectively whether or not Irish consumers are getting a fair deal. The group is due to produce a final report to me by the end of 2004.

#### Work Permits.

33. **Ms O'Sullivan** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to reports that non-EU immigrant workers are being charged thousands of euro by unscrupulous recruitment agencies to secure work permits; if he has initiated an investigation into these reports; the action he intends to take to stamp out this practice; and if he will make a statement on the matter. [23663/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The labour inspectorate of my Department is responsible for monitoring certain employment conditions for all categories of workers in Ireland, including immigrant workers. Inspectors pursue allegations of worker mistreatment and when evidence of non-compliance with the relevant employment rights legislation is found, the inspectorate seeks redress for the individual or individuals concerned and, if appropriate, a prosecution is initiated. The inspectorate operates without any differentiation with regard to worker nationality. Licensed employment agencies in the State are regulated by my Department and complaints about specific agencies will be followed up. My Department is not responsible for what may happen outside the State where a recruitment agency in another country may be involved.

#### Job Creation.

34. **Mr. S. Ryan** asked the Minister for Enterprise, Trade and Employment the total number of new jobs announced during 2003 from new investments or expansion of IDA backed plants; the expected level of announcements dur-

ing 2004; the steps being taken to promote job creation; and if he will make a statement on the matter. [23676/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** IDA Ireland is the agency with statutory responsibility for the attraction of foreign direct investment to Ireland, including its regions and areas. In 2003, 32 greenfield and expansion job creation projects were announced by IDA Ireland. These projects have a projected total job content of nearly 5,600 jobs and were achieved against a background where there were fewer companies actively seeking to invest overseas and consequently less companies visiting Ireland.

It is difficult to predict the exact number of IDA supported project announcements that might be made in 2004. However, the IDA is optimistic there will be a broadly similar employment outcome in 2004 *vis-à-vis* 2003 in respect of IDA client companies.

IDA Ireland believes vigorous pursuit of its main policy objectives is the best strategy to respond to the current challenging global environment and further increase opportunities for employment, not alone in IDA supported companies but also across the wider economy. It is important to remember that foreign direct investment can also have knock on benefits in other sectors such as supply, distribution and transport, thus creating further investment-employment opportunities for local people in the immediate vicinity and surrounding areas.

I am confident the strategies and policies being pursued by IDA Ireland together with the ongoing commitment of Government to regional development will continue to bear fruit in terms of delivering the maximum possible level of additional jobs.

#### Disability Bill.

35. **Mr. Broughan** asked the Minister for Enterprise, Trade and Employment the main features of the outline sectoral plan for his Department arising from the disability package announced by the Government on 21 September 2004; the specific measures that will be taken by his Department; the funding which been allocated within his Department for this purpose; and if he will make a statement on the matter. [23643/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** Under the Disability Bill 2004 my Department is one of six Departments required to draw up sectoral plans, as part of the national disability strategy for positive action measures to support participation by people with disabilities in Irish society.

The key focus of the outline sectoral plan developed by my Department is to facilitate and improve access to vocational training and employment opportunities for persons with disabilities, in the belief that employment offers the

[Mr. Killeen.]

best means for them to participate fully in the social, cultural and economic life of the country.

The outline sectoral plan includes a number of commitments entered into in the context of the Disability Bill 2004, relating to disability awareness training, physical access, information provision and access, and complaints and redress.

The outline sectoral plan highlights a number of planned labour market policy initiatives aimed at ensuring equal opportunities for people with disabilities including: a FÁS action plan for provision of specialist vocational training; implementation by FÁS of new criteria for supported employment services for people with disabilities; a review of the workway initiative; and a proposal to introduce a new full-time employment support scheme for the employment of people with disabilities that would provide incentives to both employees and employers subject to funding being provided.

As provided for in the Bill, details of the outline sectoral plans are subject to consultation with relevant interest groups before completion and presentation to Dáil Éireann within a year of commencement of Part 3 of the legislation. The Bill provides that the plans will come into effect subject to a positive resolution by Dáil Éireann.

Subject to the above, a decision relating to funding in respect of initiatives contained in the agreed plan for my Department will be taken as part of the Estimates and budgetary process.

#### **Legislative Programme.**

36. **Mr. Gilmore** asked the Minister for Enterprise, Trade and Employment when the promised legislation to put the employment permit regime on a comprehensive and sound statutory footing will be introduced; the reason for the delay in bringing forward the legislation, which was originally promised for 2003; and if he will make a statement on the matter. [23657/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** I expect to publish the Bill during the current Dáil term. The preparatory stages of this Bill have taken longer than expected due to changing labour market circumstances and a re-vamp of the initial draft of the Bill in order to simplify its structure. However, a draft of the Employment Permits Bill is due to be published shortly.

#### **Insurance Industry.**

37. **Mr. Sargent** asked the Minister for Enterprise, Trade and Employment his plans to address the unaffordability of car and motorcycle insurance for young drivers especially in view of the impediment such exorbitant rates place on taking up certain types of employment and the reduction in other insurance premiums over the last year. [23602/04]

50. **Mr. Crowe** asked the Minister for Enterprise, Trade and Employment the measures

he proposes to introduce to lower insurance costs for both businesses and motorists; when such measures will be introduced; and if he will make a statement on the matter. [23610/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** I propose to take Questions Nos. 37 and 50 together.

Following the establishment of the Irish Financial Services Regulatory Authority and the coming to an end of my Department's lead role in the insurance reform programme, my colleague, the Minister for Finance, retains overall responsibility for policy and legislation in relation to the provision of financial services in Ireland. My colleague, the Minister for Transport, in the light of broader responsibility for road safety, will take over the lead role in relation to policy and legislation on the availability and cost of motor insurance and any related interdepartmental co-ordination. The transfer of responsibilities to my colleague, the Minister for Transport, has been agreed and will be activated shortly following the completion of logistical issues relating to the transfer of an agreed number of posts from my Department to the Department of Transport.

My Department has put in place the following measures to improve the functioning of the insurance market and which, I believe, will lead to a reduction in insurance costs to the benefit of businesses and motorists alike.

S.I. No. 389 of 2002, Motor Insurance (Provision of Information) (Renewal of Policy of Insurance) Regulations 2002, requires that insurance companies provide motor insurance policy holders with the terms upon which renewal is offered and their no claims bonus documents a minimum of 15 days before the end of their current policy. This allows consumers sufficient time to shop around before renewing their policies.

My Department and the Competition Authority have undertaken a joint study into the insurance market. The study will identify and analyse barriers to entry and limitations on rivalry in the insurance marketplace. The bulk of the study was completed in 2003 and a preliminary report and consultation document on competition issues in the non-life insurance market was published on 18 February 2004. Following consultation, a final report will be published later in the year which will contain recommendations based on the findings.

A key initiative in my Department was the establishment of the Personal Injuries Assessment Board. By eliminating the need for litigation costs where legal issues are not in dispute, the PIAB will significantly reduce the cost of delivering compensation. The PIAB will also offer speedier assessments to the benefit of claimants.

A book of quantum, an aid for assessing the level of compensation based on the type of injury involved, which is essential for the successful operation of the PIAB, was published by PIAB

on June 2004. Significant initiatives are also being pursued by my colleagues, the Minister for Transport and the Minister for Justice, Equality and Law Reform, and by IFSRA, under the aegis of the Department of Finance.

Indications to date are that the cost of insurance is falling. The CSO publishes monthly indices of costs for a number of classes of insurance. These statistics show that there was a reduction of 15.2 index points, 14.1% in motor car insurance between the months of April 2003 and August 2004, which is the latest figure available.

#### Groceries Order.

38. **Mr. Gormley** asked the Minister for Enterprise, Trade and Employment if it is his intention that the groceries order continue to prohibit below cost selling; and if he will make a statement on the matter. [23600/04]

57. **Mr. Quinn** asked the Minister for Enterprise, Trade and Employment when he intends to publish the results of his review of the 1987 groceries order which forbids below cost selling; and if he will make a statement on the matter. [23672/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** I propose to take Questions Nos. 38 and 57 together.

In the course of the review of the groceries order which my predecessor commenced, the advice of the Attorney General's office was sought. The advice stated that, should an amendment of the order be deemed appropriate, the safest method would be pursuant to primary legislation.

The Competition Act 2002 is a recent statute which introduced a wide range of enhancements to national competition law. While I have no plans for new competition legislation at present, the question of reviewing the order may be revisited at such time when the 2002 Act is being reviewed in the future.

#### Grant Payments.

39. **Mr. Sargent** asked the Minister for Enterprise, Trade and Employment the geographical breakdown by region of the grant aid awarded by the State to overseas firms in 2003; if the pattern will continue into 2004; and if he will make a statement on the matter. [23603/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** IDA Ireland is the agency with statutory responsibility for the attraction of foreign direct investment to Ireland, including its regions and areas. The following table provides a geographical breakdown by region of grant aid paid by the agency to overseas firms in 2003. IDA Ireland anticipates a broadly similar grant payment outcome in 2004.

Breakdown by region of grant aid paid by IDA Ireland to overseas enterprises in 2003.

Region	Total Per Region (€)
North West	8,035,966
North East	109,883
Midlands	3,668,806
West	10,606,963
Mid West	3,017,786
South West	12,993,138
East	52,572,187
South East	7,159,262
Total	98,163,991

#### Pension Provisions.

40. **Mr. Costello** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to reports of a serious shortfall within the pension fund of Shannon Development; the discussions he has had with the management of the company with regard to this problem; the action he intends to take arising from the problem; and if he will make a statement on the matter. [23651/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** I am aware that the trustees of the Shannon Free Airport Development Company Limited superannuation fund have been concerned for some time about a deficit in the fund. This deficit, estimated by the trustee's actuary to amount to some €26 million as at 1 January 2003 related essentially to funding of post-retirement pension increases. This concern led to the trustees instituting legal proceedings against the company and the case was due to be heard on 5 October 2004.

In the meantime, my Department had been in regular contact with the company and the Department of Finance in an effort to find an administrative solution. I am pleased to report that such a solution, acceptable to all of the parties involved, was found in the past few days and the court case has been withdrawn.

*Question No. 41 answered with No. 26.*

#### Health and Safety Regulations.

42. **Dr. Upton** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to recent claims from the Health and Safety Authority that 80% of farmers here are breaking the law by failing to have a safety statement in place; if he plans to take action to ensure that all farmers possess a safety statement in view of the fact that agriculture rivals construction as the most dangerous industry in the country; and if he will make a statement on the matter. [20095/04]



**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** The Health and Safety Authority conducts a pro-active inspection campaign in the agriculture sector each year, targeting 1,000 farm inspections, with 856 completed in 2003. Typically 80% of inspection visits are focused on compliance where machinery, livestock handling, manual handling, working at height and child safety are addressed, 14% require follow-up inspections and 6% involve complaint and accident investigation. Each year approximately 20% of farms inspected necessitate enforcement action.

In 2003, the percentage of farms inspected which had safety statements was 18.5%. The low level of compliance by farmers with the legal requirement to prepare a safety statement has been recognised by the Health and Safety Authority. In November 2003 the authority, using a partnership-based approach, undertook a specific and unique farm safety initiative in this regard. The core of the initiative, containing four modules, awareness, direct contact, information and support, was a farm safety self-assessment document produced by the authority with 192,000 copies distributed by post to the majority of the farmers in the country. This was facilitated by the Department of Agriculture and Food. This campaign has generated a significant response from the farming community. In excess of 10,000 farmers indicated to the authority that they have completed the farm safety self-assessment document for their farm in the last six months, and the initiative has received the active support of members of the farm safety partnership. The take up by farmers of the farm safety self-assessment approach to raising farm standards is a significant part of the Health and Safety Authority's programme of work, supported by the sectoral representative farm safety partnership, in 2004.

#### **Insurance Industry.**

43. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment the extent to which he has compared insurance costs here with those applicable within Ireland's European trading partners, with particular reference to motor insurance and public liability; and if he will make a statement on the matter. [23615/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** Following the establishment of the Irish Financial Services Regulatory Authority and the coming to an end of my Department's lead role in the insurance reform programme, my colleague the Minister for Finance retains overall responsibility for policy and legislation in relation to the provision of financial services in Ireland. My colleague, the Minister for Transport, in the light of broader responsibility for road safety, will take over the lead role in relation to policy and legislation on the availability and cost of motor insurance and any

related interdepartmental co-ordination. The transfer of responsibilities to my colleague, the Minister for Transport, has been agreed and will be activated shortly following the completion of logistical issues relating to the transfer of an agreed number of posts from my Department to the Department of Transport.

Comparison of insurance figures in European countries are available in the European Insurance in Figures June 2003 report published by the Comité Européen Des Assurances, which shows details of "average non-life premium per inhabitant". These figures include motor and public liability insurance.

The figures for 2001, which are the latest given, show that of 29 European countries listed, Ireland ranked fourth highest with a value of €1,123, Luxembourg was highest with a value of €2,084, Switzerland was second highest with a value of €1,642, the Netherlands were third with a value of €1,125. The United Kingdom, with a value of €1,072 was fifth highest. Estonia was second lowest with a value of €67 and Turkey was lowest with a value of €23. The average premium in Europe in 2001 was €581.

The ratios need to be analysed carefully. The figures comparing premium amounts to the number of inhabitants do not correspond to sums actually paid by insureds and in addition they do not always include only or all premiums paid by the inhabitants of the country concerned.

These 2001 comparisons do not reflect recent experience in Ireland, as a result of the Government's insurance reform programme. Indications to date are that the cost of insurance in Ireland is falling. The CSO publishes monthly indices of costs for a number of classes of insurance. These statistics show a reduction of 15.2 index points, 14.1% in motor car insurance between the months of April 2003 and August 2004, which is the latest figure available.

#### **EU Directives.**

44. **Mr. Sherlock** asked the Minister for Enterprise, Trade and Employment the number of EU directives for which his Department has responsibility which have yet to be implemented; the number in respect of which the deadline for implementation has passed; if he has satisfied himself with the rate of compliance by his Department; the number of cases in which legal actions have been notified or commenced by the EU Commission arising from a failure to implement a directive; and if he will make a statement on the matter. [23678/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The current position in relation to the transposition of EU directives for which my Department is responsible indicates a total of 23 directives to be implemented, including five for which the deadline for implementation, in full or in part, has passed.

Details of the directives, including, in so far as it has been decided, the proposed transposition



instruments, are available on my Department's website at [www.entemp.ie/trade/euirectives/index.htm](http://www.entemp.ie/trade/euirectives/index.htm). The website also contains information on directives in respect of which infringement proceedings have been commenced. A number of these directives have been transposed but are still the subject of legal proceedings by the EU Commission.

In relation to two of the directives that have not yet been transposed and for which the deadline has passed, reasoned opinions, under Article 226 of the treaty, have been issued by the European Commission.

I am satisfied that my Department is giving all due priority to the task of implementing EU directives, in light of the available resources.

### Company Liquidations.

45. **Mr. Timmins** asked the Minister for Enterprise, Trade and Employment the stage the liquidation of IFI is at; if the creditors have been paid; if not, when they will be paid; and if he will make a statement on the matter. [23617/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** I understand that the liquidator has made considerable progress in realising the assets of the company and establishing the full extent of its liabilities. At this stage, the plant and machinery at the main production facilities at Arklow and Cork have been sold and is in the process of being dismantled and removed from the sites by the purchasers. The production sites themselves remain the principal assets yet to be realised and while they have been on the market for some time, I understand that interest in the sites is expected to intensify once the plant and machinery has been removed.

I also understand that all secured and preferential creditors have been or are in the process of being paid. However, the position of unsecured creditors can only be determined when the remaining assets, including the sites, have been realised and all liabilities established.

### Legislative Programme.

46. **Mr. Costello** asked the Minister for Enterprise, Trade and Employment the progress in regard to his consideration of proposals to introduce legislation to provide for a new offence of corporate killing as recommended by the Law Reform Commission; and if he will make a statement on the matter. [23652/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** The Law Reform Commission in its consultation paper on corporate killing of last October recommended that a new offence of corporate killing be established which would be prosecuted on indictment, without exclusion of any entity whether incorporated or not. The offence would apply to acts or omissions of a high managerial agent, which would be treated as those of the undertaking.

To reflect the seriousness of the offence, the commission also recommended that the legislation should provide for an unlimited fine or that in certain circumstances an individual high managerial agent should also be subject to imprisonment of up to five years. The commission is currently considering submissions on its consultation paper.

My Department has been advised by the Office of the Attorney General that the issue of corporate killing has far broader implications than health and safety in the workplace. It will, therefore, require consideration in the Attorney General's office on publication of the Law Reform Commission final report and subsequent consideration by Government.

However, in order to go as far as legally possible on the issue of corporate responsibility, the Safety, Health and Welfare at Work Bill, which was published in June and is before this House at present, includes a provision on the liability of directors and officers of undertakings to make more explicit an existing provision in the Safety, Health and Welfare at Work Act 1989 under which directors and managers in companies have in the past been prosecuted for failures in safety and health which resulted in deaths or serious injuries to workers. It is intended that the provision in the new Bill will send a clear message to decision makers at board and management levels who carry a special responsibility for safety and health in the workplace.

47. **Mr. Ferris** asked the Minister for Enterprise, Trade and Employment if he will bring forward legislation to remove the provisions which disqualify persons over the age of 66 from the terms of the Redundancy Acts; and if he will make a statement on the matter. [23613/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** The redundancy review group report of July 2002, which produced recommendations for the up-dating of statutory redundancy legislation, considered that increasing the upper age limit of 66 for redundancy qualification purposes would not be a priority in the short term if resources were scarce. It could be argued therefore that the age cap should remain unchanged to maintain consistency with the Unfair Dismissals Acts 1977 to 2001 and the Employment Equality Act 1998.

The group recognised, however, that the labour force is becoming older and that participation in the labour force by older people, if desired, should be facilitated. Accordingly, it was recommended that consideration should be given in the medium term to removing the age cap or raising the age cap in conjunction with similar changes to unfair dismissals, equality and social and family legislation as recommended by the Equality Authority.

On 18 July 2004, the upper age limit of 66 for bringing claims under the Unfair Dismissals Acts

[Mr. Killeen.]  
1977 to 2001, was removed by the Equality Act 2004. However, the Unfair Dismissals Acts will still not apply to dismissed employees who, at the date of dismissal had reached the normal retirement age in that employment, that is, if it is the policy in an employment to retire employees at a certain age, then the new provisions would not apply.

There are no plans at present to remove the upper age limit in respect of statutory redundancy. However, in the light of the evolution of age-related legislative provisions, it will be necessary to review the age-related provisions of the Redundancy Payments Acts. This will have to be done prior to making legislative proposals for submission to Government.

*Question No. 48 answered with Question No. 19.*

### **Economic Competitiveness.**

49. **Mr. O'Dowd** asked the Minister for Enterprise, Trade and Employment if he will outline the studies which the Competition Authority is undertaking; when each of the studies will be completed; and if he will make a statement on the matter. [23620/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** I understand that the studies by the Competition Authority into the banking, insurance and professional service markets are progressing.

With regard to the professions study, consultation documents on engineers and architects have been published, and final reports for both these professions are expected to be published shortly. Draft reports in respect of the other professions will be published later this year, and it is expected the entire process will be completed by early 2005.

It is also expected that the authority's report on the banking sector will be completed in early 2005. However, an interim report by economic consultants LECG is expected to be released in December 2004 and all interested parties will be invited to comment on this report to the authority before it issues its final report.

With regard to the insurance study, the Competition Authority has carried out research on barriers to entry and rivalry in the motor, employers' liability and public liability insurance markets. Its findings were published in a preliminary report in February 2004. The authority is currently engaging with interested parties and expects to publish its final report later this year.

*Question No. 50 answered with Question No. 37.*

### **Legislative Programme.**

51. **Mr. Crowe** asked the Minister for

Enterprise, Trade and Employment if his attention has been drawn to the fact that the legislation on community interest companies introduced by the British Government which make provision for a new type of company, designed for social enterprises which want to use their profits and assets for the public good; and if he has plans to introduce such legislation here. [23611/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern):** My Department is currently working on the general scheme of a Bill to restructure, consolidate, simplify and modernise company law in Ireland, and I anticipate bringing that general scheme to Government for approval in the first quarter of 2005. As part of that reform the legislative provisions governing guarantee companies will be simplified. Most companies established for purposes of community welfare are incorporated as guarantee companies and the general simplification and consolidation of company law will be of assistance to those companies, their members and officers.

52. **Mr. Deasy** asked the Minister for Enterprise, Trade and Employment if he has satisfied himself that the system of training and accreditation for safety passes and training schemes operated by FÁS is the best means of ensuring that persons working in the construction sector are adequately, independently and verifiably trained in health and safety matters; and if he will make a statement on the matter. [23623/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** Adequate and appropriate occupational safety and health training is an essential element of achieving and maintaining effective safety and health standards at all workplaces, including the construction sector. This is reflected in relevant legislation including the Safety, Health and Welfare at Work Act 1989, the Safety, Health and Welfare at Work Bill 2004, which is designed to update and replace the 1989 Act, as well as the Safety, Health and Welfare at Work (General Application) Regulations 1993 and the Safety, Health and Welfare at Work (Construction) Regulations 2001. The latter regulations, *inter alia*, implement the construction safety partnership, CSP, plan recommendations relating to safety training in the construction sector.

Arising from this, FÁS, with support from the other components of the construction safety partnership — the Construction Industry Federation, Irish Congress of Trade Unions, and the Health and Safety Authority, developed the FÁS safe pass safety awareness programme and the construction skills certification scheme.

The overall aim of the safe pass health and safety awareness training scheme is to ensure that

all construction site personnel, including new entrants, will have a basic knowledge of health and safety and be able to work on site without being a risk to themselves, or to others who might be affected by their acts or omissions. The safe pass scheme is managed by FÁS on behalf of the industry and is structured to ensure that the social partners are actively involved in all aspects of the scheme. The construction skills certification scheme provides training and certification for a range of occupations in the industry such as plant operatives, including mobile crane operators and excavator operators, scaffolders and so on.

To ensure the efficiency and effectiveness of its system of training and accreditation for safety passes and training schemes, FÁS has introduced a new standard in its operational procedures in regard to the construction skills certification scheme, CSCS.

Under this new system a provider who wishes to be approved to deliver and assess a CSCS programme must first apply to the services to business section in FÁS to be registered as an approved training organisation. Applicants are required to specify the technical and pedagogical qualifications of the trainer in respect of each programme for which approval is being sought. The application is brought before the FÁS-Enterprise Ireland national register of trainers committee for consideration. If the application is accepted, the trainer is required to attend a CSCS practical and theoretical assessment to determine competence to train in the specified area for which approval is being sought. If the trainer successfully attains the required standard, his/her organisation must then apply in writing to the manager of the curriculum and quality assurance department to become an approved assessment centre.

The new standard provides a system of checks and balances to ensure that the quality of health and safety training in the construction sector is adequate and verifiable. This process came into operation on 1 January 2004 and all trainers approved prior to January 2004 are required to meet the new standard. The procedures are being applied to all FÁS approved trainers-assessors.

### **World Trade Negotiations.**

53. **Mr. Quinn** asked the Minister for Enterprise, Trade and Employment his views on whether the Doha development round of trade negotiations will be successful following the Eleventh UN Conference on Trade and Development in Sao Paulo, Brazil; Ireland's and the EU's priorities for these negotiations; and if he will make a statement on the matter. [18840/04]

61. **Mr. Eamon Ryan** asked the Minister for Enterprise, Trade and Employment if he will report on the outcome of the summer negotiations on the Doha trade development round

and on the main implications for agriculture and other industry here. [23593/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern):** I propose to take Questions Nos. 53 and 61 together.

The Doha development trade round was usefully discussed at the Eleventh UN Conference in Sao Paulo in June 2004. In addition, the Government is particularly pleased with the outcome of the end July 2004 World Trade Organisation General Council meeting which agreed a framework to further progress the Doha development agenda. The framework agreement adopted by WTO members sets the parameters for the next stages of negotiation of the Doha development agenda.

Over coming months and next year, the WTO members will develop the agreed framework into concrete, detailed and specific commitments under each of the key areas of interest, including in agriculture, non-agricultural products and services. In the case of agriculture, the framework will include negotiations aimed at a substantial cut in trade-distorting supports, the elimination of trade distorting export competition practices and a significant opening of agricultural markets. In the case of industry, a set of precise guidelines to cut tariffs has been adopted. The framework pays close attention to the needs and concerns of developing country members of the WTO.

These negotiations will take place with a view to completing the round as soon as possible. When the Doha round was launched in November 2001, negotiations were scheduled to conclude by 1 January 2005. This is not now going to happen. Alongside the adoption of the framework agreement, the WTO General Council, at end July, agreed that the next WTO ministerial meeting will take place in Hong Kong in December 2005.

As a small open economy, particularly reliant on exports for economic growth and development, Ireland supports a strengthening of the WTO and of the multilateral trading system and an ambitious approach to the elimination of remaining barriers to trade in goods and services. Issues of importance to Ireland under the current round are the conclusion of agreements to further liberalise trade in the areas of agriculture, manufacturing and services, and measures to assist developing countries, and in particular least developed countries, better integrate into the global trading system.

### **Job Initiative.**

54. **Mr. Gormley** asked the Minister for Enterprise, Trade and Employment the steps being taken to address the current high levels of redundancy; and if he will make a statement on the matter. [23601/04]



63. **Mr. Wall** asked the Minister for Enterprise, Trade and Employment the number of redundancies notified to his Department during 2000, 2001, 2002, 2003 and to date in 2004; the projected total numbers for 2004; the steps being taken to deal with the sharp increase in redundancies; and if he will make a statement on the matter. [23673/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** I propose to take Questions Nos. 54 and 63 together.

The number of redundancies notified to my Department in the years specified were 13,316 in 2000, 19,977 in 2001, 25,358 in 2002, 27,702 in 2003 and 18,137 to the end of September 2004. The corresponding figure to the end of September 2003 was 20,148, which means a 10% decrease in the number of redundancies notified to my Department so far this year. The quarterly national household survey prepared by the Central Statistics Office last month, shows that employment growth continued in the second quarter of 2004 with an increase of 42,800 or 2.4 % in the year on year position. The total number of persons currently in employment is 1.84 million.

The development of a competitive economy is a central tenet of generating sustainable employment and growth and is the focus of this Government's policies. Initiatives by the Government and the State development agencies, including reducing the burden of unnecessary regulation, are aimed at helping the country progress towards a knowledge and innovation-driven economy. Ongoing six monthly assessments of our competitive position will ensure that appropriate and timely actions are taken to address identified weaknesses.

The recent report of the enterprise strategy group, ESG, recognises that we are at a turning point in terms of the competitive impact of global competition for markets and investments. The ESG made a number of key recommendations that are being considered by a high level group set up by my predecessor to look at the most appropriate route to implementing the ESG's recommendations. I will shortly be making a report to Government on their work and recommendations.

#### Job Losses.

55. **Mr. English** asked the Minister for Enterprise, Trade and Employment the number of jobs which have been lost since May 2002; the sectors in the economy which have suffered the worst losses; the counties that have been worst affected; and if he will make a statement on the matter. [23622/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** A total of 62,927 redundancies were notified to my Department between May 2002 and the end of September 2004. Of these, 17,088 were notified between May and December 2002, with 27,702 being notified between January and December 2003 and the balance of 18,137 being notified between January and September 2004. The figure of 18,137 notified redundancies so far this year represents a fall of 10% from the figure for the same period last year (20,148).

For a breakdown of all the sectors which were affected by notified redundancies in this period, I refer the Deputy to the following table 1. For a breakdown of notified redundancies in each county over this period I refer the Deputy to the following table 2.

Table 1 — Redundancies between May 2002 and September 2004 by sector.

Sector	May-December 2002	January-December 2003	January-September 2004	Total (May 02 - September 04)
Agriculture/Forestry and Fisheries	68	259	200	527
Energy and Water	178	297	272	747
Extraction Industry (Chemical Products)	1471	1171	868	3510
Metal Manufacturing and Engineering	4252	5958	2509	12719
Other Manufacturing	2210	5634	3794	11638
Building and Civil Engineering	1025	2101	1742	4868
Distributive Trades	2191	4043	3762	9996
Transport and Communications	1786	1313	1116	4215
Banking, Finance and Insurance	2339	4062	2020	8421
Other Services	1568	2864	1854	6286
Total	17,088	27,702	18,137	62,927

Table 2 — Redundancies between May 2002 and September 2004 by county

County	May-December 2002	January-December 2003	January-Sept. 2004	Total (May 02 — September 04)
Laois	67	118	194	379
Longford	86	50	45	181
Offaly	373	145	135	653
Roscommon	49	321	57	427
Westmeath	368	681	323	1,372
Cork	1,771	3,161	1,820	6,752
Kerry	226	593	522	1,341
Dublin	7,569	11,656	8,051	27,276
Kildare	281	721	611	1,613
Meath	218	671	377	1,266
Wicklow	389	418	358	1,165
Cavan	65	168	110	343
Louth	420	606	291	1,317
Monaghan	62	335	145	542
Galway	907	1,342	676	2,925
Mayo	154	476	296	926
Clare	433	839	499	1,771
Limerick	993	1,550	870	3,413
Tipperary	757	637	506	1,900
Donegal	313	1,145	480	1,938
Leitrim	32	49	64	145
Sligo	72	251	169	492
Carlow	103	355	187	645
Kilkenny	302	327	240	869
Waterford	502	652	588	1,742
Wexford	576	435	523	1,534
Total	17,088	27,702	18,137	62,927

### Hospitality Industry.

56. **Dr. Upton** asked the Minister for Enterprise, Trade and Employment if he intends to take steps to ensure that service charges, imposed on customers in hotels and restaurants, are passed on to the staff who provide the service; and if he will make a statement on the matter. [23684/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** The generality of employees engaged in the restaurant and hotels sectors their have rates of pay and other conditions of employment set out in employment regulation orders issued through the Labour Court. The details of each employment regulation order are devised by a committee, known as a joint labour committee, representative of the employers and employees in the sector concerned. Some employment regulation orders have restricted geographical application.

Currently, there are two employment regulation orders covering employees in the catering sector, that is, catering joint labour committee for areas other than the areas known until 1 January 1994 as the County Borough of Dublin and the

Borough of Dún Laoghaire, operationally known as the country catering ERO, and the catering joint labour committee for areas known until 1 January 1994 as the County Borough of Dublin and the Borough of Dún Laoghaire, operationally known as the Dublin catering ERO.

There is one employment regulation order for employees in the hotel sector. This order applies to workers employed in a hotel undertaking anywhere throughout the State except the County Borough of Cork and the areas known until 1 January 1994 as the County Borough of Dublin and the Borough of Dún Laoghaire. Operationally this is referred to as the hotel ERO. Employees not covered directly by the terms of the hotel ERO rely on the protections provided under the National Minimum Wage Act 2000.

With regard to a service charge the country catering ERO states that a service charge, where levied, will be distributed among all staff, excluding all management personnel and trainee managers. Service charge will be paid on the payroll system covering service charges collected in the corresponding pay period, but not less frequently than on a monthly basis.

With regard to a service charge, the Dublin catering ERO states that “in accordance with the

[Mr. Killeen.]

provisions of the National Minimum Wage Act 2000, service charge, when distributed to employees through the payroll, can form part of the weekly earnings referred to above”.

With regard to a service charge the hotel catering ERO states that “where service charge is distributed to an employee through the payroll, the amount so distributed can form part of the weekly earnings referred to above. This and other components, which may be taken into account to determine an employee’s average rate of pay, are set down in Part I of the Schedule to the National Minimum Wage Act 2000.”

With regard to a service charge Part I of the Schedule to the National Minimum Wage Act 2000 states that “The amount of any service charge distributed to the employee through the payroll ...” — is a reckonable component in the calculation of average hourly rate of pay. It should be noted that Part II of the Schedule concerns non-reckonable components of pay and includes under item 5 — “Any amount distributed to the employee of tips or gratuities paid into a central fund managed by the employer and paid through the payroll”.

The labour inspectorate of my Department has responsibility for the enforcement of the statutory minimum rates of pay and other conditions of employment set out in various enactments, including the National Minimum Wage Act 2000 and the employment regulation orders mentioned above. In inspecting an employer’s records, to confirm compliance with relevant employment rights obligations, an inspector is concerned to ensure that relevant employees are receiving the appropriate statutory minimum rate of pay. While a service charge, as a reckonable component per the provisions above, may be incorporated in an individual’s pay calculations the inspector will only be concerned to ensure that the correct statutory minimum is being paid.

There are no plans, at present, to change existing legislation in this area. However, the employment regulation orders are subject to regular review by the relevant joint labour committees.

*Question No. 57 answered with Question No. 38.*

### **Legislative Programme.**

58. **Dr. Twomey** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to concerns that have been expressed by business and accountancy groups regarding the increasing regulatory burdens being imposed on companies as a result of new companies, competition and regulatory legislation; if he will introduce a study to assess the cost of regulation to business; and if he will make a statement on the matter. [23619/04]

**Minister for State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern):** All regulatory legislation involves striking a balance between the public benefits sought to be achieved by each measure and the costs involved for those being regulated and for the economy. I believe that in general we get that balance right. We are not an over-regulated country. While I do recognise the importance of keeping all regulatory burdens under appropriate review, I do not see a need at this stage for a general study of the kind referred to in the question.

In respect of new legislation relating to company law, Deputies will be aware that the Committee of Public Accounts inquiry into deposit interest retention tax identified a number of shortcomings in regard to auditing. The Tánaiste established the review group on auditing, representative of the social partners and other major interest groups, and the Companies (Auditing and Accounting) Act 2003 was designed to implement the recommendations of that group.

The primary objective of the Act was to establish the Irish Auditing and Accounting Supervisory Authority, IAASA, whose main purpose is to oversee the manner in which the accountancy bodies regulate their members. In addition, IAASA is empowered to review the accounts of certain classes of companies — essentially large companies.

The Act also contains provisions relating to the establishment of audit committees and the preparation of compliance statements by directors. In the course of the passage of the Bill through the Oireachtas these provisions were significantly amended. The result is that the requirements in both provisions have been ameliorated and while they apply to all public limited companies their application to private companies has been redefined. In the case of the compliance statement they only apply to private companies with a turnover in excess of €15.236 million and in the case of the audit committee to private companies with a turnover in excess of €50 million.

Consistent with his remit to encourage compliance with the Companies Acts, the Director of Corporate Enforcement commenced work earlier this year on developing guidance to assist the relevant companies and company directors to comply with the new directors compliance statement. He invited IBEC, the Institute of Directors, the Consultative Committee of Accountancy Bodies — Ireland and the Revenue Commissioners to assist him in finalising appropriate draft guidance. In late July, the director published a consultation paper and draft guidance on the compliance statement obligations for directors. His office also participated in the development by the Auditing Practices Board of equivalent draft guidance with respect to reports by auditors on the directors’ compliance statements, and this was published by the board in August for comment. The closing dates for receipt of observations on the two sets of draft guidance for directors and for auditors



was set at 30 September and 15 October, respectively.

I understand that the Director of Corporate Enforcement has received some 30 submissions to date and that he is now commencing to review the submissions in conjunction with representatives of those who assisted in preparing the original draft guidance. He has publicly indicated that he will shortly be referring to my Department for consideration the comments relating to the commencement of the relevant provision of the 2003 Act. It is the director's intention to publish definitive guidance on the obligation to prepare compliance statements as soon as possible after the making of the relevant commencement order.

The development of this guidance is welcome and should assist company directors in developing a common understanding of its scope and requirements. The associated consultation process is also consistent with the principles of transparency and effectiveness outlined in the Government's recent White Paper entitled *Regulating Better*. I believe that the Companies (Auditing and Accounting) Act 2003 is a reasonable, proportionate and balanced response to the concerns which arose from the PAC DIRT Inquiry.

More generally, in the year 2000, a standing advisory body on company law, the company law review group, was set up to advise the Minister for Enterprise, Trade and Employment on the reform and modernisation of company law. The group brings together the expertise of business, regulators and social partners. Its first report, published in February 2002, sets out a blueprint to restructure, consolidate, simplify and modernise company law in Ireland. The Government approved this strategy and the general scheme of the Bill to give effect to these proposals is now being drafted.

Simplification and consolidation are in themselves core principles of good regulation. Moreover, a major focus of the Bill will be the simplification of procedures for incorporation and governance of private companies, with a consequent reduction in costs. The review group has an ongoing role in advising on striking the right balance to ensure that markets work efficiently, effectively and fairly, and that market failure is addressed appropriately through information, removal of barriers, enforcement or regulatory intervention. The general scheme of the new Bill will apply those principles throughout.

In so far as competition legislation is concerned, the Competition Act 2002 reduced the regulatory burden on companies by increasing the turnover thresholds and abolishing the asset threshold for mandatory notification of mergers and acquisitions. The Act also made provision for more effective enforcement of competition law.

### **Industrial Development.**

59. **Mr. S. Ryan** asked the Minister for Enterprise, Trade and Employment the figures

for the level of industrial employment at the latest date for which figures are available; the way in which these compare with those of the equivalent date in each of the previous five years; the steps being taken to counter the decline in industrial employment; and if he will make a statement on the matter. [23677/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** Industrial employment has not experienced the same, almost consistent expansion that we have seen in other sectors of the economy over the past five years. The reduction in industrial employment after 2001 had much to do with the well-acknowledged global trading difficulties at that time. More recently, more intensive international competition that is a very real issue for many businesses, has affected manufacturers based here. Nevertheless the most recent quarterly industrial employment figures for June shows an upturn in industrial employment on the previous quarter. Furthermore, the ESRI expects industrial employment to increase by 0.6% this year and by 1% in 2005.

Manufacturing is an intrinsic component of the economy and is likely to remain so despite services output and employment becoming more important. While industrial employment has declined in the past few years, we must view these losses against employment expansion in the broader economy. The latest quarterly national household survey, quarter two, 2004, shows that the total at work rose by 42,800 to more than 1.836 million in the year, while total employment has increased in each of the past five years. Some 247,100 more people or an extra 16.5% were at work in the March to May quarter this year, than in the corresponding period in 1999. The outlook for the Irish economy is good with the ESRI in its quarterly economic commentary autumn 2004, is expecting economic growth to increase this year to around 5.2%.

Enterprise policy is being actively refocused towards creating the conditions that will make possible a sustained shift to higher skill, knowledge-intensive activities and in which advanced manufacturing expertise will be an important contributor to growth and employment. These are essential if our enterprises are to capture sustainable competitive advantage in niche markets that are less susceptible to cost based competition. The range of incentives provided through the enterprise development agencies are designed to meet these objectives and to help enterprise operate at higher levels of skill and undertake higher order strategic investments, product development and innovation. The agencies want to be active and supportive partners with enterprise in helping new market oriented investment projects.

The enterprise strategy group recognised the importance of developing the specialised manufacturing skills we have developed. The ESG made a number of key recommendations that are being considered by a high level group, set up by my predecessor, to look at the most appropriate way to implement them. I will shortly be making a report to Government on their work and

[Mr. Martin.] recommendations. I refer the Deputy to the following table.

Table 1: Total and Industrial Employment in Ireland, 1999-2003

	Industrial Employment (June of each year) Source: CSO — Industrial Employment	Total Employment (Mar-May of each year) Source: CSO Quarterly National Household Survey
1999	255,900	1,589,100
2000	268,800	1,671,400
2001	269,000	1,721,900
2002	256,500	1,763,900
2003	250,000	1,793,400
2004 *	243,700	1,836,200

\*Preliminary estimate

### Job Protection.

60. **Mr. Eamon Ryan** asked the Minister for Enterprise, Trade and Employment the initiatives he views should be developed to encourage the retention of jobs within the country in view of the recent announcement of an expected 180 redundancies in one of Ireland's largest general insurance companies and the concerns that such reductions may in part be caused by the outsourcing of some of the companies' services to lower cost countries. [23592/04]

77. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment the extent to which he intends to address the issue of job relocation to lower wage economies with particular reference to areas throughout this country that have been particularly affected in this regard; and if he will make a statement on the matter. [23614/04]

83. **Mr. Rabbitte** asked the Minister for Enterprise, Trade and Employment the steps he intends to take arising from the spate of job losses announced over recent months in firms (details supplied); his views on the high level of job losses in the traditional manufacturing sector; the steps being taken to address the job losses in this sector; and if he will make a statement on the matter. [23674/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** I propose to take Questions Nos. 60, 77 and 83 together.

It is clear that the Irish economy has been undergoing substantial change for some time now, a change that has impacted on both the manufacturing and service sectors. A fundamental shift in our strengths and competitive advantages has taken place and our economy is now one typified by higher output and productivity together with high returns to labour in the form of wages, salaries and better living standards. Ireland has become a more prosperous and wealthy economy, converging with the broad income

and prosperity levels of other member states of the EU. I doubt if anyone would have it any other way.

The change that is taking place across our enterprise base will continue and is inevitable. With this, some plant transfers and other adjustments are bound to come, but where relocation has occurred to date, it has largely been limited to relatively low technology, labour intensive activities. This is not to minimise in any way the problems caused for those made redundant. In today's globalised economy, however, it would be foolish to expect that employment losses can be avoided. To counterbalance the competitive threat from lower cost competitor economies, both the country and firms operating here must move to a higher levels of competitiveness and value added products and services.

Sustainable employment will be driven by companies with higher profitability, that are more technologically advanced, that prove a better fit with the competitive characteristics of our economy and are less likely to move on the basis of simple cost influences. This new investment will be sourced by a combination of developing existing clients and new investors in existing or new activities or sectors. Given the critical mass of FDI in Ireland and its linkages with indigenous companies, one of the greatest potential contributions will come from developing companies already operating here.

The enterprise development agencies have a determination to encourage companies into more sophisticated activities where competitive advantage in niche areas is less likely to be whittled away by simple cost based competition. The agencies provide a range of integrated programmes to support companies that want to make the strategic and sometimes difficult transition to extending both the sophistication and breadth of their operations. These supports are carefully tailored to the different needs of both the foreign and indigenous sectors.

From a regional perspective, differential financial supports are available to encourage more investment in regional centres. Efforts to attract new investment and to assist with issues such as re-training are reinforced by the development agencies in areas that have suffered job losses. The adoption of a national spatial strategy that recognises the need for regional growth centres is linked with IDA's strategy of setting up magnets of attraction in regional locations that sell a compelling reason to potential investors. Substantial software development activities have been attracted to Letterkenny and Mullingar, while financial services have been drawn to Wexford, Kilkenny and Galway.

The recent report of the enterprise strategy group recognises that we are at a turning point in terms of the competitive impact of global competition for markets and investments. That group made a number of key recommendations that are being considered by a high level group set up by

my predecessor to look at the most appropriate route to implementing the recommendations. I will shortly be making a report to Government on their work and recommendations.

*Question No. 61 answered with Question No. 53.*

#### Work Permits.

62. **Aengus Ó Snodaigh** asked the Minister for Enterprise, Trade and Employment his views on whether the welfare and quality of life of migrant workers would be greatly improved if measures were introduced to give the spouses of migrant workers the right to work in the State; when he intends to introduce such measures; and if he will make a statement on the matter. [23605/04]

82. **Ms McManus** asked the Minister for Enterprise, Trade and Employment the number of work permits issued to date under the new arrangements to give access to employment to the spouses of non-EEA nationals working here; and if he will make a statement on the matter. [23661/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** I propose to take Questions Nos. 62 and 82 together.

New arrangements were introduced earlier this year which were designed to give greater ease of access to employment for the spouses of certain non-EEA nationals working in the State under specified schemes and facilities. The non-EEA nationals concerned refer to persons working here on working visas — work authorisations, certain intra-company transferees, certain academics and researchers on work permits and certain registered medical professionals on work permits. The facilitation of access to work for spouses was achieved by eliminating the requirement that the employer in question advertise the job with FÁS in advance of making a work permit application; by the acceptance of applications for jobs in any category, providing the original work permit holder is skilled as defined, and by waiving the fees normally payable in relation to the application of a work permit.

A detailed set of guidelines, outlining the eligibility criteria and procedures relating to these arrangements, have been available on my Department's website, [www.entemp.ie](http://www.entemp.ie), since April. They have also been circulated to a range of Government Departments, health bodies and other relevant organisations, including employer organisations, to promote as wide a circulation of this information as possible.

My Department is precluded from considering work permit applications in respect of persons whose entry visas do not permit the employment of the visa holder. A total of 468 spousal permits were issued since the introduction of the new arrangements in February 2004.

*Question No. 63 answered with Question No. 54.*

#### Flexible Work Practices.

64. **Caoimhghín Ó Caoláin** asked the Minister for Enterprise, Trade and Employment if he will report on the work being carried out by the national framework committee for work life balance; the measures he intends to take to improve work-life balance in order to further the goal of making workplaces more family friendly, including the legislation he intends to introduce in this regard; and if he will make a statement on the matter. [23607/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** The development of work-life balance policies in Ireland is addressed on two fronts. First, through appropriate legislative measures which provide for statutory entitlements such as maternity leave, adoptive leave, carer's leave and parental leave. Further legislation is currently being finalised by my colleague, the Minister for Justice, Equality and Law Reform, to enhance certain provisions of existing legislation in relation to maternity, parental and adoptive leave. The main provisions of the new legislation will include; extended adoptive leave; paid time off work to attend ante-natal classes and an entitlement to take the parental leave in separate blocks of six continuous weeks.

Second, this development is addressed through the work of the national framework committee for work life balance policies, allied to a partnership approach in the workplace between employers, employees and trade unions. The committee has been charged with supporting and facilitating the development of a package of practical measures that can be applied at the level of the enterprise. One of the tasks assigned to the committee is to examine how best to improve access to family friendly working arrangements in order to realise the potential benefits that these arrangements would offer from both an equality and competitiveness perspective.

The national framework committee has undertaken and continues to undertake a range of activities, including: the national family friendly workplace day or work life balance day — as it is now known — has been an annual event since 2001; direct financial assistance to individual organisations to assist them in implementing or enhancing work-life balance working arrangements; assistance to organisations, through the establishment and part funding of a panel of consultants who are available to provide assistance to employers in implementing new working arrangements or developing existing work-life balance working arrangements; an interactive website — [www.worklifebalance.ie](http://www.worklifebalance.ie); resources developed by ICTU and IBEC, which are represented on the committee, to assist their members in furthering work-life balance at the level of the enterprise; other information dissemi-



[Mr. Killeen.]

nation and exchange activities, including seminars at national and regional level, the publication of newsletters, leaflets etc.; and a number of pilot projects and research projects have been commissioned by the committee or undertaken on behalf of the committee. The most recent research published by the committee was *Off the Treadmill — Achieving Work-Life Balance*.

The committee is in the process of arranging a cost/benefit analysis of work life balance policies. The challenge to achieving work-life balance in individual enterprises is to establish policies that reflect the reality of the workplace and meet the many diverse needs of employees. I believe that a partnership approach is the best method of addressing work-life balance policies at this level in order to achieve tailor made solutions to the benefit of the workforce and the employer.

The Government is committed to the two pronged approach to achieving the goal of making workplaces more family friendly — the provision of statutory entitlements through legislative measures, and the voluntary approach at the level of the enterprise, which is encouraged at national level by the national framework committee for work life balance policies.

#### Job Creation.

65. **Mr. Deenihan** asked the Minister for Enterprise, Trade and Employment the measures being undertaken to find replacement jobs for the Killarney area of County Kerry following the announcement of job losses at companies (details supplied); and if he will make a statement on the matter. [23626/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** I am very disappointed at the recent job losses in Killarney, including those at Transmould and Scott Tools, and I am conscious of the adverse effects on the workers concerned and on their families.

Finding alternative employment for the workers affected is a priority for FÁS and the State development agencies. FÁS has contacted both companies and will make available its full range of support services including skills analysis, jobs placement, guidance and counselling interviews and identification of training needs and courses.

IDA Ireland continues to actively promote the south Kerry region to potential investors from a variety of sectors, including manufacturing and international services, through its network of overseas offices and project divisions, with every effort being made to secure new investments for the area. In addition to targeting potential new projects, IDA Ireland continues to work with the existing base of companies in the region with a view to supporting such companies with potential expansions and diversification of activities.

The agency has also completed site development works on its business and technology park in Killarney and is actively promoting this for new

investment, including a new building facility in the park. These investments will put the area in a position to compete more strongly for inward investment in the ICT, software and international services sectors.

The major decentralisation programme announced in the budget includes 165 jobs to be relocated to Killarney. This move demonstrates the Government's commitment to balanced regional development and will provide a further boost to enterprise development in Kerry. The designation of Killarney as a hub town under the Government's national spatial strategy adds to the attractiveness of the county for overseas and indigenous investment.

I can assure the Deputy that the State development agencies, under the auspices of my Department, will continue to work closely together and with local interests in promoting the Killarney area for additional investment and job creation.

#### Work Permits.

66. **Mr. Howlin** asked the Minister for Enterprise, Trade and Employment the number of prosecutions initiated, in respect of each of the past five years, against non-nationals for working without a work permit and against employers for employing non-nationals without a work permit; the number of convictions obtained in each case; and if he will make a statement on the matter. [23662/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** Following the enactment of the Employment Permits Act on 10 April 2003, it is illegal to employ a non-EEA national without a work permit where one is required. Prior to this enactment, there were no offence categories to cover this issue. The Act introduced offences for both employers and employees if a non-EEA national is in employment without a valid work permit. Any prosecutions initiated under the Act are a matter for the Garda Síochána, which comes under the auspices of the Department of Justice, Equality and Law Reform.

I am informed that the Department of Justice, Equality and Law Reform has made inquiries with the Garda authorities but it has not been possible in the time frame allowable to obtain the statistical information requested. My colleague, the Minister for Justice, Equality and Law Reform, will revert to the Deputy as soon as it is available.

#### Consumer Affairs.

67. **Mr. Penrose** asked the Minister for Enterprise, Trade and Employment the work to date of the consumer consultative panel; and if he will make a statement on the matter. [23671/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The work of the consumer strategy group is ongoing and has involved a number of initiatives. The website *www.irishconsumer.ie* has been established. A public consul-



tation on consumer issues was held and individual consumers, representative organisations, businesses and any other interested parties were invited to contact the group with views and submissions by 9 July. The group produced a consultation paper entitled Components of Consumer Policy intended to assist those wishing to make a submission and to provide a framework for its work. In this paper, the group focused on the key principles guiding the consumer agenda — access, safeguards, advice and support, redress and consumer power — and also examined questions related to the business sector and consumers.

The group is conducting detailed research in a number of fields relevant to its work, including consumer attitudes, issues related to the retail sector, transport, the planning process and a number of other issues. The experience of other countries in implementing consumer policy is also being taken into account. The group has met with various parties, including officials of my own Department, the Director of Consumer Affairs, the Competition Authority and IFSRA. Numerous other meetings have been held with other relevant bodies in connection with the detailed work of the group.

The group is due to produce a final report by the end of 2004. I reiterate that the group's public consultation has provided a valuable opportunity for consumers to make their voices heard and any organisation or individual who has not yet made a submission is urged to do so.

*Question No. 68 answered with Question No. 26.*

*Question No. 69 answered with Question No. 19.*

#### **Company Investigations.**

70. **Mr. M. Higgins** asked the Minister for Enterprise, Trade and Employment the progress made to date by the Director of Corporate Enforcement with regard to the action he has taken under section 19 of the Companies Act 1990 in regard to certain companies in a group (details supplied); and if he will make a statement on the matter. [23655/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The Company Law Enforcement Act 2001 requires the Director of Corporate Enforcement to perform his functions with respect to the Companies Acts on an independent basis. The director also has a legal obligation to safeguard the confidentiality of information obtained by virtue of the performance of his functions. It is not therefore the practice of the director to report to me on any individual case or issue which is the subject of examination by his office.

It is however a matter of public record that the director has acted under section 19 of the Companies Act 1990, as amended, to require the production by AIB Investment Managers Ltd., of certain documents related to the investigations

undertaken by AIB plc into the relationship between Faldor Ltd., AIB Investment Managers Ltd., and former senior AIB executives and other similar matters. In accordance with law, the director will make his own evaluation and decisions in relation to these matters in due course.

#### **Consumer Affairs.**

71. **Ms Lynch** asked the Minister for Enterprise, Trade and Employment when he intends to make the promised order under the Consumer Affairs Act to require doctors, dentists and allied health professionals to publicly display their prices; and if he will make a statement on the matter. [23668/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** Work on the preparation of measures to increase consumer awareness of charges for medical and dental services, including the preparation of a charges display order under the Prices Acts, is continuing in my Department and will be brought to a conclusion as soon as possible.

#### **Insurance Industry.**

72. **Ms Enright** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to concerns expressed by business groups that the percentage reductions in insurance premiums are significantly below the percentage increases in profitability of the main insurance companies here announced to date in 2004; if he will consider introducing an independent mechanism to investigate the profitability of insurance companies here to determine whether they are passing on the benefits of the insurance reform programme to policyholders; and if he will make a statement on the matter. [23621/04]

73. **Mr. Howlin** asked the Minister for Enterprise, Trade and Employment the information available to his Department on the reported reduced level of premiums for motor insurance; if he has satisfied himself with the reported level of reduction, having regard to recent figures showing a huge rise in profit levels for the non-life insurance industry; and if he will make a statement on the matter. [23641/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** I propose to take Questions Nos. 72 and 73 together.

Following the establishment of the Irish Financial Services Regulatory Authority and the coming to an end of my Department's lead role in the insurance reform programme, my colleague the Minister for Finance retains overall responsibility for policy and legislation in relation to the provision of financial services in Ireland. My colleague, the Minister for Transport, in the light of broader responsibility for road safety will take over the lead role in relation to policy and legislation on the availability and cost of motor insurance and any related inter-departmental co-

[Mr. Martin.]

ordination. The transfer of responsibilities to my colleague, the Minister for Transport, has been agreed and will be activated shortly following the completion of logistical issues relating to the transfer of an agreed number of posts from my Department to the Department of Transport.

The pricing and underwriting of insurance is a matter for individual insurance companies and EU law prevents Governments from intervening directly in relation to premium levels. However, Governments are free to take measures to improve the operation of the insurance market.

The CSO consumer price index statistics show that there was a reduction of 15.2 index points, 14.1%, in motor car insurance between the months of April 2003 — when the cost of private motor premia peaked, index 108.0 — and August 2004, which is the latest figure available, index 92.8. The CSO index is based on averages but individual policyholders have done much better as can be seen from data provided by the Motor Insurance Advisory Board.

Examples provided by MIAB for three specific companies between March 2003 and March 2004 indicates the following reductions: 10% to 16% in comprehensive insurance for a 30 year old male; 10% to 41% in comprehensive insurance for a 50 year old female; and 10% to 45% for third party, fire and theft insurance for a 21 year old male.

Recent reform measures taken have led to a better functioning insurance market. We are seeing enhanced profits reported by the Irish Insurance Federation and significant premium reductions which must continue as the full impact of the reform programme is felt. These new operating conditions in the insurance market enhance the attractiveness of the market to prospective new entrants. The insurance market is growing. Gross written premiums increased to over €4 billion in 2003 compared to just €2 billion in 1998. As the economy continues to grow, the insurance market will also continue to grow in size. Competition from new entrants attracted by better market conditions will be an important element in ensuring continuing downward pressure on premia.

### World Trade Negotiations.

74. **Mr. G. Mitchell** asked the Minister for Enterprise, Trade and Employment if he will report on recent talks between Russia and the EU on WTO membership; and if he will make a statement on the matter. [18795/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern):** Russia's accession to the WTO is currently under negotiation in a WTO working party. Such accession negotiations include bilateral negotiations involving various WTO members with the country seeking accession. The 25 member states of the EU are represented in the WTO by the European Commission and, as

such, it is the European Commission which conducted the bilateral negotiations with Russia. All member states, including Ireland, were involved in the preparation of the negotiations through the Article 133 Committee.

Bilateral discussions between the EU and Russia have been concluded and agreement has been reached across the full range of trade issues involved. The agreement takes into account the important sensitivities on both sides and is expected to create a momentum towards finalisation of Russia's accession. Final agreement on accession of Russia will, of course, be taken by the full WTO membership. Currently these accession negotiations are being negotiated at the WTO accession working group in Geneva.

### Decentralisation Programme.

75. **Mr. Naughten** asked the Minister for Enterprise, Trade and Employment the discussions he has had with the Department of Finance regarding the decentralisation of the NSAI to Arklow and the impact this will have on the taxi industry; and if she will make a statement on the matter. [20324/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern):** Discussions regarding the modalities of the decentralisation of the National Standards Authority of Ireland to Arklow between my Department and the Department of Finance are ongoing. The NSAI furnished an appropriate implementation plan to the decentralisation implementation group last May and that plan identifies impacts of the move on the business of the authority. The authority is currently developing a plan to ensure continuity of services during and post the decentralisation process.

Taxis throughout the State are subject to the provisions of legal metrology legislation and inspections and verifications are carried on nationally through a network of regional verification centres, RVCs. There are seven such centres located around the country and the RVC at Poppintree, Ballymun, services the taxi industry and other traders located in the greater Dublin area.

I understand from the NSAI that while legal metrology staff located in the NSAI's headquarters in Glasnevin will decentralise to Arklow this move will not involve the re-location of the Poppintree regional verification centre. The move of the NSAI to Arklow will not, therefore, alter the inspection and verification regime as it applies to the taxi industry.

*Question No. 76 answered with Question No. 23.*

*Question No. 77 answered with Question No. 60.*

### Work Permits.

78. **Mr. Murphy** asked the Minister for Enterprise, Trade and Employment the changes which are due to be introduced to the work permit system as reported in recent weeks in the media; and if he will make a statement on the matter. [23625/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** Changes are being considered with regard to the administration of the work permits system. My Department is considering the feasibility of creating an integrated customer service for customers of our economic immigration services. This would involve the establishment of a one-stop shop for immigration services. In addition, the issue of security of tenure for immigrant workers will also be addressed.

My Department has recently written to the Departments of Justice, Equality and Law Reform and Foreign Affairs with a view to forming a working group to discuss these two issues. I anticipate this group will report with its findings within six months.

### Economic Competitiveness.

79. **Mr. Morgan** asked the Minister for Enterprise, Trade and Employment his views on whether house prices and lack of available child care are having a serious negative impact on competitiveness in the State. [23608/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** I should point out that housing policy and child care policy issues come under the auspices of my respective colleagues, the Ministers for the Environment and Local Government and Justice, Equality and Law Reform.

In so far as competitiveness issues are concerned, the National Competitiveness Council, NCC, monitors and reports on Ireland's competitiveness position. Each year the NCC publishes the annual competitiveness report and the national competitiveness challenge on the key competitiveness issues facing the Irish economy in the forthcoming year. These reports offer us an important insight into the present condition of Irish competitiveness and also offer a list of policy recommendations designed to protect and enhance Ireland's competitive position. The NCC expects to publish its reports for 2004 later this month.

In September this year the NCC published a statement on prices and costs. The statement which benchmarked Ireland's competitiveness ranking among a survey of 16 countries, focused on consumer prices, cost of labour, office rents, energy costs, telecommunications, insurance, local charges and the cost of capital. The statement confirmed that Ireland is an expensive location for many goods and services. However, house prices and the availability of child care were not specifically identified in the NCC's statement as impacting on competitiveness.

That said, clearly costs in these areas impact upon the cost of living generally which can in turn impact upon wage negotiations and ultimately payroll costs. However, in the case of housing, the record number of completions in the past year is having a decelerating effect on house price increases while progress in the implementation of the national child care strategy, which has a funding level of the order of €450 million over the period 2000 to 2006, is contributing to significant quality child care provision.

Improving Ireland's cost competitiveness will continue to be a priority for this Government. In this context I look forward to receiving the NCC's reports for 2004, and to addressing the issues to sustain Ireland's competitiveness.

### Company Closures.

80. **Ms Burton** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the fact that the liquidator of the former IFI has accepted the trustees of the Northern Ireland pension scheme for former Belfast employees, as unsecured creditors of the company; the implications this will have for former employees here; if it is still his view as previously stated to Dáil Éireann that it was hoped and expected that all creditors would be paid in full; and if he will make a statement on the matter. [23648/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** While I understand that a claim on the liquidation has been made by the trustees of the pension scheme covering the former IFI employees in Belfast, I also understand that the liquidator, in consultation with his legal and actuarial advisers, is still considering whether, and to what extent, this claim is admissible. Until the status of this claim is established, it is not possible to assess its implications, if any, for other creditors of IFI, including the former employees in the Republic.

At this stage, considerable progress has been made on the liquidation and all secured and preferential creditors have been, or are in the process of being, paid. However, as my predecessor, the Tánaiste, has always made clear, the position of unsecured creditors cannot be determined until all the assets of the company, including the company's main production sites at Arklow and Marino Point in Cork, have been realised and all liabilities established. In this context, the price that is eventually achieved for the sale of the sites is clearly going to be a key determinant of the final position. I am also aware that significant additional claims from former employees have, on legal advice, been accepted by the liquidator. Clearly, the identification of significant additional liabilities such as these, which had were not reflected in the statement of affairs prepared by the board of IFI at the time of the liquidation, can be expected to have an adverse impact on the prospects for other unsecured creditors.



### Competition Authority.

81. **Mr. Cuffe** asked the Minister for Enterprise, Trade and Employment his views on the comments by a person (details supplied) that the Competition Authority can effectively veto the lawyers chosen by any party it is investigating and that this amounts to a breach of human rights. [23597/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The Competition Act 2002 enhanced the independence of the Competition Authority and section 37(5) of the Act provides that the Authority may regulate its own procedures.

The comments on which my views are requested were apparently made at a conference and reported in a national newspaper. They reflect the views of one legal practitioner on a particular notice published by the Competition Authority on which, I understand, the authority obtained legal advice from senior counsel prior to publication.

The making of this notice is, however, a matter for the Competition Authority which is an independent statutory body. Accordingly, I do not consider it appropriate for me to comment further.

*Question No. 82 answered with Question No. 62.*

*Question No. 83 answered with Question No. 60.*

### Departmental Expenditure.

84. **Ms Enright** asked the Minister for Enterprise, Trade and Employment the amount of money paid out by his Department in public relations fees; the name of the firm that was paid the highest amount; the amount paid to a specific firm (details supplied); the amount of money paid out by the Department in other consultancy fees; the name of the firm or individual paid the highest amount for the most recent 12 month period; and if he will make a statement on the matter. [23864/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** Officials of my Department are currently compiling the information requested by the Deputy. However, establishing the total amount of fees paid out by the Department in relation to consultancies and further determining the proportion of that amount which relates to sums paid out in respect of public relations fees will require a significant amount of staff time and resources and this information cannot be provided to the Deputy within the current timescale. It will, however, be forwarded to her as soon as it is compiled

85. **Ms Enright** asked the Minister for Enterprise, Trade and Employment the total amount of money paid out by his Department in

legal fees; the details of the firms paid the greatest amount of fees; the total amount of money paid out in legal settlements; the number of such settlements; the total number of claims against his Department, for the most recent 12 month period; and if he will make a statement on the matter. [23878/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** Officials of my Department are currently compiling the information requested by the Deputy. However, establishing the total amount of legal fees paid out by the Department and determining the proportion of that amount which relates to sums paid out in settlement of legal proceedings will require a very significant amount of staff time and resources and this information cannot be provided to the Deputy within the current timescale. It will, however, be forwarded to her as soon as it is compiled.

### Ministerial Appointments.

86. **Mr. Boyle** asked the Minister for Enterprise, Trade and Employment the public appointments made by his Department between 1 July and 30 September 2004. [23909/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The following public appointments were made by my Department between 1 July and 30 September 2004. Enterprise Ireland: Ms Lorraine Benson, Department of Enterprise, Trade and Employment (26/07/04) Ms Margaret Daly, Operations Manager, Irish Environmental Service (Hazardous Waste Management) (17/09/04) Mr. Gerard O'Malley, Humans Recourses Solutions and Executive Search Consultancy (17/09/04) Shannon Development: Mr. Kieran Grace, Department of Enterprise, Trade and Employment and Mr. William Loughnane were reappointed by rotation to the board of Shannon Development on 6 July 2004. The reckonable date for both of them is 25 June 2004. Forfás: Mr. Eoin O'Driscoll, Managing Director, Aderra Consultancy Firm was appointed chairperson to the board on 13 July 2004 Science Foundation Ireland: Dr. Kristina Johnson, Dean of the school of engineering, Duke University, North Carolina, USA (reappointed 21 September 2004). Dr. Jane Grimson, Vice Provost, Trinity College, Dublin (reappointed 21 September 2004). Labour Court Appointments: Pádraigin Ní Mhurchú (reappointed 3 September 2004). Labour Relations Commission — Rights Commissioner Appointments: Joan Carmichael (appointed 26/7/04) Lenore Mrkwicka (reappointed 1/8/04) Gerry Fleming (reappointed 4/8/04) Members to the Expert Advisory Group on Bullying: The following members were appointed since July 2004: Mr. Paul J Farrell, partner, IBM Ireland Ltd., chair Ms Patricia Murray, Health and Safety Authority Mr. Seamus Doherty, Labour Relations Commission Ms Barbara Cashen, Equality Authority Mr. Fergus

Whelan, industrial officer, ICTU Mr. Peter Flood, assistant director of social policy, IBEC Mr. Brian Montague, director of group human resources, Eircom Ltd Ms Maura Harte, employee support manager, HR Department, Western Health Board Mr. Jarleth McNerney, solicitor Professor Mona O'Moore anti bullying centre, Trinity College Dublin Ms Marie Corcoran, HR consultant Mr. Kevin Walsh, former HR manager, Diageo Ms Marie Rock, HSA board member Ms Louise O'Donnell, HSA board member Mr. Martin Lynch, Department of Enterprise, Trade and Employment Ms Lucy Fallon Byrne, National Centre for Partnership and Performance Irish Auditing and Accounting Supervisory Authority: Mr. Ian Drennan was appointed in July 2004 as chief executive officer designate to the Irish Auditing and Accounting Supervisory Authority, IAASA. The date for the formal establishment of statutory IAASA is not yet decided and Mr. Drennan is presently working with the interim board.

### Company Closures.

87. **Mr. Murphy** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the fact that there will be a shortage of slaughter capacity for pigs as a result of the closure of a plant (details supplied) in County Cork; his views on whether the slaughter capacity in Northern Ireland cannot be relied on totally, as was evident by recent outbreak of foot and mouth in the North; and his further views on whether keeping pig processing open in Mitchelstown would be the most effective way of achieving concrete results for the special task force that was set up by the previous Minister to secure employment for the town. [23929/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** I thank the Deputy for bringing the issue of slaughter capacity for pigs to my attention. The decision by the company in question to cease slaughtering activities in Mitchelstown was a commercial decision made by the company and was taken following a comprehensive review of the cost competitiveness of its pigmeat division, Galtee Meats, and that division's performance as a profit centre.

Since the announcement of the Galtee closure the Department of Agriculture and Food has maintained regular contact with the Irish Farmers Association, IFA, Enterprise Ireland and other pig processors with a view to ensuring that a seamless and streamlined transition of the producer/processing supply chain would be established. There is agreement among the main processing entities and by Enterprise Ireland, that sufficient processing capacity is available in the country to absorb the surplus that will arise from this closure. It is important that a smooth and orderly dispersal of the Galtee supply of pigs takes place between now and the closure date. I understand that Dairygold, other pig processors and the IFA are devoting considerable attention

to this matter and it is important that all concerned work towards this objective.

A task force has not been established for Mitchelstown. The State development agencies work closely with each other as well as other local bodies and interests including county councils, in facilitating an integrated approach to enterprise development. This co-operative framework was enhanced with the establishment of county development boards on which the State agencies are represented, and can be used effectively to address major job losses in the regions. In the Mitchelstown case, a proposal to engage, with the participation and support of Dairygold and local interests, in a socio-economic evaluation of the area is currently being progressed. I am informed that a proposal will be presented to Dairygold in the next few weeks in this regard and I would like to see this co-operative approach to job creation difficulties for the area advanced.

### Insurance Industry.

88. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment the steps he has taken or proposes to take to control industrial costs with particular reference to insurance; and if he will make a statement on the matter. [23704/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The National Competitiveness Council, NCC, statement on prices and costs 2004 highlights the key areas that contribute to Ireland's cost base and which affect our competitiveness. In addition to this statement, each year the NCC undertakes a comprehensive benchmarking exercise comparing Ireland's performance across a wide range of indicators against 15 other countries. This benchmarking exercise provides the statistical analysis for the NCC's annual competitiveness report, which is published each year in conjunction with the council's report on the key competitiveness issues facing the Irish economy in the forthcoming year. This report is entitled the Competitiveness Challenge.

These reports will be published later this month and will contain detailed recommendations designed to address weaknesses in Ireland's competitiveness performance across a range of areas including cost. I look forward to receiving these reports and to addressing the issues to sustain Ireland's competitiveness. The recommendations will require attention across a range of Departments and will be considered in by an interdepartmental group set up to take the issues forward.

In relation to insurance, a key initiative in my Department was the establishment of the Personal Injuries Assessment Board, PIAB. By eliminating the need for litigation costs where legal issues are not in dispute, the PIAB will significantly reduce the cost of delivering compensation.

89. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment the place in which Ireland stands in the international league of export competitors in respect of insurance costs; and if he will make a statement on the matter. [23703/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The NCC statement on price and costs 2004, which benchmarked Ireland's competitiveness ranking among a survey of 16 countries, showed that Ireland's expenditure on insurance ranked fifth highest for non-life insurance behind Switzerland, the US, the Netherlands and the UK.

There has been an improvement in the functioning of the Irish Insurance market. The Irish Insurance Federation recently revealed that the 20 non-life insurance companies operating in the Irish market made a combined operating profit of €747 million in 2003. While insurance profitability has led to reductions in premia it also enhances the attractiveness of the market to prospective new entrants.

On the publication of the NCC statement on price and costs, the chairman of the NCC noted that the fall in the cost of insurance for many businesses and consumers over the last year has demonstrated the potential of determined government action in lowering prices for consumers and improving cost competitiveness for business.

#### Work Permits.

90. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment the number of work permits applied for and granted or refused in the past 12 months; and if he will make a statement on the matter. [23702/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** Some 38,482 valid work permit applications were received in the 12 months up to 30 September 2004. Of that figure 12,821 new permits were issued, 23,624 renewal permits were issued and 2,037 permits refused.

#### Economic Competitiveness.

91. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment the main factors affecting the competitiveness of Irish products on overseas markets; and if he will make a statement on the matter. [23699/04]

95. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment if he has satisfied himself that industry here can adequately compete in the export markets in view of the high costs here; and if he will make a statement on the matter. [23695/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** I propose to take Questions Nos. 91 and 95 together.

Given the fact that Ireland is one of the world's most open economies, firms must be competitive to succeed both in the domestic market and in international markets. Firms operating here in Ireland have been adversely affected by a rise in the cost of goods and services, wages and business costs in recent years. However, there are many different factors, which contribute to Ireland's overall competitiveness other than just prices and costs. A competitive taxation regime, a highly educated and flexible workforce, low levels of business regulation, access to European markets as well as a shift towards higher end-value products and services all combine to create a positive business environment for exporting firms operating in Ireland.

Ireland's trading performance has been remarkable in recent times. Exports constitute an increasing share of the economy's total output of goods and services. They make a substantial contribution to employment creation and maintenance, and underpin a positive trade surplus position. Since the strong appreciation of the euro against both the US dollar and sterling and given the fact that the USA and the UK are Ireland's largest trading partners, Ireland's competitiveness has been significantly affected. However, despite this Ireland's trade remains strong with the most recent figures showing that total merchandise exports were worth €41.8 billion in the period January to June 2004, an increase of 4% on the same period in 2003.

We are no longer a low cost economy and as such our future competitiveness and prosperity is dependent upon our ability to move further up the value chain and become an innovative knowledge intensive economy. The Government is, furthermore, determined to improve Ireland's cost competitiveness and this will remain a high priority into the future.

92. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment if he has satisfied himself that industry here can become competitive in the international export markets in view of the high rate of relocation to lower wage economies; and if he will make a statement on the matter. [23698/04]

93. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment if he intends to take initiatives to combat relocation to lower wage economies; and if he will make a statement on the matter. [23697/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** I propose taking Questions Nos. 92 and 93 together.

The competitive characteristics of our enterprise base has made a reliance on low technology, basic manufacturing less sustainable than it was in the past. There has been a fundamental shift in the strengths and competitive advantages of our economy, which is now one typified by higher output and productivity together with high



returns to labour in the form of wages, salaries and better living standards.

Clearly, a more attractive cost environment abroad will inevitably attract some firms that are unable to produce in the high-wage environment of modern industrial economies. The continuing structural transformation of our economy is inevitable. With this, some plant transfers and other adjustments are bound to come, but where relocation has occurred to date, it has largely been limited to relatively low-technology, labour-intensive activities — those least suited to the economy we have become. Over the past few years the enterprise support agencies under my Department have been mandated to adjust their support strategies to meet both the needs of society in terms of high quality employment opportunities and the needs of businesses that generate and sustain those jobs.

The agencies have had a good deal of success in attracting higher-value replacement enterprises, in line with our policy of moving enterprise in Ireland to higher value output in both products and services. This changing specialisation is a reflection of changing comparative advantage, where we will retain those jobs that are human capital and technology intensive and characterised by high productivity and correspondingly high real wages. I want to sustain this evolution in enterprise development.

The range of incentives provided through the enterprise development agencies are designed to meet this objective and to help enterprise operate at higher levels of skill, undertake higher order strategic investments, product development and innovation. I intend that these will be subject to periodic performance review against the different but converging needs of both foreign and indigenous firms. At the end of the day, businesses make their own investment decisions and it is my intention to ensure that when they do, we are seen as a secure, world-class location to meet their most demanding competitive criteria.

Outsourcing and relocation are inevitable in a free market and our economic performance has benefited considerably from winning investment from other economies. Future policies must ensure we are more open to the opportunities that expanding and less restricted global markets provide. For example, my Department recently completed an expenditure review of Enterprise Ireland's, EI, overseas office network. The review made a number of recommendations aimed at increasing both the efficiency and effectiveness of the network. As a result EI has reorganised its corporate structure and formed a new division incorporating the overseas offices and dedicated to assisting clients to penetrate new markets and expand in existing ones. As Irish companies become more internationally focused and move up the value chain, it may be necessary to tackle competitive challenges in new and flexible ways. This may, for example, involve outsourcing less competitive activities, acquiring new technology

or skills through alliances or other collaborative activity. This is a legitimate business strategy for certain companies as it can ensure longer term survival against intensifying competition, while retaining high skills and high knowledge activities at home. The expenditure review has recommended that Enterprise Ireland assist those clients who would benefit from outsourcing or internationalising their activities. Such assistance, however, would have to be part of a client's overall business plan aiming to improve a suite of key business functions such as marketing, finance, human resources, research and development and production.

Regarding the broad direction of enterprise policy, the enterprise strategy group recently reported with a range of recommendations to improve the environment for doing business in Ireland. The group's proposals also seek to substantially enhance our enterprise base by identifying current capability gaps and acting to deliver the skills necessary for sustainable success on world markets. My predecessor set up a high level group to plan how best to implement the ESG recommendations, where appropriate, and to report to Government. I will shortly be informing Government about the high level group's work and on initiatives to reinvigorate enterprise supports towards meeting the strategic objectives supporting the ESG's recommendations.

#### **Employment Trends.**

94. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment the net number of jobs lost or created in the past 12 months; and if he will make a statement on the matter. [23696/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The Forfás annual employment survey monitors employment trends among clients of the principle enterprise development agencies. As the survey is undertaken towards the end of the year, data for 2004 will not be available until December or early January.

The 2003 survey indicates that employment levels in agency-supported companies stood at 297,549. While 22,769 new jobs were created in agency-supported companies, job losses of 30,119 resulted in a net decrease of 7,350 on 2002. While there were 19,014 less jobs in manufacturing and internationally traded services compared with the peak of 316,563 in 2000, employment in agency clients is still one third higher than it was a decade ago when it stood at 224,343.

In the past few years, conditions in the global economy have not been easy for companies doing business overseas. Firms operating here and with an international focus have had to win business against a backdrop of sluggish external demand, pricing pressures, and an increasingly competitive international environment. All these factors contributed to employment reduction in the agency supported sector.

[Mr. Martin.]

In the broader economy, however, pro-enterprise policies are encouraging employment growth. The latest quarterly national household survey, quarter 2, 2004, shows that the total at work rose by 42,800 to more than 1.836 million in the year. Continuing strong job creation is a unique feature of our economy compared with other EU economies. In line with strong job gains, unemployment has remained remarkably low at around 4.4% — among the lowest rates in the EU. Job opportunities in the labour market are still varied and there is no sign that job seekers are finding it difficult to either find employment or change jobs. Furthermore, long-term unemployment has continued to decline. The latest rate of 1.4% is just above its lowest rate in 15 years.

Ireland is now a high reward, modern and successful economy as a result of the enterprise development policies implemented over the past ten years. These have provided entrepreneurial incentives and driven investment and employment across the economy. Because our economy is so open to world trade flows we will benefit from a better pace of global growth that now seems to be taking place. This I expect will further sustain both economic growth and job creation.

*Question No. 95 answered with Question No. 91.*

#### **International Agreements.**

96. **Mr. Eamon Ryan** asked the Minister for Enterprise, Trade and Employment if he will report on the outcome of the summer 2004 negotiations on the Doha trade development round; the main implications from the negotiations for agriculture and other industries here. [23789/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern):** The Government is particularly pleased with the outcome of the end July 2004 World Trade Organisation, WTO, general council meeting which agreed a framework to further progress the Doha Development Agenda, DDA. The framework agreement adopted by WTO members sets the parameters for the next stages of negotiation of the DDA.

Over coming months and next year, the WTO members will develop the agreed framework into concrete, detailed and specific commitments under each of the key areas of interest, including in agriculture, non-agricultural products and services. In the case of agriculture, the framework will include negotiations aimed at a substantial cut in trade-distorting supports, the elimination of trade distorting export competition practices and a significant opening of agricultural markets. In the case of industry, a set of precise guidelines to cut tariffs has been adopted. The framework, in addition, pays close attention to the needs and

concerns of developing country members of the WTO.

These negotiations will take place with a view to completing the round as soon as possible. When the Doha round was launched in November 2001, negotiations were scheduled to conclude by 1 January 2005. This is not now going to happen. Alongside the adoption of the framework agreement, the WTO general council, at end July, agreed that the next WTO ministerial meeting will take place in Hong Kong, in December 2005.

As a small open economy, particularly reliant on exports for economic growth and development, Ireland supports a strengthening of the WTO and of the multilateral trading system and an ambitious approach to the elimination of remaining barriers to trade in goods and services. Issues of importance to Ireland under the current round are the conclusion of agreements to further liberalise trade in the areas of agriculture, manufacturing and services, and measures to assist developing countries, and in particular least developed countries, better integrate into the global trading system.

#### **Departmental Expenditure.**

97. **Ms Enright** asked the Minister for Defence the amount of money paid out by his Department in public relations fees; the name of the firm that was paid the highest amount; the amount paid to a specific firm (details supplied); the amount of money paid out by the Department in other consultancy fees; the name of the firm or individual paid the highest amount for the most recent 12 month period; and if he will make a statement on the matter. [23865/04]

**Minister for Defence (Mr. O'Dea):** Some €2,296 was expended by my Department on public relations fees in the last 12 months. The highest amount paid was €1,734 to Windmill Lane Studios for the production of promotional material for the Defence Forces. Some €73,326 was paid by my Department in other consultancy fees in the same period. The highest amount paid was €45,000 to Magnus Opus for telecommunication services.

98. **Ms Enright** asked the Minister for Defence the total amount of money paid out by his Department in legal fees; the details of the firms paid the greatest amount of fees; the total amount of money paid out in legal settlements; the number of such settlements; the total number of claims against his Department, for the most recent 12 month period; and if he will make a statement on the matter. [23879/04]

**Minister for Defence (Mr. O'Dea):** In the 12 months ending 30 September, 2004 my Department has spent €2.78 million in legal costs.

Plaintiffs' settlements amounted to €6.84 million in the process of settling 629 cases. In

addition, there were 97 cases withdrawn or dismissed.

There are 2,127 litigation claims outstanding against my Department of which 240 have been registered in the last 12 months.

Details of the top ten solicitors paid by costs over the period in question are contained in the following tabular statement.

Top 10 Solicitors by costs paid from 1/10/03 — 30/9/04

Solicitor	Costs	No. of Cases
	€	
Maxwell Mooney & Co.	636,188.09	128
Byrne Carolan Cunningham	529,702.82	82
Doody	299,175.16	46
Nolan Farrell & Goff	249,216.30	1
Patrick V. Boland & Son	198,983.21	23
Murphy English & Co.	165,941.21	8
Maguire McClafferty	147,467.62	1
H. C. Browne & Co.	101,094.62	1
Patrick J. Groarke & Son	87,276.45	1
Eamon O'Brien	76,218.35	19

#### Ministerial Appointments.

99. **Mr. Boyle** asked the Minister for Defence the public appointments made by his Department between 1 July and 30 September 2004. [23910/04]

**Minister for Defence (Mr. O'Dea):** No public appointments were made by my Department between 1 July and 30 September 2004.

#### Army Barracks.

100. **Mr. Crawford** asked the Minister for Defence the status regarding the proposed improved facilities at Monaghan Army barracks; the details of the improvements in the proposals; if finance has been sanctioned for the proposals; when work will commence on same; and if he will make a statement on the matter. [23967/04]

**Minister for Defence (Mr. O'Dea):** Proposals for certain works at Monaghan barracks, which include the upgrade of the cookhouse/kitchen and the ration store, are currently under consideration in my Department. I expect that a decision will be made on the matter in the near future.

#### Farm Retirement Scheme.

101. **Ms Enright** asked the Minister for Agriculture and Food the reason the early retirement scheme from farming has not been index-linked in line with inflation; if she will consider introducing such a measure; and if she will make a statement on the matter. [23801/04]

**Minister for Agriculture and Food (Mary Coughlan):** The rate of pension payable under

the 1994 scheme of early retirement from farming is the maximum provided for by the EU Council regulation under which the scheme was introduced. The regulation does not provide for indexation of payments.

My Department's proposals for the current early retirement scheme, which commenced on 27 November 2000 and is one of the measures in the CAP rural development plan for the period 2000-06, included provision for annual increases in pension over the period of the plan. The European Commission rejected this proposal and insisted on legal grounds that a fixed rate be set instead.

#### Grant Payments.

102. **Mr. Kehoe** asked the Minister for Agriculture and Food if a person purchases forestry land with premium, can they keep the premium if they own no previous forestry land or a herd number; and if she will make a statement on the matter. [23802/04]

**Minister for Agriculture and Food (Mary Coughlan):** There are two rates of forestry premium, one for farmers and one for non-farmers. Upon purchase of forestry land on which any such premium is being paid, a purchaser with no previous involvement in forestry or farming may claim premium at the non-farmer rate.

103. **Mr. Crawford** asked the Minister for Agriculture and Food when a person (details supplied) in County Monaghan can expect to receive an area aid based payment; and if she will make a statement on the matter. [23832/04]

**Minister for Agriculture and Food (Mary Coughlan):** The 2004 area aid application for the person named has been fully processed with an area determined for payment purposes of 17.16 hectares. Payment of her full entitlement under the 2004 area based compensatory allowance scheme could not be made until a potential stocking density problem had been resolved but, now that this has been done, payment will issue shortly.

104. **Mr. McHugh** asked the Minister for Agriculture and Food the position regarding the force majeure appeal by a person (details supplied) in County Galway; and if she will make a statement on the matter. [23838/04]

**Minister for Agriculture and Food (Mary Coughlan):** The person named lodged an application under the 2003 ewe premium scheme on 19 July 2004 together with a medical certificate stating that due to illness he was not in a position to lodge an application during the application period running from 4 December 2002 to 3 January 2003.



[Mary Coughlan.]

On 20 August 2004 the person named was informed that he did not qualify for any payment under the scheme. Following an appeal, he was asked on 28 September 2004 to submit documentary evidence to show that the sheep applied on were in his ownership and possession throughout the retention period, that is, 4 January 2003 to 13 April 2003.

When the evidence requested is received, my Department will review it along with the medical evidence already submitted to see whether or not payment can be made.

### Departmental Expenditure.

105. **Ms Enright** asked the Minister for Agriculture and Food the amount of money paid out

by her Department in public relations fees; the name of the firm that was paid the highest amount; the amount paid to a specific firm (details supplied); the amount of money paid out by the Department in other consultancy fees; the name of the firm or individual paid the highest amount for the most recent 12 month period; and if she will make a statement on the matter. [23866/04]

**Minister for Agriculture and Food (Mary Coughlan):** During the period involved, no moneys were paid by my Department either to public relations firms or to the specific firm in question. The information requested by the Deputy in connection with consultancy fees is outlined in the attached schedule. The highest amount was paid to Deloitte and Touche in respect of EAGGF accreditation.

### Consultancy Fees

Consultant	Nature	Payments (€) (7 October 2003-6 October 2004)
Research Consulting	Food Labelling Research for Consumer Liaison Panel	45,810.60
Torchlight Consulting		2,420.00
Dr. Denis Kelleher	Servicing of Pedigree Sheep Breeding Improvement Programme, 2002/2003	970.00
Mr. Brendan Shiels	Carrying out of Feasibility Study on the future viability of an organic college in Limerick	13,915.00
Research Solutions Ltd.	Research-National Organic Logo	18,053.20
AFCON	Mid-Term Evaluation of the CAP Rural Development Programme	68,937.00
Cap Gemini Ernst & Young	Consultancy advice in the development of the new ICT Strategy	89,600.50
RITS	Monthly testing of Interest security measures with written report	31,009.30
Morehampton Consultancy Services	Report on implementation of previous IT Strategy	8,400.00
Enterprise Process Consulting	Scoping study for SAP R/3 Enterprise Upgrade	51,425.00
BearingPoint Ireland Ltd.	Review of organizational structure and management framework of all Departmental laboratories	22,869.00
Agridata	On-going development of Reactor Herd Management System	7,553.81
Deloitte & Touche	EAGGF Certification	235,727.00
Price Waterhouse Coopers	Risk Management Consultancy	32,819.00
Petrus Consulting	External Evaluator on Expenditure Review-Beef Classification Scheme	2,813.00
Raymond Burke Consulting	External Evaluator on Expenditure Review-Installation Aid Scheme	5,021.00
Petrus Consulting	External Evaluator on Expenditure Review-Purchase for Destruction Scheme	2,934.00
Richard Boyle / IPA	External Evaluator on Expenditure Review-Potato Sector	2,420.00
Richard Boyle / IPA	External Evaluator on Expenditure Review-Overseas Development Assistance	2,420.00
Petrus Consulting	External Evaluator on Expenditure Review-Farm Waste Management Scheme	1,334.00
Peter Bacon & Associates	Undertaking of review and appraisal of Ireland's Forest Development Strategy	147,620.00
Brady Shipman Martin	Planning advice in respect of Coldstore	3,339.00
Liam Ó hAlmhain Technical Consultant	To oversee implementation of action plan at Enfer Testing Services Ltd.	6,050.00
Det Norske Veritas (DNV)	Risk analysis of Coldstore used to store BSE positive carcasses	15,283.00

Consultant	Nature	Payments (€) (7 October 2003-6 October 2004)
McAllister Devereaux Keating	Fire Safety Consultants-issues raised by Fire Authority in relation to Coldstore.	5,808.00
H. Griffith, Quirke & Sons Ltd.	Proposal for a Council Regulation on the Protection of Animals during Transport.	8,622.10
Liam Ó hAlmhain	Oversee implementation of action plan at Enfer Testing Services Ltd.	2,549.00

### Departmental Expenditure.

106. **Ms Enright** asked the Minister for Agriculture and Food the total amount of money paid out by her Department in legal fees; the details of the firms paid the greatest amount of fees; the total amount of money paid out in legal settlements; the number of such settlements; the total number of claims against her Department, for the most recent 12 month period; and if she will make a statement on the matter. [23880/04]

**Minister for Agriculture and Food (Mary Coughlan):** Total legal expenditure incurred by my Department from 8 October 2003 to 7 October 2004 was €1,067,466.00. A breakdown of fees and settlements is being compiled which I will forward to the Deputy within the next week.

### Food Safety Standards.

107. **Mr. R. Bruton** asked the Minister for Agriculture and Food if her attention has been drawn to the fact that many milkmen are giving up doorstep deliveries because of the requirement by milk companies that they have refrigerated vans; and if she plans to exercise her power to exempt doorstep deliveries from the requirements of this EU statutory instrument. [23901/04]

**Minister for Agriculture and Food (Mary Coughlan):** The conditions for the sale of milk at retail level, including those relating to temperature, are set out in SI No. 9 of 1996. The statutory instrument provides that, during transport, the temperature of pasteurised milk must not exceed 60° C. It also provides that the Minister may grant a derogation from this requirement in the case of doorstep deliveries. No requests for such an exemption have been received in my Department. Any such requests would be considered on their merits. Ensuring the safety of milk and milk products at retail level is primarily the responsibility of the local authorities' public health protection services and of the health boards. My Department would therefore have to consult with them in considering any request for an exemption.

### Ministerial Appointments.

108. **Mr. Boyle** asked the Minister for Agriculture and Food the public appointments made by her Department between 1 July and 30 September 2004. [23911/04]

**Minister for Agriculture and Food (Mary Coughlan):** The information requested by the Deputy is contained in the following schedule.

#### SCHEDULE

Public Appointments to State Boards/ Bodies / Other	Name	Date of Appointment
An Bórd Bia	Mr. Kieran Dunne	14 September 2004
	Ms. Katherine O'Leary	15 September 2004
Chairperson of Consumer Liaison Panel of the Dept. of Agriculture & Food	Ms Marian Finucane	26 July 2004
Coillte Teoranta	Mr. Michael Lalor	14 July 2004
Irish National Stud Co. Ltd.	Mr. Dermot Weld	9 September 2004
	Ms. Patricia O'Kelly	
	Mr. Denis F. Sheehy	24 September 2004
Teagasc	Mr. Stephen Flynn	1 July 2004

### Genetically Modified Organisms.

109. **Mr. Ferris** asked the Minister for Agriculture and Food if she will make a statement on the growing opposition among farmers' organisations to the possible introduction of genetically modified crops. [23923/04]

**Minister for Agriculture and Food (Mary Coughlan):** The rules governing GMOs are set down in EU legislation which has been jointly adopted by the European Parliament and Council

under the co-decision procedure. This legislation ensures that the EU has the most stringent assessment and control measures in place for the cultivation and use of GM crops and GM food within the Community. These measures which include strong labelling and tractability requirements will ensure that the highest standards of food safety and environmental protection apply equally across the Community. On the issue of growing genetically modified crops and their co-existence alongside non GM crops, the Commission in con-

[Mary Coughlan.]  
 junction with the European Parliament and Council decided that controls in this area should be addressed at member state level under a series of guidelines. As a result, all member states, including Ireland, are currently in the process of drawing up strategies and best practices to enable the effective co-existence of GM crops with non-GM crops. An interdepartmental/ interagency working group has been established within my Department to develop proposals for such strategies.

The working group, as part of its work programme, invited observations from all of the relevant stakeholders, including the farming organisations, and to date responses have been received from two of the farming groups. The viewpoints expressed by those groups will be considered when drawing up the final proposals.

#### **Pigmeat Sector.**

110. **Mr. Murphy** asked the Minister for Agriculture and Food her views on whether potential rationalisation of pig slaughtering facilities and the consequential lack of competition will lead to reduction in prices; if she will impress on the Department for Enterprise, Trade and Employment the goodwill that is there among both pig producers and workers at a company (details supplied) to do everything possible to keep the plant open. [23924/04]

**Minister for Agriculture and Food (Mary Coughlan):** The decision by Dairygold to close its pig slaughter line was a commercial decision made in the wider context of Dairygold operations. Since the announcement of the Galtee closure my Department has maintained regular contact with IFA, Enterprise Ireland and other pig processors with a view to ensuring that a seamless and streamlined transition of the producer/processing supply chain would be established. There is agreement amongst the main processing entities and by Enterprise Ireland that sufficient processing capacity is available in the country to absorb the surplus that will arise from this closure. It is critical that every effort is made to ensure a smooth and orderly transition of the Galtee supply base. This is critical to the future profitability of the entire pig processing chain and will ensure that the transition is managed in the shortest possible timescale and with the best possible outcome for all concerned.

The prospectus study on the pig industry, published in 2000, concluded that there was serious over-capacity in the pig slaughter sector and that this burden of capacity was causing inefficiencies. It recommended that rationalisation of existing slaughter capacity must be undertaken if primary processing in Ireland were to remain competitive. This would mean that excess capacity must be removed by plant closures with a commensurate increase in capacity utilisation of the remaining

plants. An improved competitive structure would allow the sector to better cope with competition on the home and export markets while maintaining viable and profitable outlets the pig producers and improve Ireland's capacity to maximise the production of top quality products at competitive prices.

#### **Organic Farming.**

111. **Mr. Sargent** asked the Minister for Agriculture and Food if she has plans to follow the example of other EU Member States and set targets for organic production; and if she will make a statement on the matter. [23931/04]

**Minister for Agriculture and Food (Mary Coughlan):** At present, organic production occupies less than 1% of the agricultural land area of the country. The organic development committee, in its 2002 report, estimated that a target of 3% of land area by 2006 was achievable.

Ultimately it is producers and consumers who will determine whether that target is achieved. There is a growing demand for organic food among consumers. I hope it will be further stimulated by the recently published guide to organic food and farming, which was produced by the organic market development committee in which my Department is a participant.

At present, however, much of that consumer demand has to be met by imported produce. There are real opportunities here for Irish producers. I believe that the introduction of the single payment scheme in January will give many farmers an opportunity to give serious consideration to the organic option, and I would urge them to do so. The rural environment protection scheme offers substantial financial support to organic farmers, and one of the new elements in REPS 3 is the possibility of converting part of a farm to organic production rather than the entire farm as was previously the case.

#### **Grant Payments.**

112. **Mr. Durkan** asked the Minister for Agriculture and Food the extent and nature of agricultural support payments likely to be available to a person (details supplied) in County Kildare under headings (details supplied); and if she will make a statement on the matter. [23955/04]

**Minister for Agriculture and Food (Mary Coughlan):** The person named is about half way through his current participation in the Rural Environment Protection Scheme. He has received three annual payments, with a further two of some €3,281 each to be made subject to compliance with the terms and conditions of the scheme. If he opts to join REPS 3 at his next anniversary date he can achieve the higher rates of payment available under that scheme for a further five years.



The person named submitted an application for consideration of his circumstances under the *force majeure*, new entrant/inheritance measures of the single payment scheme.

Following processing of the *force majeure* application the person named was notified of his unsuccessful application and given the opportunity to appeal that decision to the single payment appeals committee. Processing of applications for consideration under the inheritance/new entrant measure of the scheme is ongoing and the person named will be notified shortly of the decision on his application. The person named is not due any payments under the area-based compensatory allowance scheme as he has no land in the disadvantaged areas according to area aid records.

As far as on-farm investment schemes are concerned, my Department has no record of any current application from the person concerned. Full details of these schemes are available from any agricultural, environment and structures office of my Department. In the case of the installation aid scheme, full payment of the current grant of €9,523.04 issued to the person concerned on 3 February 2003.

#### Decentralisation Programme.

113. **Ms Enright** asked the Minister for Finance the likely timescale envisaged for the movement of his Department to Tullamore; the number of persons who have accepted Tullamore as their first choice; and if he will make a statement on the matter. [23804/04]

**Minister for Finance (Mr. Cowen):** As the Deputy is aware, an implementation group was appointed to drive the decentralisation process forward and a joint Department of Finance and OPW unit has been established to support the group. The next stage in the process is the selection of organisations for inclusion in the first phase of moves and the sequencing and timing of such moves. This will need to have particular regard to the figures emerging from the CAF and any relevant property and business aspects. Until such time as the analysis is complete, it is not possible to give a firm timescale, but the Deputy can be assured that it is the intention to move ahead with the programme, including the move to Tullamore, as quickly as possible. The data from the CAF published last month showed that a total of 116 persons have applied for decentralisation to Tullamore as their first choice.

#### Departmental Expenditure.

114. **Ms Enright** asked the Minister for Finance the amount of money paid out by his Department in public relations fees; the name of the firm that was paid the highest amount; the amount paid to a specific firm (details supplied); the amount of money paid out by the Department in other consultancy fees; the name of the firm or individual

paid the highest amount for the most recent 12 month period; and if he will make a statement on the matter. [23867/04]

**Minister for Finance (Mr. Cowen):** The table below shows the amount spent by my Department in 2003, and from 1 January to 30 September 2004, on public relations and other consultancy fees.

	2003	1 January to 30 September 2004
	€	€
Public relations fees	0	0
Other consultancy fees	1,994,884	582,942

The highest amount paid in other consultancy fees was €818,609 to Software Resources Ltd in 2003 and €158,949 to Codec Ltd to 30 September 2004. An amount of €83,400 was paid to the company named by the Deputy in 2003. No payment has been made to that company in 2004. In the most recent 12 month period, that is from 1 October 2003 to 30 September 2004, the highest amount of other consultancy fees was €158,949 paid to Codec Ltd.

The figures above do not include the NDP/CSF unit, which operates under the aegis of my Department and had spending of the types mentioned by the Deputy. In its case a breakdown of spending is only available by project. A list of NDP/CSF projects was included in the answer to Dáil Question No. 235 of 17 February 2004, a copy of which is being forwarded to the Deputy. An update of this list is currently in preparation and will be forwarded to the Deputy as soon as it is completed.

115. **Ms Enright** asked the Minister for Finance the total amount of money paid out by his Department in legal fees; the details of the firms paid the greatest amount of fees; the total amount of money paid out in legal settlements; the number of such settlements; the total number of claims against his Department, for the most recent 12 month period; and if he will make a statement on the matter. [23881/04]

**Minister for Finance (Mr. Cowen):** In general, my Department uses the services of the Office of the Attorney General and the Office of the Chief State Solicitor, and engages outside legal advisors in circumstances requiring legal advice of a specific and/or specialist nature. My Department has also had secondments to it from private sector legal firms.

The table below shows the amount spent by my Department in 2003, and from 1 January to 30 September 2004, on legal advice and lawyers, including secondments, and on settlement of legal proceedings including cases settled prior to going to court. It also shows the number of claims received and the number of settlements made.

[Mr. Cowen.]

	2003	1 January to 30 September 2004
	€	€
Legal Advice	240,880	188,565
Settlements	322,865	7,500
Number of claims received	0	0
Number of settlements	54	1

Officials in my Department negotiated a settlement, arrived at late in 2003, of a large number of equality claims against all Departments lodged by the civil and public services union which involved a total cost of approximately €36 million. My Department's element of that settlement is included in the figures above for settlements in

2003. The greatest amount paid in fees was €54,450 to McCann Fitzgerald/Raymond Burke Consulting in 2003 and €90,000 to Darach Conolly, Solicitors in 2004. The second greatest amounts paid were €49,728 to P. J. O'Driscoll, Solicitors in 2003 and €79,631 to A & L Goodbody, Solicitors in 2004. No claims against my Department were received for the most recent twelve month period, that is from 1 October 2003 to 30 September 2004.

#### Ministerial Appointments.

116. **Mr. Boyle** asked the Minister for Finance the public appointments made by his Department between 1 July and 30 September 2004. [23912/04]

**Minister for Finance (Mr. Cowen):** Public appointments to State boards under the aegis of my Department in the period 1 July to 30 September 2004 are set out in the following table.

Name of Body	Name of Person Appointed
Financial Services Ombudsman Council	Dr. Con Power (Chair) Mr. John Colgan Mr. Crozier Deane Mr. Dermot Jewell Mr. Paul Joyce Mr. Paddy Leydon Mr. Paul Lynch Mr. Paddy Lyons Mr. Jim McMahon Ms Caitriona Ni Charra
The Financial Services Consultative Industry Panel	Mr. James Deeny (Chair) Mr. Jim Bardon Mr. Liam Carberry Mr. Denis Casey Mr. Tony Culley Mr. Billy Doyle Mr. Pat Farrell Ms Ann Fitzgerald Mr. Donal Fitzgibbon Ms Sarah Goddard Mr. Tom Healy Mr. John Murphy Ms Carmel O'Connor Ms Aileen O'Donoghue Mr. John O'Halloran Mr. Pat O'Sullivan Mr. Gary Palmer Ms Rachel Panagiodis Mr. Mike Ryan Mr. Robert Moynihan
The Financial Services Consultative Consumer Panel	Mr. Brendan Burgess (Chair) Mr. Frances Byrne Ms Olive Byrne Mr. Liam Coen Mr. Michael Connolly Mr. Eddie Hobbs Ms Anne Hogan Mr. Michael Kilcoyne Ms Eileen Lynch Mr. John Maher Ms Joan Morrison Mr. David McWilliams Professor Noel Mulcahy Ms Ann Owens Mr. Raymond O'Rourke Mr. Sean O'Sullivan Ms Aileen Power Ms Fiona Reynolds Mr. Peter Ryan Mr. William Ryan
Credit Union Advisory Committee	Mr. Pádraig Ó Cearbhaill (Chair) Mr. Ken Lillis Ms Olive McCarthy Mr. Donal Murphy Michael O'Conaill Ms Iris White Mr. Donal Yourell
The Valuation Tribunal	Mr. Fred Devlin (Ordinary Member and Deputy Chairperson) Mr. John F Kerr (Ordinary Member and Deputy Chairperson)
Investor Compensation Company Ltd.	Regulations were made by the Minister on 27 September 2004, to enable the appointment by the Investor Compensation Company Ltd of Ms Inge Clissmann, barrister, and of a nominee of The Office of the Director of Consumer Affairs to fill two vacancies on the board of the company.

On 27 September 2004, Ms Caroline Gill, ombudsman for insurance, and Mr Gerry Murphy, ombudsman for credit institutions, were offered appointment as deputy financial services ombudsmen designate in the new statutory structure, the appointments, if accepted, to take effect from 1 April 2005.

#### Tax Collection.

117. **Mr. McGuinness** asked the Minister for Finance if the affairs of a person (details supplied) in County Kilkenny will be investigated and resolved; if demands will be withdrawn until all issues are resolved; and if he will make a statement on the matter. [23965/04]

**Minister for Finance (Mr. Cowen):** I am advised by the Revenue Commissioners that the person in question has been self-employed since 13 November 2003. Prior to that he was in PAYE employment up to 30 July 2003. On leaving he received an *ex gratia* payment of €79,881. In accordance with normal procedure for dealing with *ex gratia* payments, a review of his liability was carried out for the previous five years and it was found that he owed €5,835.83.

The Revenue Commissioners became aware in February 2004 that the taxpayer was separated following a call by him to the local enquiry office in Kilkenny. His 2003 liability was reviewed at that stage and a refund of €752.16 was made to him.

To enable calculation of top slicing relief, the Revenue Commissioners wrote to him on 16 August 2004 seeking clarification regarding the separation. In a reply dated 17 August 2004, the taxpayer advised that he had been separated from his wife since August 1999. The earlier years were reviewed when top slicing relief was dealt with in September 2004. Single tax credits and rate bands were applied for the years 2000/01, 2001 and 2002. A liability of €5,835.83 arose as a result of this review.

If the taxpayer has difficulty in meeting the demand and wishes to enter into an instalment arrangement, he should contact Ms. Elizabeth Kavanagh, Kilkenny Revenue District, Hebron Road, Kilkenny, telephone 056-7760754, who will discuss this option with him.

### **Endowment Mortgages.**

118. **Ms Shortall** asked the Minister for Finance if his attention has been drawn to the revelations regarding endowment mortgages in a television programme (details supplied); his views on same; the plans he has to introduce legislation to deal with this problem or change the regulatory regime; and if he will make a statement on the matter. [23985/04]

**Minister for Finance (Mr. Cowen):** Recent publicity in relation to endowment mortgages has focused on the possibility that a significant number of holders of such mortgages will have a shortfall of funds when the mortgage reaches the end of its normal term. These types of mortgages operate on the basis that instead of making capital payments on a mortgage, the client pays only the interest on the mortgage; therefore the capital amount owed does not decrease. However, the client also makes an investment with a life assurance company, the aim of which is to cover the mortgage and, possibly, provide some additional benefit beyond that. The products provided additional benefits, for example, in the form of higher tax relief, which were attractive to borrowers.

These products inherently require customers to take some risk; they are exposed to market fluctuations, just like any market-based life assurance investments. It should be stressed, therefore, that the fact that a person does not gain as much as expected is not in itself an indication of any inappropriate practices on the part of the bank or insurance company concerned.

The Consumer Credit Act 1995, which commenced in May 1996, contains specific provisions regarding endowment loans and in particular prescribes certain information which must be included in any application form or information document issued to consumers applying for such loans. For example, since the commencement of the Act all endowment loan application forms must contain a prominent notice to the effect that there is no guarantee that the proceeds of the insurance policy will be sufficient to repay the loan in full when it becomes due for payment.

The Act also obliges that in instances where there is a possibility during the lifetime of an endowment loan that borrowers may be required to increase premium payments on the insurance policy relating to the loan, any document approving the loan must contain a prominent statement of this possibility. Similarly information documents on endowment loans must, where the possibility exists that early surrender of the insurance policy may result in a net loss to the consumer, taking into account premia and other charges paid in, contain a statement of this possibility.

The Act also places an obligation upon insurers underwriting policies relating to endowment loans to issue a statement to the consumer every five years setting out not only the value of the policy at the time of issue but also a comparison of this valuation to the valuation at such date projected at the time the policy was first written and a revised estimate of the valuation at maturity. In addition to the provisions of the Consumer Credit Act, the Life Assurance (Provision of Information) Regulations, which came into being in 2001, obliges insurers to provide policy holders, including holders of policies relating to endowment mortgages, with an annual written statement containing inter alia information on the current surrender or maturity value of the policy.

More recently, this Government has already very considerably enhanced the regulatory and supervisory regime governing the financial services industry, primarily through the enactment of the Central Bank and Financial Services Authority of Ireland Act 2003, which established the Irish Financial Services Regulatory Authority or IFSRA. IFSRA is now the competent authority in this area. The Central Bank and Financial Services Authority of Ireland Act 2004, complements the Act passed last year and further enhances IFSRA's powers and strengthens the regulatory environment.

Particular features of the 2004 Act are that it provides for an enhanced structure for dealing with consumers who have complaints about financial institutions and also provides consumer and industry consultative panels for the financial regulator. The consumer panel will have an important role in ensuring that the regulator is correctly reflecting the interests of consumers in its protective and educational roles, such as the issue of codes of conduct and information pamphlets etc. These provisions will help IFSRA to ensure consumers have all necessary information to allow them to make considered and informed choices between differing financial products including mortgages.

The establishment of IFSRA has provided a new focus for consumer concerns regarding financial services. IFSRA is already studying the situation, having commenced a survey earlier this year, to determine whether and to what extent there will be difficulties for customers. It would be premature at this stage to second-guess the



[Mr. Cowen.]

outcome of the survey, but the results will be used to establish the nature of any appropriate action to be taken. While individuals with difficulties should go to the relevant institutions in the first instance, IFSRA can also assist where individuals are in dispute with their financial institution. Individuals with specific complaints may also have recourse to the appropriate ombudsman scheme, or ultimately to the courts. I will be monitoring the situation as the information developed by IFSRA becomes available.

#### Public Transport.

119. **Ms Shortall** asked the Minister for Finance the reason civil servants can only buy the tax-saver commuter ticket in January; the further reason it is only available to permanent staff in view of the practice of many State employers to employ many staff on a temporary contract initially; if he will review the operation of this scheme in order to make it more accessible to employees in order to encourage the use of public transport; and if he will make a statement on the matter. [23993/04]

**Minister for Finance (Mr. Cowen):** The Civil Service travel pass scheme was approved in 2001 and has been in operation since 1 January 2002. The operation of the scheme has been kept under review since then and information clarifying certain issues was sent to all Departments by my Department in June of this year. I have arranged for a copy of that notice to be forwarded to the Deputy. Subject to the requirements of individual Departments in relation to administrative efficiency, the Civil Service travel pass scheme may be availed of by staff employed on a permanent or probationary basis, including those initially recruited on a temporary basis, and to staff employed under fixed-term contracts. The implementation of travel pass schemes in areas of the public service other than the Civil Service would be a matter for the relevant employing bodies.

While it is a requirement of the Revenue Commissioners that the choice to obtain a travel pass *in lieu* of salary which is exercisable by employees in both the public or private sectors cannot be made more frequently than once a year, the civil service scheme does not preclude staff from exercising that option at different times during the year. This and other issues were clarified in the notice issued by my Department in June 2004. However, for administrative efficiency purposes, some Departments may exercise limits as to the number of operative dates that they can allow in any annual period.

#### Departmental Expenditure.

120. **Ms Enright** asked the Minister for Foreign Affairs the amount of money paid out by his Department in public relations fees; the name of the firm that was paid the highest amount; the

amount paid to a specific firm (details supplied); the amount of money paid out by the Department in other consultancy fees; the name of the firm or individual paid the highest amount for the most recent 12 month period; and if he will make a statement on the matter. [23868/04]

#### Minister for Foreign Affairs (Mr. D. Ahern):

For the period referred to by the Deputy, the Department of Foreign Affairs paid €23,466.74 in public relations fees for a promotion campaign for the EU Presidency website. The greater part of this amount was for the purchasing of media advertising space. As regards the second question raised by the Deputy, the name of the firm was Red Dog Design Consultants. The Department did not make any payments to the specific firm referred to by the Deputy.

The Department of Foreign Affairs is responsible for two votes; Vote 28, foreign affairs, and Vote 29, international co-operation. For the most recent 12 month period, expenditure on consultancies for each vote was as follows: Vote 28: €1,274,686.49 Vote 29: €2,208,876.00

The Department of Foreign Affairs commissions consultancies where specialised knowledge and skills are not available within the Department, especially in the case of the Development Co-operation Ireland programme, where an independent evaluation of programmes and projects is required. DCI consultancies cover a wide range of sectors including HIV/AIDS, education, health and rural development. An outsourcing specialist was recruited in 2002 to oversee the commissioning of consultancies under Vote 29. Since then, procedures and systems have been reviewed and strengthened to help ensure that maximum value for money is achieved.

Under Vote 28, the greater part of recent expenditure on consultancies related to the upgrading of the Department's information technology infrastructure at headquarters and in our missions abroad, and the putting in place of the new, automated, passport production system. The latter is essential to meet future demands for passports in an efficient and effective manner and to comply with new international security regulations for passports.

Under Vote 28, BearingPoint consultants have received the highest amount of fees for the period in question. BearingPoint are the principle contractor for the APS project, and have responsibility for supply of hardware, software, design solutions, development and associated services. In large scale projects of this type, the cost of system development is an integral part of the contract and cannot easily be separated from other areas of the project.

Under Vote 29, the highest amount of fees was paid to the firm, Mokoro, which is based in the UK. These payments covered a number of consultancy assignments.

121. **Ms Enright** asked the Minister for Foreign Affairs the total amount of money paid out by his Department in legal fees; the details of the firms

paid the greatest amount of fees; the total amount of money paid out in legal settlements; the number of such settlements; the total number of claims against his Department, for the most recent 12 month period; and if he will make a statement on the matter. [23882/04]

**Minister for Foreign Affairs (Mr. Cowen):** For the period referred to by the Deputy, the Department paid €200,571.38 in legal fees, of which €62,633.22 was paid to firms abroad for legal services regarding the leasing or purchasing of properties abroad. The greatest amount of fees was paid to the firm of Noonan, Linehan, Carroll, Coffey, Solicitors. This payment was made to discharge my Department's share of a partial award of costs to a client of that firm.

The Department did not pay any legal settlements for the period in question. Two claims were made against the Department during this period and these are being dealt with by the State Claims Agency. Two further claims against the Department from an earlier period are being dealt with by the Chief State Solicitor's office.

#### Ministerial Appointments.

122. **Mr. Boyle** asked the Minister for Foreign Affairs the public appointments made by his Department between 1 July and 30 September 2004. [23913/04]

**Minister for Foreign Affairs (Mr. D. Ahern):** The only public appointments made in the period between 1 July and 30 September, 2004 were to the Díon Committee. The Díon Committee is an advisory committee to the Irish Government established in 1984 in response to concern about the situation of Irish emigrants in Britain.

The following members were reappointed to the committee with effect from 1 September 2004: Mr Michael Forde, managing director, Ceiling Grids Group, Manchester, and chairman, Irish World Heritage Centre, Manchester; Dr. Breda Gray, senior lecturer, department of sociology, University of Limerick; Dr Theresa Joyce, South London and Maudsley NHS Trust; Mr Jim O'Hara, chairman, Irish Youth Foundation (UK); and Ms Catherine Quinn, member of EHB and Dublin VEC.

The following members were newly appointed to the Committee with effect from 1 September 2004: Mr. Seamus McGarry, former chair of the Federation of Irish Societies; Mr. Michael Loneragan, first secretary, Embassy of Ireland, London; and Ms Amanda Bane, third secretary, Embassy of Ireland, London. With the exception of the chair and secretary, who are serving in the Embassy of Ireland in London, the committee members serve in a voluntary capacity.

#### Overseas Development Aid.

123. **Mr. Sargent** asked the Minister for Foreign Affairs when he foresees that Ireland will reach the UN target of 0.7% of GNP for overseas

development aid, particularly in view of improving Exchequer figures. [23930/04]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** The Government attaches a high priority to increasing Ireland's contributions to official development assistance. There have been substantial increases in expenditure in recent years. Summary data for the past six years and the expected outturn for 2004 are set out in the table below. This level of expenditure demonstrates the strong commitment of the Government to attain the UN target of 0.7% of GNP.

In percentage terms, Ireland is one of the world's leading donors; we are currently in joint seventh place and well above the EU average. It is hoped 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 achieving our objective.

Year	Total ODA (€m)
2004 (Estim.)	475
2003	446
2002	422
2001	320
2000	254
1999	231
1998	177

#### Human Rights Issues.

124. **Mr. Boyle** asked the Minister for Foreign Affairs his evaluation of the human rights situation in Togo. [23966/04]

**Minister for Foreign Affairs (Mr. Cowen):** The European Union has, on numerous occasions, expressed its serious concern at the human rights situation in Togo. The issues of particular concern have included violations of freedom of expression, torture and arbitrary detention, safety of human rights defenders, lack of independence of the judiciary and impunity. This has been underscored by a general lack of respect for democratic principles. Against this background, the European Union suspended all aid to Togo in the early 1990s.

In late 2003, Togo made it clear that it wished to renew relations with the EU. During the Irish Presidency of the EU, it was agreed to open Article 96 consultations with Togo, as set out in the Cotonou Agreement. These consultations are held in circumstances where a party to the Cotonou Agreement does not meet its requirements regarding human rights, democratic principles and the rule of law.

Ireland chaired the Article 96 consultations in Brussels on 14 April 2004 which covered four broad areas; democratic principles, human rights, fundamental freedom and follow-up commitments. Togo agreed to a list of 22 commitments

[Mr. Cowen.] with a timetable for their implementation. These commitments covered a wide range of actions relating to human rights, democratic principles and freedom of the press. Minister Cowen met the Togolese Prime Minister, Kofi Sama, in Dublin following the consultations in Brussels, where he reiterated the importance of compliance by Togo with the commitments entered into during the Article 96 consultations.

The Togolese Government has submitted a number of reports on its progress in implementing the 22 commitments. These reports have demonstrated some progress and some evidence of political goodwill on the part of the Government of Togo. For instance, on ensuring compliance by police and military authorities with human rights norms, and on the issue of political prisoners, the Government of Togo is clearly making efforts to improve the situation. However, limited progress has been made on the key commitment to restart political dialogue with the opposition, and also on organising local and parliamentary elections. The European Union continues, therefore, to press for more progress in this area. Discussions are ongoing in the Council of Ministers to see how, following the closure of the Article 96 negotiations and against the above background, relations with Togo should be taken forward.

#### Special Educational Needs.

125. **Mr. F. McGrath** asked the Minister for Education and Science if urgent assistance will be given to persons (details supplied) in County Galway; and if services and programmes will be put in place to suit their needs. [23827/04]

**Minister for Education and Science (Ms Hanafin):** I am pleased to inform the Deputy that the school to which the Deputy refers has been allocated 16 additional teaching hours per week for the 2004-05 school year to cater for the special educational needs of pupils enrolled, including the pupil in question. My Department allocates additional teaching support and special needs assistant support to second level schools and Vocational Educational 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 pupils involved and the nature and level of support provided is determined on the advice of the psychological service.

It is a matter for the school to deploy this allocation in accordance with the assessed needs of the pupils concerned and also to review this deployment in line with the evolving needs of the pupils.

#### Higher Education Grants.

126. **Mr. Connaughton** asked the Minister for Education and Science the reason an access grant

has not been awarded to a person (details supplied) in County Cork to complete a H.Dip in Cork; if her attention has been drawn to the fact that this person would not have selected UCC except for the fact that they were one point short for UCG; if her attention has further been drawn to the fact that as a mature student this person is trying to better herself and that she has been receiving unemployment assistance for four years; and if she will make a statement on the matter. [23828/04]

**Minister for Education and Science (Ms Hanafin):** I understand that the student referred to by the Deputy has been approved for a maintenance grant for the 2004-05 academic year to pursue a postgraduate course in UCC.

It is unclear from the Deputy's question what type of Access grant the student is unable to avail of because he is pursuing his postgraduate studies in UCC, rather than in UCG. If the Deputy could provide further information into the nature of the Access grant my Department would be happy to enquire further into the situation.

If, however, the access grant referred to comes purely within the remit of the particular college involved then it will be necessary for the student to take up the matter directly with the college as my Department would have no involvement with the administration of such grants.

#### Schools Building Projects.

127. **Mr. Curran** asked the Minister for Education and Science if she will report on the progress being made to provide a new school building for a school (details supplied) in County Dublin. [23829/04]

**Minister for Education and Science (Ms Hanafin):** The project in question is listed for proceeding to tender and construction as part of the 2004 school building programme. This project is at tender stage and the full tender report is currently awaited from the management authority, County Dublin VEC.

128. **Mr. Curran** asked the Minister for Education and Science if she will report on the progress being made to provide a new school building for a school (details supplied) in Dublin 22. [23830/04]

**Minister for Education and Science (Ms Hanafin):** The project in question is listed for proceeding to tender and construction as part of the 2004 school building programme. My Department has instructed the management authority of the school to issue a letter of intent to enter into a contract with the lowest contractor. It is expected that work will be commencing on site shortly.

129. **Ms Enright** asked the Minister for Education and Science if a school (details supplied) in County Offaly will be included in the five year building plan being drawn up by her Department;



when this building plan will be announced; if the fact that the school has a priority rating of one as an amalgamation will advance it to proceed in 2004-05; and if she will make a statement on the matter. [23831/04]

**Minister for Education and Science (Ms Hanafin):** The school planning section of my Department is currently examining all building projects on hands in line with the project prioritisation criteria that were recently revised in consultation with the education partners. The proposed project at the school to which the Deputy refers is included in this review. I expect to be in a position to provide an update in relation to the progress of individual projects later this year.

#### College Closures.

130. **Mr. McHugh** asked the Minister for Education and Science if the decision to close a college (details supplied) in County Dublin will be reconsidered and the recommendations of the consultant and advisors to keep the college open and forge a link with one of the Dublin based universities are implemented. [23837/04]

**Minister for Education and Science (Ms Hanafin):** The issue of the future of the college, which is the subject of the question posed by the Deputy, arose in the context of a decision by the trustees of the college that, due to personnel and financial considerations, they were no longer in a position to fulfil the role of trustees. Following discussions between the trustees and my Department, it was agreed that a consultant would be appointed who would meet with relevant parties and prepare a report on the options for the college's future.

The consultant's report was thoroughly examined in my Department and the options for the future of the college were set out for my predecessor's consideration. Having carefully considered all of them and having taken into account other factors such as the national spatial strategy, relevant costs in a time of financial constraint, a Government decision to restrict public service numbers, the need to secure value for money and a better allocation of resources, the Minister decided that these considerations are best served by the closure of the college and the designation of St. Angela's College, Sligo as the sole centre for the training of home economics teachers.

It was agreed that the closure of the college would be phased over three academic years to facilitate students currently enrolled in the College to fully complete their studies without moving location and to ensure that there was an adequate transition period for staff. On that basis there has been no intake of first-year students to the college for the 2004-05 year. Instead, these students are now in St. Angela's College. Officials from my Department have already met with the Trustees and with management authorities of the college to discuss the necessary practical arrangements, including arrangements in relation to the

position of the staff of the college. I have no plans to reconsider the decision to close the college.

#### School Accommodation.

131. **Ms Enright** asked the Minister for Education and Science if her attention has been drawn to the fact that a school (details supplied) in County Carlow has had a huge intake of new students; when she expects the school to receive the extra accommodation that her Department, in 2001, agreed it needs; and if she will make a statement on the matter. [23842/04]

132. **Ms Enright** asked the Minister for Education and Science the position in relation to the application for additional accommodation at a school (details supplied) in County Carlow; and if she will make a statement on the matter. [23843/04]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 131, 132 together.

The school planning section of my Department is currently examining all building projects on hands in line with the project prioritisation criteria that were recently revised in consultation with the education partners. The proposed project at the school to which the Deputy refers is included in this review. I expect to be in a position to provide an update in relation to the progress of individual projects later this year.

#### Schools Building Projects.

133. **Ms Enright** asked the Minister for Education and Science if schools (details supplied) in County Offaly will be included in the five year building plan being drawn up by her Department; when this building plan will be announced; if the fact that the school has a priority rating of one as an amalgamation will advance it to proceed in 2004/2005; and if she will make a statement on the matter. [23844/04]

**Minister for Education and Science (Ms Hanafin):** As the Deputy will be aware, the schools to which she refers have agreed to amalgamate to form a new community school. Following technical assessments of the existing buildings, it has been agreed that the new school should be accommodated in a purpose built facility on a greenfield site catering for 550 pupils. I am pleased to inform the Deputy that a suitable site has been identified for this purpose and that my Department has given its approval to the vocational education committee to pursue the acquisition of this site.

With regard to the provision of the building, the school planning section of my Department is currently examining all building projects on hands in line with the project prioritisation criteria that were recently revised in consultation with the education partners. I expect to be in a position to provide an update in relation to the progress of individual projects later this year. I

[Ms Hanafin.]

assure the Deputy, however, that the project to which she refers carries a high priority rating in line with the agreed criteria for prioritising large scale projects. This ranking will positively influence the timescale for delivery of the project.

#### School Curriculum.

134. **Ms Enright** asked the Minister for Education and Science if her Department has looked at the sounds write method of the linguistic phonics programme; her views on whether it would be beneficial in schools here; and if she will make a statement on the matter. [23845/04]

**Minister for Education and Science (Ms Hanafin):** Sounds write is a teaching programme using linguistic phonics methods which has been developed by a team based in Bradford on Avon in the UK. It offers a five day training course for teachers in instructional methods. The Department of Education and Science does not endorse commercially produced teaching and learning resources. It is the responsibility of teachers to select the teaching and learning aids to be used in their classroom, having regard to the needs of the pupils and the range of materials available.

Regarding the development of phonological and phonemic awareness, the teacher guidelines on the primary school curriculum in English contain a comprehensive discussion that outlines the recommended approach. The guidelines highlight that ability in oral language can be a determining factor in the speed and effectiveness with which a child makes progress in reading and provide for a range of strategies for the development of literacy skills. Inservice training for teachers, membership of such bodies as the National Reading Association, the Irish Learning Support Association, together with the network of locally based education centres, provide a range of settings where teachers can keep abreast of ongoing developments, tools and resources in regard to literacy.

#### Pension Provisions.

135. **Ms Enright** asked the Minister for Education and Science if PEN 2/04 regarding the pension scheme for special needs assistants can be used for considering pensionability for part-time resource teachers at primary level; and if she will make a statement on the matter. [23846/04]

**Minister for Education and Science (Ms Hanafin):** The position is that under the Protection of Employees (Part-time Work) Act 2001, service given by a part-time employee is pensionable where it amounts to at least 20% of the hours of a comparable wholetime employee who is a member of the employer's pension scheme. The Act applies not only to pensionability but to pay and conditions of service generally. Discussions between public service unions and management regarding the implementation of the Act have been informed by the recent Government

decision regarding implementation of the recommendations of the Commission on Public Service Pensions in the case of part-time workers and those in receipt of low pay generally. It is expected that these discussions will be concluded shortly.

In the meantime, I can confirm that the provisions of the Act will apply in the case of part-time resource teachers. At present, these teachers are paid directly by their schools out of funds provided by my Department. The practical arrangements which would need to be made to pay salary to the teachers concerned through a payroll operated by my Department, including provision for the deduction of pension contributions, are currently being examined.

#### School Staffing.

136. **Ms Enright** asked the Minister for Education and Science if circular letter PPT 19/03 can apply to part-time resource teachers in primary schools; and if she will make a statement on the matter. [23847/04]

**Minister for Education and Science (Ms Hanafin):** The provisions of circular letter PPT 19/03 which were agreed with the teacher unions apply only to second level schools, Traveller training centres, vocational training opportunities schemes, Prison Service and other similar recognised Exchequer funded educational institutions as agreed from time to time. The terms were agreed in the context of the implementation of the Protection of Employees (Part-Time Work) Act 2001 and are designed to ensure that part-time teachers employed in the post-primary sector are treated no less favourably than full-time teachers employed in the same sector.

Teachers employed in primary schools have different conditions of service than teachers employed in post-primary schools having regard to both the length of the working week and the school year and the arrangements agreed for part-time resource teachers in primary schools as set out in circular letter 11/04 reflect those differences. These are interim arrangements, which will be the subject of further discussions with the teacher unions.

#### Grant Payments.

137. **Ms Enright** asked the Minister for Education and Science if her attention has been drawn to the fact that a child of two persons on non-contributory old age pension is ineligible for the top-up grant; if she will consider increasing the cut off point of the means test in order that such a person be in a position to receive the grant; and if she will make a statement on the matter. [23848/04]

**Minister for Education and Science (Ms Hanafin):** The report of the action group on access to third level education makes detailed recommendations concerning the introduction of special rates of maintenance grants for disadvan-

taged students, usually referred to as top-up grants. The target group of “those most in need” has been defined in terms of the dependants of people receiving long-term welfare payments, where the necessary conditions are fulfilled. The special rates of grant are also available to mature students who meet the prescribed conditions.

To qualify for the top-up grant all candidates must satisfy the following conditions: qualify for the ordinary maintenance grant in respect of the academic year 2004-05; total reckonable income limit in the tax year to 31 December 2003 must not exceed €14,693 net of standard exclusions, as set out in the 2004 maintenance grants schemes and net of CDA payments, where applicable; and as at 31 December 2003, the reckonable income of parent(s)/guardian(s), the candidate himself/herself, or the income of the spouse/partner, as the case may be, must include one of the eligible social welfare payments prescribed under the scheme.

The reckonable income threshold is calculated by taking the maximum point of the old age contributory pension plus the maximum qualified adult allowance for a person over 66 years. This yielded an annual income threshold of €14,693 for the 2004 scheme. It is not proposed to depart from the existing arrangements for the determination of the eligibility threshold.

#### **Residential Institutions Redress Board.**

138. **Mr. Crowe** asked the Minister for Education and Science the avenues of redress which are available to victims of abuse who were day pupils at educational institutions here. [23849/04]

139. **Mr. Crowe** asked the Minister for Education and Science if she has proposals for extending the terms of the redress legislation to incorporate applications from victims of abuse who were day pupils at educational institutions here. [23850/04]

140. **Mr. Crowe** asked the Minister for Education and Science the reason victims of abuse who were day pupils at educational institutions here are discriminated against in that their applications for redress are not accepted under current redress legislation. [23851/04]

141. **Mr. Crowe** asked the Minister for Education and Science which Government body takes responsibility for victims of abuse who were day time pupils at educational institutions here. [23852/04]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 138 to 141, inclusive, together.

The Residential Institutions Redress Board was established as an alternative mechanism to the courts to provide financial redress to former residents of institutions who were abused while in institutions over which the State had a significant supervisory or regulatory responsibility. There

are no plans to extend the remit of the redress board to day schools.

The rationale behind the setting up of the redress board was that children in the institutions were separated from their parents and therefore did not have the benefit of the care and protection which children in the care of their families usually enjoy. The institutions concerned controlled all aspects of children’s lives 24 hours a day, seven days a week with no reasonable capacity for access to or involvement by parents. Therefore, the children in the institutions relied to a significant degree on the public bodies that had a statutory duty to protect them.

This situation did not apply to day schools which were in the main privately owned and in which children were enrolled by their parents. Public bodies did not have the same kind of supervisory functions, powers or duties that applied to residential institutions and the children themselves were resident with their families.

People who as children suffered sexual abuse in day schools have other avenues in which they may seek compensation from those who were responsible for their abuse. Amendments to the Statute of Limitations recognise that a person who suffered sexual abuse in childhood may not have been in a position, due to the abuse suffered, to take legal action against an abuser. Before the statute was amended a person had only three years from the date she or he attained majority to initiate such an action. The statute now provides that the normal three year period will not apply where the delay in bringing the action resulted from the abuse itself, for example, suppressed memories of abuse.

Any person who was subjected to abuse should in the first instance report the matter to the Garda Síochána. She or he should also obtain legal advice in relation to the legal remedies that may be open to them, such as seeking compensation in the courts from those who were responsible for their abuse.

#### **Garda Vetting Procedures.**

142. **Ms Enright** asked the Minister for Education and Science when a system of vetting for all teachers and other staff at schools will be placed on a statutory basis; when the register of persons considered unsafe to work with children Bill will be published; and if she will make a statement on the matter. [23853/04]

143. **Ms Enright** asked the Minister for Education and Science when a system of vetting for all teachers and other staff at schools will be in place; if this system will be open to both full and part time members of staff; and if she will make a statement on the matter. [23854/04]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 142 and 143 together.

As the Deputy may be aware, an interdepartmental review group has considered Garda vet-



[Ms Hanafin.]  
ting procedures and reported to my colleague the Minister for Justice, Equality and Law Reform and to the Garda Commissioner. That Minister is considering the contents of the report and it would be inappropriate of me to speculate on the conclusions he might draw from the report and the measures he may take to address the issue including the bringing forward of legislative proposals. However, I should point out that the Minister of State at my Department and the Department of Justice, Equality and Law Reform has recently announced a package of measures produced on foot of the recommendations of the working group on Garda vetting designed to enhance the capacity of the Garda vetting unit.

Publication of the proposed Bill to create a register of persons considered unsafe to work with children is dependent on the outcome of the deliberations of Minister for Justice Equality and Law Reform.

In addition to the matters under consideration by the Minister for Justice Equality and Law Reform, the establishment of the Teaching Council is of relevance to the issue. Elections in accordance with the Teaching Council Act 2001 will take place shortly. The council will provide the teaching profession, both primary and post-primary, with the means to self-regulate and its functions will include the maintenance a register of teachers and, if necessary, removing the names of those shown to be unfit to teach, including those unfit to teach by reason of the fact that they pose a threat to children.

#### **Special Educational Needs.**

144. **Cecilia Keaveney** asked the Minister for Education and Science the position in relation to having a special needs assistant appointed for a person (details supplied) in County Donegal; and if she will make a statement on the matter. [23855/04]

**Minister for Education and Science (Ms Hanafin):** I can confirm that my Department has received an application for special needs assistant support for the pupil referred to by the Deputy. My Department is considering the application together with a report prepared by my Department's inspectorate. The application is also being considered in the context of the resources available to the school and a response will issue to the school as quickly as possible.

145. **Cecilia Keaveney** asked the Minister for Education and Science the position in relation to having a special needs assistant appointed for a person (details supplied) in County Donegal; and if she will make a statement on the matter. [23856/04]

**Minister for Education and Science (Ms Hanafin):** I can confirm to the Deputy that my Department received an application for special needs assistant support for the pupil in question.

At present, my Department is considering the levels and deployment of SNA support in mainstream national schools generally and the application is being considered in this context. A decision on the application will be conveyed to the school as soon as this process has been completed.

#### **Schools Building Projects.**

146. **Cecilia Keaveney** asked the Minister for Education and Science the position in relation to a school building (details supplied) in County Donegal; and if she will make a statement on the matter. [23857/04]

**Minister for Education and Science (Ms Hanafin):** The school referred to by the Deputy accepted an invitation to participate in a devolved initiative contained in the 2004 school building programme. This enables the school authority to provide additional accommodation with a maximum grant level of €200,000.

The initiative operates on a devolved basis and allows boards of management to address their accommodation and building priorities with a guaranteed amount of funding and allows boards of management control over the pace at which building works proceed.

It is my understanding that the contractor has recently commenced works on site. My Department will arrange for the payment of grant aid when the necessary documentation has been submitted and a request to draw down funds has been received from the board of management.

#### **School Accommodation.**

147. **Cecilia Keaveney** asked the Minister for Education and Science the position in relation to a submission that was forwarded to her Department on behalf of a school (details supplied) in County Donegal; and if she will make a statement on the matter. [23858/04]

**Minister for Education and Science (Ms Hanafin):** An application for grant aid towards improved accommodation has been received from the management authority of the school to which the Deputy refers.

My officials are nearing completion of a review of all projects in line with the revised prioritisation criteria that resulted from consultation with the partners. The purpose of the review is to enable and inform a multi-annual approach to the school building programme. I expect to be providing details of this multi-annual programme before the end of the current year.

148. **Cecilia Keaveney** asked the Minister for Education and Science the position of an extension for a school (details supplied) in County Donegal; and if she will make a statement on the matter. [23860/04]

**Minister for Education and Science (Ms Hanafin):** An application for grant aid towards refurbishment and additional accommodation has been received from the management authority of the school. My officials are nearing completion of a review of all projects in line with the revised prioritisation criteria that resulted from consultation with the partners. The purpose of the review is to enable and inform a multi-annual approach to the school building programme. I expect to be providing details of this multi-annual programme before the end of the year.

#### Schools Building Projects.

149. **Mr. Ring** asked the Minister for Education and Science further to Parliamentary Question No. 534 of 29 September 2004, if she will provide the information requested as soon as it is available. [23861/04]

**Minister for Education and Science (Ms Hanafin):** My Department's records are held on a project by project basis. It would be extremely unusual for the roof of a new school building to be replaced and statistical information is not kept on such one-off situations. Such issues, if they arise, are a matter between the schools, who are generally the client on such projects, their design teams and the building contractors. My Department is aware of one project, Scoil Raifteirí in Castlebar County Mayo, which was built in 1998 and was re-roofed in 2004. Unfortunately in this case the roof pitch was not sufficient to withstand the exceptional and unpredictable local wind lift factors which caused the roof tiles to lift and break.

#### School Closures.

150. **Mr. Gogarty** asked the Minister for Education and Science if an investigation will be carried out into the reason a school (details supplied) was forced to close during the last week of September 2004; the steps which will be taken to ensure that such a closure does not happen again; and if she will make a statement on the matter. [23862/04]

**Minister for Education and Science (Ms Hanafin):** My Department has received no correspondence on the circumstances behind this school closure from the school's board of management. However, there is no requirement on schools to notify the Department of specific closures once the overall number of 183 teaching days is delivered and providing the closure does not extend or modify the standardised school year.

Primary schools are required to complete 183 full school days per year which is the prescribed minimum number of teaching days. My Department does not centrally determine whether a school can close once the overall number of teaching days is delivered by the school over the course of the year. This approach aims to strike a balance between allowing schools some local discretion while ensuring that pupils get their full

entitlement to education. It is essential that there be the greatest possible consultation with parents and that sufficient notice is given for any school closure. It is the responsibility of the board of management of the school to ensure that the it is open for the minimum prescribed period.

Queries relating to reasons for specific closures should be directed to the board in the first instance. My Department has issued boards of management with departmental circulars 11/95, Time in School, and M21/04, Standardisation of the School Year, to ensure that they are fully *au fait* with requirements on time in school and school closures.

#### Health and Safety Regulations.

151. **Mr. Gogarty** asked the Minister for Education and Science if she will report on the guidelines which exist when petrol fume leakages are suspected in the vicinity of schools; and if regular drills are requested under health and safety regulations. [23863/04]

**Minister for Education and Science (Ms Hanafin):** In accordance with the Safety, Health and Welfare at Work Act 1989, it is the responsibility of individual school management authorities to have a safety statement in place in their schools. The statement should identify potential hazards, assess the risks to health and safety and put appropriate provision in place to safeguard the safety and health of employees and pupils. The safety statement should be reviewed on a regular basis. In practical terms, individual school authorities are best placed to assess the detail of their own health and safety requirements. The Health and Safety Authority is the body with national responsibility for health and safety matters in the workplace. It is open to school management authorities to make direct contact with the Health and Safety Authority on specific matters of concern to them.

#### Departmental Expenditure.

152. **Ms Enright** asked the Minister for Education and Science the amount of money paid out by her Department in public relations fees; the name of the firm that was paid the highest amount; the amount paid to a specific firm (details supplied); the amount of money paid out by the Department in other consultancy fees; the name of the firm or individual paid the highest amount for the most recent 12 month period; and if she will make a statement on the matter. [23869/04]

**Minister for Education and Science (Ms Hanafin):** The information which the Deputy has sought is being compiled in my Department and will be forwarded directly to her.

153. **Ms Enright** asked the Minister for Education and Science the total amount of money paid out by her Department in legal fees; the details of the firms paid the greatest amount of

[Ms Enright.]

fees; the total amount of money paid out in legal settlements; the number of such settlements; the total number of claims against her Department, for the most recent 12 month period; and if she will make a statement on the matter. [23883/04]

**Minister for Education and Science (Ms Hanafin):** The information requested by the Deputy is not readily available in my Department. I will arrange to forward the information to the Deputy as soon as possible. However, because of the extensive detail sought by the Deputy, I anticipate that it may take some considerable time to furnish this.

#### School Accommodation.

154. **Ms O'Sullivan** asked the Minister for Education and Science if a school (details supplied) in County Clare will be given permission and funding for a temporary classroom; and if she will make a statement on the matter. [23892/04]

**Minister for Education and Science (Ms Hanafin):** It is open to the management authority of the school to apply for temporary accommodation on the FLT application form for grant aid for temporary accommodation for inclusion in the school building programme 2005. Details of a streamlined application process for schools requiring temporary school accommodation for September 2005 were recently published. The closing date for receipt of completed applications is 5 November 2004. The streamlining of the application process for temporary accommodation will ensure that schools allocated funding for accommodation for the start of the school year 2005-06 are enabled to provide it in a timely and appropriate manner. All applications will be considered by reference to the criteria outlined in the published document.

#### Schools Building Projects.

155. **Mr. R. Bruton** asked the Minister for Education and Science if she has approved in principle plans to rebuild a school (details supplied) in Dublin 5; and the stage in the planning process which has been reached in respect of this school proposal. [23900/04]

**Minister for Education and Science (Ms Hanafin):** The building project for the school referred to by the Deputy is at an early stage of architectural planning. It has a band three rating. My Department's officials are reviewing all projects that were not authorised to proceed to construction as part of the 2004 school building programme, including the project in question, with a view to including them as part of a multi-annual school building programme from 2005. I expect to make further announcements in this regard before the end of the year.

#### Special Educational Needs.

156. **Mr. P. McGrath** asked the Minister for

Education and Science if she has satisfied herself that primary school students assessed by educational psychologists who have had recommendations for special needs assistants made on their behalf can reach their full potential when her Department, without any examination of the students so assessed, can refuse to provide the recommended resource; and if she will make a statement on the matter. [23905/04]

**Minister for Education and Science (Ms Hanafin):** A psychological report normally includes an account of the test data gained during the assessment and of information provided by school and family sources. It will conclude with a set of recommendations for the child's individual learning or behavioural management plan. If the psychologist believes that implementation of the individual plan will require additional resources, then a recommendation to that effect will be made. My Department has issued circular letters that specify the level of additional supports that can be made available to children in certain categories of disability. The accompanying guidelines also specify in detail the test results and criteria that render children eligible under each category for additional support.

As the national educational psychological service is not yet in a position to offer a service to all schools, many children with special educational needs are assessed by psychologists in the health sector or in private practice. Many of these psychologists recommend additional resources in line with the guidelines in my Department's circulars. However, a number do not do so, because they may genuinely believe that particular children should receive resources over and above what is specified by my Department. In the interests of equity, and pending any recommendations that may be made to me by the newly established National Council for Special Education, the eligibility criteria and permitted levels of resource must be maintained.

Since December 2002, my Department has reviewed all applications for additional resources in respect of special educational needs. The reviews have been carried out by professional officers of my Department, who checked the data supplied in all the available professional reports to see if they complied with the criteria in the relevant circular letters. In some cases, they found that the data did not so comply and accordingly informed my Department's special education section. Although the professional officers did not themselves see the children concerned, they based their recommendations entirely on the information supplied by the psychologists who had written the reports.

157. **Mr. P. McGrath** asked the Minister for Education and Science the reason for the suspected discrimination against disadvantaged girls in the recently published document on special needs resources in primary schools and the proposed allocations to boys schools, girls schools



and mixed schools; and if she will make a statement on the matter. [23906/04]

164. **Mr. Durkan** asked the Minister for Education and Science the reason a lesser number of special needs teachers have been appointed to girls schools than to boys schools; her views on whether this presents an inequitable situation; if she intends to address the issue; and if she will make a statement on the matter. [23959/04]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 157 and 164 together.

The revised system for allocating teaching resources to mainstream national schools for special needs comprises two elements. The first element is a general weighted allocation for pupils requiring learning support and pupils with higher-incidence disabilities such as dyslexia, mild and borderline mild to general learning disability. The second element enables schools to apply for specific support for those pupils with lower-incidence disabilities and those applications are considered on their individual merits.

In the case of specific pupils with lower-incidence disabilities no differentiation is made on the basis of gender. The general weighted allocation method does discriminate positively in two important respects. First, it discriminates on a gender basis as there is a considerable body of evidence which shows that boys are more likely than girls to have learning delays and special educational needs. Data available to the Department from its census of special educational needs in primary schools supports this position as do successive literacy studies. Second, it recognises the connection between learning delay and special educational need on the one hand and socio-economic disadvantage on the other.

These considerations are reflected in the following weighted allocations. In the most disadvantaged schools, as per the urban dimension of Giving Children an Even Break, a teacher of pupils with special educational needs is allocated for every 80 pupils to cater for the subset of pupils with higher incidence special needs. In all boys schools, the ratio is one teacher for every 140 pupils. In mixed schools, or all girls schools with an enrolment of greater than 30% boys, the ratio is one for every 150 pupils. In all girls schools, including schools with mixed junior classes but with 30% or less boys overall, the ratio is one for every 200 pupils. Any all girls school which comes within the most disadvantaged category indicated above will attract the most favourable allocation.

The revised system has been developed in consultation with representative interests. It is a genuine effort to improve the special education resource allocation process. The differentiation under the general weighted allocation reflects the experience of needs both within this country and internationally. I will work for improvements in the provision of education services for children

with special educational needs. I will also monitor the implementation of the new system to ensure its efficiency and effectiveness.

#### Higher Education Grants.

158. **Mr. P. McGrath** asked the Minister for Education and Science the number of students who were in receipt of the top up grant in 2003/2004. [23907/04]

**Minister for Education and Science (Ms Hanafin):** While final details of the number of students approved for the top-up grant for the academic year 2003-04 are not yet available, the indications are that the number will be in excess of 11,000. The number of students in receipt of the top-up grant for the 2002-03 academic year was 9,984.

159. **Mr. P. McGrath** asked the Minister for Education and Science the income thresholds for students to receive the top-up grant who are in receipt of the maximum grant, based on assessment of their parents income, and independent mature students. [23908/04]

**Minister for Education and Science (Ms Hanafin):** To be eligible under the special rates of maintenance grants scheme for the 2004-05 academic year, the total reckonable income limit, which is based on the 2003 tax year, must not exceed €14,693 net of standard exclusions, as set out in the maintenance grants scheme 2004 and, where applicable, net of child dependant allowance. The other terms and conditions of the scheme must also be met.

#### Ministerial Appointments.

160. **Mr. Boyle** asked the Minister for Education and Science the public appointments made by her Department between 1 July and 30 September 2004. [23914/04]

**Minister for Education and Science (Ms Hanafin):** The information the Deputy has requested is being compiled and will be forwarded to him shortly.

#### Special Educational Needs.

161. **Mr. McHugh** asked the Minister for Education and Science if she will review the decision for a special needs assistant for a person (details supplied) in County Galway; and if she will make a statement on the matter. [23926/04]

**Minister for Education and Science (Ms Hanafin):** I can confirm that my officials received additional information about the application for special needs assistant support for the pupil in question. Arrangements are being made to have the case reviewed again in the context of this information and further contact will be made with the school as quickly as possible.

162. **Mr. McHugh** asked the Minister for Education and Science if a special needs assistant for

[Mr. McHugh .]  
a person (details supplied) in County Galway will be approved; and if she will make a statement on the matter. [23927/04]

**Minister for Education and Science (Ms Hanafin):** I have arranged for my officials to investigate the matter referred to by the Deputy and contact will be made with the school authorities shortly.

#### Physical Education.

163. **Ms Enright** asked the Minister for Education and Science if she will report on the work of the primary schools sports initiative; her views on the conclusions reached from the sports pilot project; if she has received an update on the work of the initiative since its report to her in October 2001; and if she will make a statement on the matter. [23928/04]

**Minister for Education and Science (Ms Hanafin):** The primary schools sports initiative, PSSI, was launched in 2001 and was tasked with advising the Minister for Education and Science on the promotion of sport, physical education and healthy lifestyles in primary schools with a view towards proposing ways in which participation in sport can be increased. The initiative also included the introduction of a pilot programme in physical education.

The outcome of the pilot project, which involved 27 schools, indicated that the PSSI assisted in providing a pupil centred skill development approach to the teaching of physical education in primary schools. An interim report was submitted to the Department in October 2001 and progress is being made in the presentation of a final report which will contribute to the development of suitable policies for the area of physical education and sport in general, in

addition to the implementation of the revised curriculum for physical education at primary level.

In-service training in the revised physical education curriculum is currently being delivered to all primary school teachers through the primary curriculum support service and the delivery of this inservice has been informed by the work of the PSSI.

*Question No. 164 answered with Question No. 157.*

#### School Discipline.

165. **Mr. Durkan** asked the Minister for Education and Science the help which can be offered to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [23960/04]

**Minister for Education and Science (Ms Hanafin):** Officials from my Department have been in contact with the school in which the pupil referred to by the Deputy is enrolled. The principal of the school has informed my officials that a letter was sent out to the parent of the pupil in question informing her that he was suspended from the school from 6 October 2004 and to return to the school on 8 October. The pupil's place in the school remains available to him.

#### Early School Leavers.

166. **Mr. R. Bruton** asked the Minister for Education and Science to provide the results of the survey of school leavers for each year since 1997, showing the numbers who leave school with no qualifications, those with only the junior certificate and those with the leaving certificate. [23968/04]

**Minister for Education and Science (Ms Hanafin):** The information requested by the Deputy is set out in the tabular statement.

Leavers classified by level of education at which they left school

Year of survey	Leavers in school year	No qualifications	Junior Certificate	Leaving Certificate VPT	Leaving Certificate No VPT	All leavers
1997	95/96	2500 — 3.7%	11,100 — 16.3%	10,600 — 15.6%	43,700 — 64.4%	67,900
1998	96/97	2500 — 3.5%	10,800 — 15.5%	13,900 — 20%	42,400 — 61%	69,500
1999	97/98	2300 — 3.2%	11,100 — 15.3%	14,400 — 19.8%	44,900 — 61.8%	72,700
2002	00/01	2240 — 3.1%	10,120 — 14.2%	10,380 — 14.6%	48,510 — 68.1%	71,250

[Source: Annual School Leavers' Survey — ESRI]

167. **Mr. R. Bruton** asked the Minister for Education and Science the number of children in each year since 1997 who failed to progress from primary to secondary school. [23969/04]

**Minister for Education and Science (Ms Hanafin):** At present, my Department does not collate data on the number of pupils who do not transfer from primary to second level. The latest information, published in the NESF report on

early school leavers, 2002, estimated that between 700 and 1,000 primary school pupils do not make the transition to second level. My Department is working on the development of the first phase of a comprehensive primary pupil database which will facilitate the collation of comprehensive data on transfer rates from primary to second level in the future.

My Department operates a number of programmes which assist primary school students in

making the transition to second level. These include the home school community liaison scheme and the school completion programme. I have allocated approximately €40 million to support these programmes in 2004.

#### Higher Education Grants.

168. **Mr. Stanton** asked the Minister for Education and Science if she will consider changing the provision in the higher education grants scheme which require an independent mature student who is not ordinarily resident at home with his or her parents from the October preceding their entry to an approved course to the date of taking up the course; and if she will make a statement on the matter. [23974/04]

**Minister for Education and Science (Ms Hanafin):** My Department funds three means-tested maintenance grant schemes for third level education students in respect of attendance on approved courses in approved third level institutions: the higher education grants scheme; the vocational education committees' scholarship scheme; and the third level maintenance grants scheme for trainees.

My Department's higher education grant schemes operate under the Local Authorities (Higher Education Grants) Acts 1968 to 1992. Under these Acts, a mature student is defined as a person of not less than 23 years of age on 1 January in the year of entry to an approved third level institution. The Acts further provide, *inter alia*, for the making of grants to mature students whose means and those of their parents, where the mature students are dependent on their parents do not exceed prescribed limits.

Under the terms of the higher education grants schemes, mature students are categorised as either independent mature students or mature students dependent on parents. An independent mature student is defined to mean a mature student who was not ordinarily resident at home with his or her parents from the October preceding his or her entry to an approved course. Independent mature students are assessed without reference to either their parents' income or address.

Similar provisions apply in regard to the vocational education committees' scholarship scheme and the third level maintenance grants scheme for trainees. Any revision in the terms of the scheme would have to be considered in the light of available financial resources and other competing demands in the education sector. There are no plans at present to change the eligibility criteria in this regard.

169. **Mr. Stanton** asked the Minister for Education and Science the number of independent mature students as defined under the higher education grants scheme who received grants under

the scheme in 2000, 2001, 2002 and 2003; and if she will make a statement on the matter.

[23975/04]

**Minister for Education and Science (Ms Hanafin):** The statistical information requested by the Deputy is not immediately available in my Department. The information requested is being compiled, in so far as it is available, and will be issued directly to the Deputy as soon as possible.

#### School Staffing.

170. **Mr. Stanton** asked the Minister for Education and Science, further to Questions Nos. 256 of 6 July and 566 of 29 September 2004, the criteria that are not met for the provision of resource teaching hours for this person; the reason for the requirement, as indicated in a letter to the principal of the primary school in question dated 23 September 2004, of evidence that the person be receiving treatment; and if she will, as a matter of urgency, re-examine the application for this person (details supplied) in County Cork; and if she will make a statement on the matter. [23976/04]

**Minister for Education and Science (Ms Hanafin):** I wish to advise the Deputy that pupils with the same disability as the pupil in question are eligible for additional educational resources if the report from the psychiatrist or clinical psychologist demonstrates that the pupil is receiving treatment and confirms the existence of one of the low incidence disabilities listed in Department circular SP ED 09/04. The application will be reconsidered if this additional information is received in my Department.

#### Water Sports Vehicles.

171. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources the position relating to bringing proposals forward to assist local authorities in adopting regulations on the operation of jet skis within their jurisdiction in which such controls are required; and if he will make a statement on the matter. [23818/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The Maritime Safety Bill 2004 was published on 23 June 2004. The Bill establishes a new legislative framework to regulate certain fast powered watercraft, including jet skis. It was introduced in Seanad Éireann and passed Second Stage on 30 June 2004. At present no date has been set for Committee Stage.

The maritime safety directorate is organising a seminar on the Maritime Safety Bill to be held on Wednesday, 13 October 2004 in the Hodson Bay Hotel, Athlone. Representatives of local authorities and others who will have responsibility for



[Mr. N. Dempsey.]  
the implementation of the provisions of the Maritime Safety Bill 2004 have been invited to attend.

The main purpose of the seminar is to outline the background and provisions of the Bill and to facilitate discussion and an exchange of information on the implementation of the provisions of the Bill once enacted, with particular emphasis on the by-law making powers of local and harbour authorities.

#### Postal Services.

172. **Ms Enright** asked the Minister for Communications, Marine and Natural Resources if he has received correspondence from the Irish Postmasters' Union in relation to the recognition of the social dimension of the post office network, and to the 500 post offices which do not have access to an An Post computer; his views on the matter; if he will consider provision of a subsidy for the computerisation of the smaller offices and a subvention requested by them; and if he will make a statement on the matter. [23819/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** My predecessor received correspondence from the Irish Postmasters' Union seeking a meeting to discuss the future of the post office network. This meeting took place on 23 September 2004.

With regard to the automation of the post office network, An Post bears a statutory obligation to be financially self-sufficient and to conduct its affairs in such a manner as to minimise costs to its customers. The company's programme of automation for certain post offices was completed in 1997. It is, therefore, only in very exceptional circumstances, such as an existing automated office closing and its equipment being transferred to a suitable neighbouring location which transacts significant volumes of welfare business, that offices are automated today.

The automated network accounts for over 95% of An Post's counter business. This level of automated coverage is considered by An Post to be extremely comprehensive by any objective standard. It is the company's view that there has never been a justifiable customer-service or economic argument which would support the extension of automation to all offices, regardless of their location or business volumes.

Given the minimal business volumes and small customer base of the remaining non-automated post offices and the prohibitively high costs, both capital and on-going, of automating them, An Post advises me that it has no plans to increase the number of automated offices. That decision is entirely a commercial operational matter for the company.

The Government is committed to a viable and widespread rural post office network. However,

consideration must be given to the current climate in which An Post is operating, bearing in mind the serious operational losses the company has suffered and the measures, which need to be implemented if the company is to reverse its current situation.

I underline that the Government has already approved an equity injection of €12.7 million for An Post to facilitate the modernisation of the post office network. The equity injection was paid to the company in 2003 and with this in mind, the Government is not considering providing a subsidy or subvention towards the post office network.

#### Fishing Industry Development.

173. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources the steps he will take with regard to the escalation of costs in the fishing industry, especially the cost of marine diesel fuel. [23839/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The recent escalation of fuel costs as a result of global economic and political conditions is a matter of concern for all sectors of industry. The fishing industry is, however, exceptionally exposed to these increases because of the relatively high proportion of fuel costs to overall costs.

The fishing industry in Ireland and throughout the European Union receives favourable treatment in the form of a full rebate on excise and VAT on marine fuel, if the enterprise concerned is registered for VAT. However, there are strict EU rules in relation to public aid which state that "State aid which is granted without imposing any obligation serving the objectives of the Common Fisheries Policy on the part of the recipients" and which has the effect of reducing the recipient's production costs or improving the recipient's income is, as operating aid, incompatible with the common market. The Commission intends to apply this rule with rigour to all operating aid, including aid in forms of tax relief, or of reductions of contributions to social security or to unemployment benefit systems, and therefore is not permitted. Accordingly, the question of compensation to offset the costs arising from the increase in fuel prices does not arise.

In this specific situation, it is, therefore, not open to me to intervene. I will continue to keep the situation closely monitored and consider any proposals from industry that may help to alleviate the situation for fishermen and do not breach state aid rules.

#### Fisheries Protection.

174. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources

his views on proposed EU safeguard measures for EU imports of Atlantic salmon. [23840/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The position is that the Commission regulation 1477/2004 imposing provisional safeguard measures on imports of farmed salmon into the Community was adopted on 13 August 2004. The regulation was referred to the Council under article 16(7) of regulation 3285/1994, which could result in the provisional safeguard measures falling by early December. On 8 September, the Community industry lodged an anti-dumping complaint with the Commission and advised that it will shortly lodge an anti-subsidy complaint, both against imports of salmon from Norway.

In this situation, the Commission has taken up contact with a number of interested parties in order to find a solution which would stabilise the market for farmed salmon and avoid uncertainty for the economic operations concerned. In the context of finding a long-term solution, the Commission is considering a number of options, including the introduction of a minimum import price and the continuation of the quota regime at a higher level.

A meeting of the EU safeguards committee is planned for 8 October to enable the Commission to review the situation and consider possible amendments to the provisional measures. It is critical that there is support for the Commission's proposals from the committee in order for the Commission to deliver an effective revised package. I am strongly supportive of the Commission's efforts to find a long-term solution that will provide the necessary stability to the EU market and ensure a viable future for the Irish farmed salmon producers.

175. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources his views on the proposed new EU Community Fisheries Central Agency and its location at Vigo, Spain; and if he will be making further proposals on the matter. [23841/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Control and enforcement is an important element of the objective to ensure sustainability of fish stocks. Many fish stocks migrate between different jurisdictions of member states and there is, therefore, a clear requirement for effective co-ordination and co-operation in fisheries control and enforcement. A key objective of the proposed Community Fisheries Control Agency is to improve such co-operation and co-ordination between member states and, accordingly, I welcome the establishment of this agency.

The decision on the location of any European Community institution is a matter for the heads

of state or government of member states. Under the Italian Presidency, in December 2003, decisions were taken on the locations of a number of Community institutions, including the location of the Community Fisheries Control Agency in Spain. In these circumstances, the question of further Irish proposals on the matter does not arise.

#### **Departmental Expenditure.**

176. **Ms Enright** asked the Minister for Communications, Marine and Natural Resources the amount of money paid out by his Department in public relations fees; the name of the firm that was paid the highest amount; the amount paid to a specific firm (details supplied); the amount of money paid out by the Department in other consultancy fees; the name of the firm or individual paid the highest amount for the most recent 12 month period; and if he will make a statement on the matter. [23870/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** It has not been possible in the time available to identify and assemble all the relevant material as required by the Deputy. I have asked my Department to compile the information and I will issue a comprehensive reply directly to the Deputy as soon as possible.

177. **Ms Enright** asked the Minister for Communications, Marine and Natural Resources the total amount of money paid out by his Department in legal fees; the details of the firms paid the greatest amount of fees; the total amount of money paid out in legal settlements; the number of such settlements; the total number of claims against his Department, for the most recent 12 month period; and if he will make a statement on the matter. [23884/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** It has not been possible in the time available to identify and assemble all the relevant material as required by the Deputy. I have asked my Department to compile the information and I will issue a comprehensive reply directly to the Deputy as soon as possible.

#### **Ministerial Appointments.**

178. **Mr. Boyle** asked the Minister for Communications, Marine and Natural Resources the public appointments made by his Department between 1 July and 30 September 2004. [23915/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The information sought by the Deputy is set out in the following table.

[Mr. N. Dempsey.]

Appointments to the boards of State-sponsored bodies made by the Minister for Communications, Marine and Natural Resources between 1 July and 30 September 2004.

Name:	Appointed to:	Date:
Brendan Byrne	ESB	01 Sept 2004
Martina Moloney	EirGrid	15 Sept 2004
Maurice Holly	EirGrid (Staff Representative)	21 Sept 2004
Fergus McArdle	Bord na Mona	28 Sept 2004
Rose McHugh	BIM	29 Sept 2004
Terry Fleming	Marine Institute	29 Sept 2004
Joe Murphy	Digital Hub	29 Sept 2004

### Inland Fisheries.

179. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources the largest number of allocated tags that were given to any one commercial wild salmon fisherman in summer 2004; the number for each of the next 20 largest allocations to individual licensees; and the district each commercial licence operated from. [23986/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Under the wild salmon and sea trout tagging scheme regulations, the allocation of tags to commercial salmon fishing and angling licence holders is the responsibility of the relevant regional fisheries board. Neither I nor my Department have any role in this matter.

The Central Fisheries Board is responsible for the publication of an annual fisheries statistics report containing all relevant data relating to the commercial salmon fishing and angling seasons. I understand that the Central Fisheries Board is currently collating this year's data on the tagging scheme from the regional fisheries boards with a view to finalising the annual report for 2004 as soon as possible. I am advised by the Central Fisheries Board that the information being sought by the Deputy will be included in the annual report for 2004 and I have asked the chief executive officer of the board to ensure the Deputy receives a copy of this report as soon as it is available.

### Departmental Expenditure.

180. **Ms Enright** asked the Minister for Arts, Sport and Tourism the amount of money paid out by his Department in public relations fees; the name of the firm that was paid the highest amount; the amount paid to a specific firm (details supplied); the amount of money paid out by the Department in other consultancy fees; the name of the firm or individual paid the highest amount for the most recent 12 month period; and if he will make a statement on the matter. [23871/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The total amount of money paid out by my Department and the national cultural institutions in respect of public relations fees for the 12 month period October 2003 to September 2004 was €351,479. Of this total, Fleishman Hilliard Saunders received the highest amount, €127,141, for public relations and media services associated with the five month ReJoyce-Dublin 2004 festival. No payments were made to the particular company referred to by Deputy Enright.

Regarding fees paid to other consultants by my Department, a total of €1,544,334 was paid during the 12 month period in question. Of this, Deloitte & Touche received the highest amount, €194,014, in respect of verification controls on a representative sample of expenditure on projects funded under the Operational Programme for Tourism 1994-1999 in compliance with the requirements of Article 3 of Commission Regulation (EC) No. 2064/97.

Some 58% of the total public relations and consultancy payments referred to were made to consultants and companies contracted to provide specialist services in respect of major one-off projects and programmes undertaken by my Department during the period concerned, such as the ReJoyce Dublin 2004 festival; the cultural programme of Ireland's Presidency of the EU; and the festival of Irish culture held in China earlier this year.

Expenditure on public relations and other consultancy services is monitored closely in my Department. Such services are only engaged where the required expertise is not available within the Department.

181. **Ms Enright** asked the Minister for Arts, Sport and Tourism the total amount of money paid out by his Department in legal fees; the details of the firms paid the greatest amount of fees; the total amount of money paid out in legal settlements; the number of such settlements; the total number of claims against his Department, for the most recent 12 month period; and if he will make a statement on the matter. [23885/04]



**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The total amount of money paid out by my Department in the last 12 months in legal fees is €3,346. This was a single payment to Doerner Saunders Daniel and Anderson LLP, 320 South Boston Avenue, Suite 500, Tulsa, Oklahoma.

There was one instance where money has been paid out in respect of a legal settlement in the last twelve months. The amount was €15,000. This was the only claim made in the period in question.

Organisation	Name	Date of Appointment
Irish Sports Council	Mr. Pat O'Neill (Chairman)	1st July 2004
Irish Sports Council	Mr. Maurice Ahern	1st July 2004
Irish Sports Council	Ms Mary Davis	1st July 2004
Irish Sports Council	Mr. Peter McLoone	1st July 2004
Irish Sports Council	Mr. Tony McCarthy	1st July 2004
Irish Sports Council	Ms Tracy Piggott	1st July 2004
National Gallery of Ireland	Dr. Patrick Fottrell	31st July 2004
National Gallery of Ireland	Mr. Desmond Fitzgerald	11th August 2004

#### Departmental Expenditure.

183. **Mr. Boyle** asked the Minister for Arts, Sport and Tourism if funds were given directly by his Department or its agencies to the Irish Coursing Club in the past ten years. [23981/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** Under the provisions of the Greyhound Industry Act 1958, Bord na gCon is the statutory agency responsible for the promotion and development of greyhound racing in Ireland.

Section 16(1)(c) part (vi) of the Act allows Bord na gCon to provide funding to the Irish Coursing Club, ICC, in assisting the club in the performance of its functions or contributing to the costs of schemes operated by the club for the improvement and development of greyhound breeding and coursing.

Bord na gCon has informed my Department that it has not allocated any Exchequer funding to the ICC over the last ten years.

184. **Mr. Rabbitte** asked the Minister for Arts, Sport and Tourism the amount awarded, in respect of each year since 2001, to the horse and greyhound racing fund from the accrued excise

#### Ministerial Appointments.

182. **Mr. Boyle** asked the Minister for Arts, Sport and Tourism the public appointments made by his Department between 1 July and 30 September 2004. [23916/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The details of public appointments made by my Department between 1 July and 30 September, 2004 are set out in the following table:

duty on off-course betting Exchequer subvention; and if he will make a statement on the matter. [23982/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** Under section 12 of the Horse and Greyhound Racing Act 2001, the horse and greyhound racing fund was established "for the purpose of giving support to horse and greyhound racing".

In accordance with section 12(3) of the Act, the Minister shall pay into the fund out of moneys provided by the Oireachtas, in the year 2001, an amount equivalent to the revenue paid into the Exchequer in the year 2000 from excise duty on off-course betting.

In accordance with section 12(4) of the Act, the Minister shall pay into the fund out of moneys provided by the Oireachtas, in the year 2002 and in each subsequent year, an amount equivalent to the revenue from excise duty on off-course betting paid into the Exchequer in the preceding year or the year 2000 increased by reference to the consumer price index, whichever is greater.

The amount of the fund and the income derived from off-course betting for each year since 2001 is set out in the table below.

Year	2001	2002	2003	2004	Total
	€m	€m	€m	€m	€m
Amount of Fund	58.89	68.06	64.19	66.91	258.05
Excise duty on off-course betting collected in previous year	58.89	68.06	47.95	38.42	213.32

The Government has agreed to continue the fund for a further four years and to increase the limit of the fund to €550 million.

#### Hospitals Building Programme.

185. **Mr. R. Bruton** asked the Tánaiste and

[Mr. R. Bruton.]

Minister for Health and Children his plans for the development of the services for persons in the Central Mental Hospital in Dundrum; if his attention has been drawn to the views of relatives that a modern building with high quality services should be developed and should not be located within Mountjoy Prison; and if she will make a statement on the matter. [23811/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** Proposals for the development of a new Central Mental Hospital are currently under consideration in my Department.

The majority of admissions to the Central Mental Hospital come from within the Prison Service. Accordingly, ease of access between the main Dublin prisons and the hospital would be of importance and I understand that the location of the hospital adjacent to a prison would have operational benefits for the prison service. On the other hand, it must be borne in mind that the Central Mental Hospital is a therapeutic, health care facility. I fully agree with families and carers who feel that it would not be desirable that the hospital be perceived as, or closely identified with, a prison complex.

I understand that the Minister for Justice, Equality and Law Reform has advanced proposals to develop a new prison complex replacing Mountjoy. I recognise the potential benefits of close co-operation between that project and the re-development of the Central Mental Hospital and I will ask my officials to consider how the matter might be progressed to the mutual benefit of both services.

#### **Salt Intake.**

186. **Mr. Carey** asked the Tánaiste and Minister for Health and Children if she has had, or proposes to have, discussions with food manufacturers regarding the level of salt in food products in view of an apparent link between levels of salt intake with high blood pressure and strokes; and if she will make a statement on the matter. [23821/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The Food Safety Authority of Ireland, FSAI, has analysed the available food consumption data to determine the estimated salt intake of the population and the major types of food that contribute to this intake. Preliminary findings suggest that on average each adult consumes approximately 8.5 g. of salt per day from food. Since 10% to 15% of salt is also added at the table an estimate of overall average intake would be between 9 g. and 10 g. per day. Five food groups contribute around 50% of the salt in the diet. These groups are bread, bacon, meat dishes, meat products and breakfast cereals.

Clearly a reduction of salt levels in these food groups will effect a significant reduction in population intake.

The FSAI first engaged with the food industry on the issue of salt in July 2003 through the industry body in IBEC. The meeting agreed that the Irish food industry would work with the FSAI to reduce salt in processed food. Since then there have been separate meetings with the food companies in bread, breakfast cereal and soups and sauces categories with a meeting with the meat processors planned for 26 October. Resulting from these meetings salt has been reduced in Irish bread by at least 5% from 1 January 2004 with further reductions planned in 2005. Most breakfast cereals are manufactured outside Ireland, mainly in the UK, and these are reducing salt in line with UK salt reduction initiatives. The levels of salt in breakfast cereals in 2004 are already 10% to 20% less than they were in 2000. Irish soups and sauces manufacturers are embarking on a project to reduce salt in their products by around 10% with further decreases planned.

On 28 September last, the FSAI sponsored a breakfast on salt reduction with the food industry organised by the Irish Heart Foundation. This was a well attended meeting with 40 to 50 of the major manufacturers and retailers in Ireland present. The evidence behind salt and cardiovascular disease was presented as were industry views and retail sector experience.

In addition, the FSAI's scientific committee is drafting, at the request of my Department, a risk assessment of salt and health which is due to be published before the end of this year. This assessment, when available, will inform policy development in this area. I am satisfied with developments to date and am assured that the FSAI will continue to work with the food industry to agree targets for salt reduction.

#### **Hospitals Building Programme.**

187. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children if she will release capital funding estimated at €400,000 required for design, to enable the long sought and top priority Ballinrobe community nursing unit to proceed on a site which has been purchased since 1985 in order to bring the project to tender stage (details supplied); when, due to the pressing nature of this unit, the necessary funding will be released; and if she will make a statement on the matter. [23823/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** My Department is at present examining the health capital programme to ascertain what new projects can be progressed through either planning or construction stages, taking account of existing commitments and overall funding resources available. It is in this context

that my Department will continue to liaise with the Western Health Board regarding the proposed development at Ballinrobe in the light of the board's overall capital funding priorities.

#### **Health Board Services.**

188. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if she will review the funding situation regarding a centre (details supplied) in County Galway; and if it will be given the maximum support and advice in order to assist male abuse survivors. [23824/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The provision of health and personal social services to victims of abuse is a matter in the first instance for the Western Health Board. My Department has made considerable extra resources available in recent years to the health boards which has led to an increased provision of services.

#### **Organ Retention.**

189. **Mr. Deasy** asked the Tánaiste and Minister for Health and Children the period of time that was granted to the Dunne Inquiry to complete a report; when she expects this report to be published; the cost to date of producing this report; and if she will make a statement on the matter. [23825/04]

190. **Mr. Deasy** asked the Tánaiste and Minister for Health and Children the level of co-operation which has been given by the health board to the Dunne Inquiry; the efforts which have been made by the hospitals concerned to contact the next of kin of the deceased persons from whom these glands were removed; and if her attention has been drawn to the profits made by companies (details supplied) from the sale of these organs. [23826/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 189 and 190 together.

The terms of reference of the post mortem inquiry require it to review post mortem policy, practice and procedure in all hospitals in the State since 1970, with particular reference to organ removal, retention, storage and disposal. The inquiry is also mandated to examine any arrangements with pharmaceutical companies in relation to retained organs including pituitary glands.

The chairman has confirmed that the inquiry has received considerable co-operation from each of the hospitals with which it is dealing and that its non-statutory nature has not thus far significantly hampered its substantive work.

The chairman has indicated she will provide a report on paediatric hospitals in December 2004. At a meeting between the former Minister for Health and Children, Deputy Martin, and the chairman on 8 September it was agreed to exam-

ine the inquiry's methodology with the objective of her producing as comprehensive a report as possible on outstanding issues by 31 March next. Pending receipt of the chairman's report, I feel it would be inappropriate for me to comment on the actions of specific pharmaceutical companies. I am advised that individual hospitals have adopted differing policies as regards the question of contacting next of kin of deceased persons whose organs were retained.

At the end of August 2004, the inquiry had incurred direct expenditure of €11,577,610. This includes fees to the inquiry's legal team and costs associated with the establishment, rental and administration of an office. My Department has also provided funding to the Eastern Regional Health Authority and Parents for Justice in respect of the inquiry, related expenditure amounting to €6,780,424. This brings total expenditure relating to the inquiry to the end of August, 2004 to €18.358 million.

#### **Hospitals Building Programme.**

191. **Mr. McHugh** asked the Tánaiste and Minister for Health and Children when she will approve the submission from the Western Health Board received in her Department in 2002 as regards the Tuam health campus; and when she will allow the Tuam hospital project to proceed. [23835/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** My Department is at present examining the health capital programme to ascertain what new projects can be progressed through either planning or construction stages, taking account of existing commitments and overall funding resources available. It is in this context that my Department will continue to liaise with the Western Health Board regarding the proposed development at Tuam hospital in the light of the board's overall capital funding priorities.

#### **Departmental Expenditure.**

192. **Ms Enright** asked the Tánaiste and Minister for Health and Children the amount of money paid out by her Department in public relations fees; the name of the firm that was paid the highest amount; the amount paid to a specific firm (details supplied); the amount of money paid out by the Department in other consultancy fees; the name of the firm or individual paid the highest amount for the most recent 12 month period; and if she will make a statement on the matter. [23872/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** It is not possible in the time allowed to compile all of the information requested by the Deputy. The information is



[Ms Harney.]

being collated and will be forwarded directly to the Deputy as soon as possible.

193. **Ms Enright** asked the Tánaiste and Minister for Health and Children the total amount of money paid out by her Department in legal fees; the details of the firms paid the greatest amount of fees; the total amount of money paid out in legal settlements; the number of such settlements; the total number of claims against her Department, for the most recent 12 month period; and if she will make a statement on the matter. [23886/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The total amount paid out by my Department in respect of legal fees in 2003 was €12,402,959.40. Of this figure, €12,145,395.99 refers to legal fees paid in respect of tribunals and in this regard the greatest amount in fees paid in 2003 was €4,083,103.90 to Malcomson Law. In 2003, the total amount paid out in respect of 42 cases inclusive of legal settlements, costs and continued service provision in certain cases was €3,044,583.16.

As the Deputy will be aware there is a significant delay between the time of settlement and submission of the bill of costs. The figure above represents settlements made in 2003 and includes costs and in some cases continued service provision costs.

I would like to inform the Deputy that the cost of legal services provided by the Chief State Solicitor and the Attorney General are paid from the Attorney General's Vote. Details of the legal costs associated with the hepatitis C and HIV compensation tribunal are contained in the accounts prepared by the that tribunal.

Information as regards the total number of claims against my Department in 2003 is not readily available. The information is being collated and will be provided to the Deputy as soon as possible.

#### **Foster Care.**

194. **Mr. Crowe** asked the Tánaiste and Minister for Health and Children when the fostering allowance was established and the reason it was established. [23893/04]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** The "boarding out" of children in Ireland is a fostering arrangement which dates back to life under the Brehon Laws. More recently the boarding out of children by health boards, which took over the function of local authorities in this area, was governed by sections 55 and 56 of the Health Act 1953 which replaced the provisions of the earlier Public Assistance Act 1939. Regulations made under the Act in 1954 required a health authority to "provide the funds necessary for the maintenance,

clothing and education of any child boarded out by them and for such other assistance of such child as they may consider reasonable".

In 1980, the final report of the task force on child care services recommended that "in all cases the allowance paid to foster-parents should at least be sufficient to cover the added expense which the acceptance of a foster-child entails". The Boarding Out of Children Regulations 1983 replaced the Boarding Out of Children Regulations 1954 and defined a foster parent as "a person with whom a child is or is proposed to be boarded out" and stipulated, *inter alia*, that in providing funds for the maintenance etc. of such children "a health board shall comply with any directions given by the Minister". Under the provisions of the Child Care Act 1991 health boards have an obligation to take a child into care if he or she requires care or protection. Currently children are placed in foster care in accordance with the Child Care (Placement of Children in Foster Care) Regulations 1995 which provide, *inter alia*, for the payment of a fostering allowance. The regulations state: "A health board shall pay foster parents in respect of any child placed with them in accordance with these Regulations an allowance of not less than such amount as may from time to time be specified by the Minister". Between 1996 and 2000 the allowance for children under 12 increased from £45.60 per week to £75.40 per week, an increase of 65%. The allowance for children over 12 increased by approximately 40% in the same period, from £61.80 per week to £85.75 per week. Foster parents could also avail of discretionary payments from the health boards for additional expenses incurred.

The report of the working group on foster care, May 2001 identified problems in the existing system of allowances, particularly in relation to the discretionary payments. The group considered the level of financial support to be inadequate and recommended increasing the allowance to £200 or €254 per week for children under twelve and £220 or €279 for children of 12 years of age and over, and that discretionary payments be abolished. It further recommended that orphans' allowances or pensions, which are administered by the Department of Social and Family Affairs, should not be paid in respect of children for whom foster care allowances were being paid. The report of the working group was accepted in principle by Government. The increased foster care allowance was introduced in 2001. The current rates are €289.50 per week for a child under 12 and €316.50 per week for a child over 12.

#### **Hospital Procedures.**

195. **Mr. R. Bruton** asked the Tánaiste and Minister for Health and Children the number of inpatient procedures and of day care procedures in 2003 and to date in 2004; and the estimated

standard cost of an in-patient procedure and all outpatient procedure in 2003 and to date in 2004). [23894/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** Figures as regards numbers of in-patient and day-case discharges generally are as follows:

	January to December 2003	January to July 2004
Inpatients	567,516	335,335
Day cases	444,217	274,899

The 2002 estimated casemix standard cost, the latest year for the costs on the national case-mix programme, of in-patient, day-case and outpatient discharges are as follows: average inpatient cost — €3,467; average day-case cost — €547; and average outpatient cost — €141. The level

of daycase activity generally has increased from 318,363 in 2000 to 444,217 in 2003 which represents about a 40% increase.

#### Hospital Services.

196. **Mr. R. Bruton** asked the Tánaiste and Minister for Health and Children the number of inpatient admissions in hospitals here in 2003 and to date in 2004; the number of day-care cases and the total in-patient and day-care capacity in each year. [23895/04]

198. **Mr. R. Bruton** asked the Tánaiste and Minister for Health and Children the number of accident and emergency attendances and of outpatient attendances in 2003 and to date in 2004. [23897/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 196 and 198 together.

The information requested by the Deputy is provided in the table below.

#### Publicly Funded Acute Hospitals:

##### Summary Activity Statistics, 2003 and January to July 2004

	January to December 2003	January to July 2004
Inpatient Admissions	567,516	335,335
Day Cases	444,217	274,899
Inpatient Beds Available*	12,306	12,335
Day Beds Available*	921	1,048
Accident and Emergency Attendances	1,208,814	724,630
Outpatient Attendances#	2,278,997	1,417,459

\* Figures refer to the average number of beds available for use during the period taking beds that have been temporarily closed or opened into account.

# Figures refer to attendances at consultant-controlled outpatient clinics only.

Note: All figures are provisional. Source: Integrated Management Returns (IMRs), Department of Health and Children

#### Medical Cards.

197. **Mr. R. Bruton** asked the Tánaiste and Minister for Health and Children the number of persons covered by medical cards; the percentage of population which this represents; and the

number of prescriptions issued in 2003 and to date in 2004. [23896/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The information requested by the Deputy is set out in tabular form below.

Medical card holders	Population
Number of medical card holders — September 2004	1,151m
Percentage of population	29.39%

Prescriptions	Total number
Number of prescriptions for 2003	12.243m
Number of prescriptions up to May 2004 (latest available)	5.275m

*Question No. 198 answered with Question No. 196.*

### Ministerial Appointments.

199. **Mr. Boyle** asked the Tánaiste and Minister for Health and Children the public appointments made by her Department between 1 July and 30 September 2004. [23917/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** I understand the Deputy is refer-

ring to persons appointed by the Minister for Health and Children to State boards under the aegis of the Department from 1 July 2004 to 30 September 2004. These appointments are set out in the table below. In addition to these appointments the Deputy may wish to note that Mr. Pat McGrath was announced as the chief executive of the Health Information and Quality Authority on 28 September 2004.

Board	Member	Appointment Date
Leopardstown Hospital Board	Mr. Alan Aylward	07/07/2004
Medical Council	Ms Mary Gilsenan	13/07/2004
	Ms Mary Rose Carroll	13/07/2004
	Ms Margo Topham	13/07/2004
	Ms Deirdre Madden	13/07/2004
	Ms Ailís Ní Ríán	31/08/2004
National Haemophilia Council	Professor John Bonnar (Chair)	23/09/2004
	Mr. Michael Davenport	23/09/2004
	Dr. Oonagh Gilligan	23/09/2004
	Ms Eilish Hardiman	23/09/2004
	Ms Mary Jackson	23/09/2004
	Mr. Brian O'Mahony	23/09/2004
	Professor Owen Smith	23/09/2004
	Dr. Barry White	23/09/2004
National Social Work Qualifications Board	Ms Mary Allen	21/09/2004
National Treatment Purchase Fund Board	Mr. Frank Chambers	02/09/2004
	Mr. Victor Boyhan	02/09/2004
	Mr. Ray Doherty	02/09/2004
	Mr. John O'Dwyer	02/09/2004
	Ms Mary Brazil	13/09/2004
	Ms Lenore Mrkwica	23/09/2004
	Mr. Christy Nolan	23/09/2004
	Mr. John Stephens	23/09/2004
	Tallaght Hospital Board	Professor Richard Conroy (Chair)
Dr. Gerry D. Hurley		31/08/2004
Mr. Chris Flood		31/08/2004
Mr. Tony Morris		31/08/2004
Mr. Robert Kelly		31/08/2004
Mr. Michael Gannon		31/08/2004
Mr. W. Salters Sterling		31/08/2004
Ms Catherine Quinn	31/08/2004	



### Departmental Properties.

200. **Mr. McHugh** asked the Tánaiste and Minister for Health and Children if she will provide information on properties (details supplied); and if she will make a statement on the matter. [23934/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The information requested by the Deputy is a matter for the Western Health Board. Accordingly, my Department has requested the chief executive officer to reply directly to the Deputy with the information requested.

### Mental Health Services.

201. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children if she will approve and implement the recommendation of the Inspector of Mental Hospitals to merge the Roscommon and east Galway mental health services; and if she will make a statement on the matter. [23941/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** In his annual report for the year ended 31 December 2003, the Inspector of Mental Hospitals stated that “a case could be made for the amalgamation of the East

Galway and Roscommon services”. However, the amalgamation of these services was not included as part of the inspector’s overall recommendations.

I understand that the western board has established a number of working groups to consider various aspects of the modernisation of mental health services in east Galway. The working groups are examining a range of issues and it is anticipated that a business plan setting out future service developments will be prepared by year end.

### Medical Cards.

202. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the number of medical cards, the number of persons covered by those cards and the percentage of the population which this represents, per health board area; and her plans to honour her election commitment to extend the number of medical card holders by 200,000. [23942/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The latest figures available from the GMS (Payments) Board are those for September 2004. The distribution per health board area is as follows:

Health Board Area	No of medical cards	No of persons covered	Percentage of population
			%
Eastern Regional Health Authority	228,017	338,777	24.17
Midland Health Board	46,589	69,879	31.01
Mid Western Health Board	68,034	99,605	29.33
North Eastern Health Board	64,592	100,048	29.10
North Western Health Board	60,273	98,445	44.19
South Eastern Health Board	90,289	137,683	32.50
Southern Health Board	120,982	172,701	29.76
Western Health Board	90,119	133,968	35.23
Grand Total	768,895	1,151,106	29.39

The Government is fully committed to the extension of medical card coverage as set out in the programme for Government. This will focus on people on low incomes and will give priority to families with children, particularly those with a disability. The timing of the introduction of the extension will be decided having regard to the prevailing budgetary position.

### Hospital Charges.

203. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the position regarding hospital charges for a premature baby who is confined to hospital for a long time in view of the fact that maternity services, including confinement, are free to all mothers and babies; and the stage at which these charges will be levied for such a child. [23943/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health (In-Patient Charges) Regulations 1987 specify categories of persons exempted from public hospital statutory in-pati-

ent charges, which currently stand at €45 per night up to a maximum of €450 in any 12 consecutive months. As well as those with full eligibility, that is, those covered by the medical card scheme, the categories exempted include infants up to the age of six weeks and women receiving services in respect of motherhood. The 1987 regulations also provide that, pursuant to section 45(7) of the Health Act 1970, a person may be exempted from public hospital charges on hardship grounds if deemed so by the chief executive officer of a health board. In addition, health boards have discretion, in cases of exceptional need, to consider providing additional assistance to individuals where undue hardship would otherwise be caused, and the chief executive officer of the relevant health board should be approached with any concerns in this regard.

### Health Board Staff.

204. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the salary paid to the chief executive of each of the health

[ Mr. P. McGrath.]  
boards; and her plans in relation to their salary structure in view of the abolition of the boards and the reduced responsibility of those officers. [23944/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The information requested by the Deputy in relation to remuneration is set out in the table below:—

Name of Board	Salary Scale (as of 1/7/04)
	€
Regional Chief Executive (ERHA)	144,240
Area Chief Executive, East Coast Area Health Board	127,661
Area Chief Executive, Northern Area Health Board	127,661
Area Chief Executive, South Western Area Health Board	127,661
Midland Health Board	117,712
Mid-Western Health Board	117,712
North Eastern Health Board	117,712
North Western Health Board	117,712
South Eastern Health Board	127,661
Southern Health Board	127,661
Western Health Board	127,661

Discussions are continuing between my Department and the health board chief executive officers regarding personnel issues arising from the impending abolition of the health boards. While these discussions are ongoing, it would not be appropriate for me to comment further on the matters raised by the Deputy.

#### Smoking Ban.

205. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that the Samaritans are receiving an increasing number of calls from the elderly following the introduction of the smoking ban. [23945/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** I am advised that no communications have been received in my Department from the Samaritans regarding the smoke-free workplaces measures.

#### Health Board Services.

206. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if persons (details supplied) will be given the maximum support and advice. [23946/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** As the Deputy will be aware, the provision of health services in Santry is, in the first instance, the responsibility of the Northern 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.

207. **Mr. Ring** asked the Tánaiste and Minister for Health and Children if the Western Health Board will provide transport to a person (details supplied) in County Mayo. [23987/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** As the Deputy will be aware, the provision of health services in the Westport area is, in the first instance, the responsibility of the Western Health Board. My Department has, therefore, asked the chief executive of the board to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

#### Rail Network.

208. **Mr. Curran** asked the Minister for Transport if he will report on the progress being made on the Kildare route project. [23805/04]

**Minister for Transport (Mr. Cullen):** I understand that Irish Rail is finalising specific proposals for the Kildare route project, which will be submitted to my Department shortly. Following consideration of these proposals, I propose to bring the matter to Government. If Government approval is given, Irish Rail will lodge an application for a railway order with my Department in accordance with the Transport (Railway Infrastructure) Act 2001.

#### Public Transport.

209. **Mr. Curran** asked the Minister for Transport if, in advance of the smartcard ticketing system for public transport becoming operational, he will implement an interim measure to allow commuters to purchase some form of single ticket giving them access to bus, Luas and rail rather than purchasing different tickets for each different form of transport. [23806/04]

**Minister for Transport (Mr. Cullen):** I refer the Deputy to my reply to Question No. 401 of 5 October 2004. The Railway Procurement Agency has statutory responsibility for the development of a national integrated ticketing system, based on smartcard technologies, for implementation initially in the Dublin area. The contactless smartcard-based integrated ticketing system will enable

a passenger to use a single ticket on one or more public transport services, by road and by rail, irrespective of the transport operator involved. A first step was the launch in April of this year, in conjunction with the RPA, of a smartcard ticketing system by a private operator, Morton's Coaches on its services. Another important step will be the launch soon of smartcards on Luas services. In addition, it is expected that Dublin Bus, Irish Rail-DART and some additional private operators will follow during 2005.

Meanwhile, tickets using magnet strip technology are available for travel on Dublin Bus and Irish Rail services, and the RPA has concluded a similar arrangement with Dublin Bus and Irish Rail in respect of Luas services. A combined bus, Luas and rail ticket is under discussion.

#### Decentralisation Programme.

210. **Mr. McHugh** asked the Minister for Transport the progress which has been made on a project (details supplied) in County Galway; if premises have been acquired; and when he expects the project to commence. [23833/04]

**Minister for Transport (Mr. Cullen):** The project to decentralise 40 posts in the road haulage division of my Department to Loughrea commenced in December 2003 following the budget speech of the Minister for Finance. The central applications facility has received 84 applications for the decentralising posts, 19 from within my Department. One public servant has expressed an interest in relocating to Loughrea. The evaluation of property solutions is well advanced at this location. However, at this stage, no final decision has been made in the matter.

211. **Mr. McHugh** asked the Minister for Transport the progress which has been made on a project (details supplied) in County Galway; if premises have been acquired; and when he expects the project to commence. [23836/04]

**Minister for Transport (Mr. Cullen):** The project to decentralise 90 posts in the National Roads Authority to Ballinasloe commenced in December 2003 following the budget speech of the Minister for Finance. The central applications facility has received one application to decentralise from a member of the National Roads Authority and 62 expressions of interest from civil and public servants. The evaluation of property solutions by the Office of Public Works is well

advanced at this location. However, at this stage, no final decision has been made in the matter.

#### Departmental Expenditure.

212. **Ms Enright** asked the Minister for Transport the amount of money paid out by his Department in public relations fees; the name of the firm that was paid the highest amount; the amount paid to a specific firm (details supplied); the amount of money paid out by the Department in other consultancy fees; the name of the firm or individual paid the highest amount for the most recent 12 month period; and if he will make a statement on the matter. [23873/04]

**Minister for Transport (Mr. Cullen):** Total expenditure by my Department on public relations fees from 1 October 2003 to 30 September 2004 was €12,000. The highest payment was to Laurie Cerr Associates. No payment has been made to the firm specified. The total expenditure on other consultancy fees during the same period was €2,893,000. The highest amount paid to a single firm or individual was to PricewaterhouseCoopers.

213. **Ms Enright** asked the Minister for Transport the total amount of money paid out by his Department in legal fees; the details of the firms paid the greatest amount of fees; the total amount of money paid out in legal settlements; the number of such settlements; the total number of claims against his Department, for the most recent 12 month period; and if he will make a statement on the matter. [23887/04]

**Minister for Transport (Mr. Cullen):** The total amount paid to solicitors and barristers by my Department during the period 1 October 2003 to 30 September 2004 was €236,000. The largest payment was made to Arthur Cox Solicitors. There were no moneys paid out in legal settlements in the same period. There are seven claims currently against my Department in respect of my responsibilities in regard to motor insurance law.

#### Departmental Appointments.

214. **Mr. Boyle** asked the Minister for Transport the public appointments made by his Department between 1 July and 30 September 2004. [23918/04]

**Minister for Transport (Mr. Cullen):** The answer to the Deputy's question is in the attached table. Appointments were made by my predecessor, Deputy Seamus Brennan.

Agency	Name	Date Appointed
Aer Rianta	Aidan Mullally	21 July 2004
	Joe Gantly	28 July 2004 (re-appt)
	Pat Shanahan	28 July 2004 (re-appt)

Agency	Name	Date Appointed
Aer Lingus	John Sharman (Acting Chairman)	3 July 2004
Dublin Airport Authority	Gary McGann Anthony Spollen Colm Barrington Marie O'Connor Mary Davis Desmond Cummins Michael Hodgkinson Bill Cullen	28 July 2004 (designate) 28 July 2004 (designate) 28 July 2004 (designate) 28 July 2004 (designate) 28 July 2004 (designate) 28 July 2004 (designate) 28 July 2004 (designate) 28 July 2004 (designate)
Cork Airport Authority	Joe Gantly Loretta Glucksman Eoin O'Cathain Veronica Perdisatt Don Cullinane Humphrey Murphy Pat Dalton Alf Smiddy	16 September 2004 16 September 2004 16 September 2004 16 September 2004 16 September 2004 16 September 2004 16 September 2004 16 September 2004
Shannon Airport Authority	Pat Shanahan Olivia Loughnane Reg Freake Padraic Burke Michael B. Lynch Rose Hynes Tadhg Kearney Patrick Blaney	16 September 2004 16 September 2004 16 September 2004 16 September 2004 16 September 2004 16 September 2004 16 September 2004 16 September 2004
National Safety Council	Harry Cullen	2 September 2004
CIE	Kevin Cronin	21 September 2004
NRA	David Holden John Newell	28 September 2004 28 September 2004
Advisory Council to the Commission for Taxi Regulation	Lucy O'Donoghue Ger Deering (Commissioner)	28 July 2004 1 September 2004
Dublin Transportation Office	Tony Kelly	28 September 2004

### Light Rail Project.

215. **Mr. O'Connor** asked the Minister for Transport if immediate action will be taken by the RPA in respect of graffiti along the Tallaght Luas line; and if he will make a statement on the matter. [23977/04]

**Minister for Transport (Mr. Cullen):** The issues raised by the Deputy are matters which are the day-to-day responsibility of the Railway Procurement Agency and I have brought his concerns to its attention.

216. **Mr. O'Connor** asked the Minister for Transport if the RPA will liaise with South Dublin County Council and seek action in respect

of the Luas junction at Cookstown Way and Tallaght Hospital at which there are clearly challenges; if he will seek a report from RPA; and if he will make a statement on the matter. [23978/04]

**Minister for Transport (Mr. Cullen):** The issues raised by the Deputy are matters which are the day-to-day responsibility of the Railway Procurement Agency and I have brought his concerns to its attention.

### Airport Security.

217. **Ms Shortall** asked the Minister for Transport if he will report on the operation at Shannon



Airport whereby officials of the American Government are taking fingerprints and photographs of persons travelling to the US; the person at Irish Government level who gave permission for this activity; if these officials have immunity from domestic law; the legal basis for this activity to take place; and if he will make a statement on the matter. [23991/04]

**Minister for Transport (Mr. Cullen):** The pre-clearance of US bound passengers at Shannon Airport by the US immigration authorities is provided for by the Air Navigation and Transport (Preinspection) Act 1986 including the agreement which is scheduled to that Act. Last January, as part of their evolving immigration requirements, the US authorities introduced fingerprinting and photographing of all visitors to the US with the exception of visitors from countries, including Ireland, covered by the visa waiver programme. However, the new arrangements were extended by the US authorities to visitors from the visa waiver countries on 30 September 2004 and in April this year, the Department of Foreign Affairs was informed of that proposed extension.

The US Government has the right to control the entry of visitors to its territory and that, regardless of where the new procedures are actually implemented, all Irish travellers to the US must now comply with the new arrangements. Since its establishment on a permanent basis in 1988, officers of the US Government immigration services working in the pre-clearance facilities at Shannon Airport have implemented the immigration and public health laws and regulations for entry into the US. In accordance with the 1986 Act, these officers are not subject to Irish jurisdiction in respect of activities performed by them in the exercise of their duties at the pre-clearance facilities.

#### State Airports.

218. **Ms Shortall** asked the Minister for Transport his views on recent media reports that US aircraft carrying al-Qaeda suspects are passing through Shannon Airport; if an aircraft carrying two Egyptian suspects landed at Shannon on 18 January 2003; and if he will make a statement on the matter. [23992/04]

**Minister for Transport (Mr. Cullen):** Some recent press reports claim that a particular aircraft, a Gulfstream V, call sign No. N379P, has used Shannon Airport. The press reports raise the possibility that it could have been carrying prisoners when in Ireland. The press articles also carry reports of allegations that this aircraft was being used in December 2001 by US authorities for the transportation of al-Qaeda suspects from Sweden to Egypt. I understand, however, that the articles do not allege that any stops were made in Shannon at that time.

The Department of Transport has been informed by Shannon Airport management that this particular aircraft, No. N379P, owned by

Premier Executive Transport Services, a small US airline, has used Shannon Airport on 13 occasions in the period 2000 to 2004. The aircraft has not used any other Irish airport. Each landing was a technical stop, that is, for refuelling or other technical reasons. On no occasion did any passengers join or leave the flight at Shannon. The aircraft used Shannon once in each year of 2000, 2001 — in September of that year — and 2003, on ten occasions in 2002 and not at all to date in 2004. On these occasions the aircraft was routed from Shannon to airports or air bases in the UK, USA, or Canada. The one occasion in 2003 when the aircraft used Shannon Airport was on 18 January 2003, for a technical stop.

There is no requirement under international or Irish law for aircraft coming into Ireland for refuelling purposes, as this aircraft has done, to notify the Department of Transport in advance, although many airlines voluntarily do so. No notification to operate this aircraft was received by the Department of Transport. There is no evidence that this aircraft was being used for any illegal activity on any occasion when it was in Shannon Airport.

#### Public Transport.

219. **Ms Shortall** asked the Minister for Transport if he has given consideration to the introduction of a free city centre bus service in Dublin, as is common in many other cities, in order to reduce traffic congestion in the city centre and to facilitate persons who need to move within the city centre for business or for shopping; and if he will make a statement on the matter. [23994/04]

**Minister for Transport (Mr. Cullen):** While no detailed assessment has been undertaken into providing free city centre bus services, such a scheme could involve substantial loss of revenue for operators and require significant additional Exchequer funding by way of subvention. Evidence to date suggests that the current level of fares is not a deterrent to travel but that consumers are seeking greater certainty in terms of bus punctuality, reliability and frequency. The aim of the current investment in bus priority measures is to improve bus operations in that regard and thereby contribute to reducing congestion.

#### Garda Deployment.

220. **Mr. O'Connor** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the concerns of persons (details supplied) in Dublin 24; if his attention has further been drawn to their call for more gardaí to police the area in question and to their concerns including lack of response to calls made, increased drug activity, youth alcohol abuse and the need for the Garda station to record telephone calls in order that residents can obtain a record of complaints; if his attention has further been drawn to the seriousness of these issues; the

[Mr. O'Connor.]  
action which will be taken; and if he will make a statement on the matter. [23812/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities who are responsible for the detailed allocation of resources including personnel that the personnel strength — all ranks — of Tallaght Garda station as at 5 October 2004 was 170. The personnel strength of Tallaght Garda station as at 1 January 1998 was 133 — all ranks. This represents an increase of 37, or 28%, in the number of personnel allocated to Tallaght Garda station since 1 January 1998.

I am further informed that the estate referred to by the Deputy has been assigned two community gardaí and that a Garda-South Dublin County Council clinic is held weekly where local people can discuss issues and problems with the community gardaí. In conjunction with the community gardaí, the area also receives attention from the mountain bike unit and the divisional crime task force, the crime prevention unit and regular patrols.

A significant proportion of the problems in the area are related to young people, many of whom are the subject of the juvenile diversion programme and some of whom have been prosecuted before the courts. The youth at risk project run by my Department is working directly with 62 young people in an effort to steer them clear of criminal activity. In addition, I am informed that a range of other measures are in place to deal with the concerns outlined by the Deputy. A public order unit is employed most evenings and every weekend to tackle anti-social behaviour and underage drinking. Alcohol retail outlets are visited regularly in an effort to detect alcohol being purchased by, or sold to, under age persons. Parks and open areas are intensively patrolled in an effort to curtail anti-social behaviour. A dedicated drugs unit based at Tallaght station has made significant drugs seizures during the year, including in the Jobstown area. With regard to telephone complaints to Tallaght station, I am informed that they are immediately logged to the communications system and dealt with accordingly.

The situation will be kept under review and when additional personnel next become available the needs of the Tallaght area will be fully considered within the overall context of the needs of Garda stations throughout the country.

#### **Citizenship Applications.**

221. **Mr. Curran** asked the Minister for Justice, Equality and Law Reform when a decision will be made regarding an application for Irish citizenship in the name of persons (details supplied) in County Dublin. [23813/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Applications for naturalisation from the persons referred to by the Deputy were

received in the citizenship section of my Department in December 2002. The average processing time for an application for naturalisation is currently 24 months. Consequently, it is anticipated that the applications should be finalised in the next few months. I will inform the Deputy and the applicants concerned as soon as I have reached decisions in these cases.

222. **Mr. Curran** asked the Minister for Justice, Equality and Law Reform when a decision will be made regarding an application for naturalisation made by a person (details supplied) in Dublin 22. [23814/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** An application for naturalisation from the person referred to by the Deputy was received in the citizenship section of my Department in April 2004. The average processing time for an application for naturalisation is currently 24 months. Consequently, it is anticipated that the applications should be finalised by mid-2006. I will inform the Deputy and the applicant concerned as soon as I have reached a decision in this case.

#### **Garda Vetting Procedures.**

223. **Ms Enright** asked the Minister for Justice, Equality and Law Reform if volunteer play workers co-ordinated by Children in Hospital Ireland which, until September 2001, were vetted by the Garda central vetting unit, will as a result of the announcement of new staff in the unit again be vetted by the unit; when it can be expected that this will happen; and if he will make a statement on the matter. [23815/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** My colleague, Deputy Brian Lenihan, Minister of State with special responsibility for children, recently announced the provision of additional staff resources for the Garda central vetting unit. This will enable the Garda Síochána's vetting services to be extended to all persons working with children and vulnerable adults, be they full-time or part-time workers, students on placements or volunteers. Accordingly, I am pleased to state that volunteer play workers in hospitals are just one of the many groups which will be encompassed by the expansion in vetting services. The expansion will commence as soon as the necessary practical arrangements are in place and it will constitute a major step forward in child protection in this jurisdiction.

#### **Departmental Expenditure.**

224. **Ms Enright** asked the Minister for Justice, Equality and Law Reform the amount of money paid out by his Department in public relations fees; the name of the firm that was paid the highest amount; the amount paid to a specific firm (details supplied); the amount of money paid out by the Department in other consultancy fees; the

name of the firm or individual paid the highest amount for the most recent 12-month period; and if he will make a statement on the matter. [23874/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** There was no money paid out by my Department to the company referred to by the Deputy. The only public relations firm engaged by my Department during the past 12 months was Edelman PR, which was paid €37,812 for public information services relating to the kNOw racism campaign — the national anti-racism programme.

With regard to the Deputy's request for details of other consultancy fees paid out by my Department during the past 12 months, it is not clear on which consultancy work the Deputy wishes to obtain information. If she could clarify her request, I will endeavour to obtain the information for her as a matter of urgency.

225. **Ms Enright** asked the Minister for Justice, Equality and Law Reform the total amount of money paid out by his Department in legal fees; the details of the firms paid the greatest amount of fees; the total amount of money paid out in legal settlements; the number of such settlements; the total number of claims against his Department, for the most recent 12 month period; and if he will make a statement on the matter. [23888/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** In the time available for answering parliamentary questions, it has not been possible to compile the detailed information requested by the Deputy. The information requested is being compiled at present and I will forward it to her shortly.

#### Visa Applications.

226. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform if a visa will be granted to a person (details supplied) on appeal. [23902/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person in question, a 21 year old non-EEA national, previously made a visa application in March 2004 which was refused. My reply to the Deputy's Question No. 269 of 30 June 2004 refers. In that reply I stated that the applicant could submit a fresh application, with up to date supporting documentation.

In assessing any visa application, the visa officer will consider various matters, including whether it is reasonable in all the circumstances to conclude that the applicant's stated purpose of visit is the true purpose of visit and whether the applicant will fully honour the conditions of the visa, for example, is unlikely to overstay the length of time applied for or to work without a work permit. The visa officer will also have regard to the information provided in the application and to such factors as the applicant's ties

and general circumstances in their country of origin, as well as the relative attractiveness and feasibility of remaining in the State. Credibility is central to the visa determination process. The Department's approach in these matters is informed by past experience, including experience of abuse of the system. Common examples of previous abuse include individuals who, although granted a visa to come on a short visit, overstay with a view to establishing themselves permanently in the State.

The current visa application in respect of the person in question was made in July 2004 to enable her to visit the State for the purpose of a three month holiday. This second application was refused because the applicant had not shown that she had any obligations to return home following her proposed visit. She stated that she is a farmer on her visa application form, yet no documentation was submitted with her application to support this claim. In effect, this new application did not contain any additional information from the applicant which could show she had any obligations to return home following her proposed visit.

An appeal against the refusal, which consisted of a letter from the reference in Ireland, and a letter from the Deputy, was received on 23 September 2004. The visa appeals officer considered the application afresh and upheld the decision to refuse the application. It is still open to the applicant to submit a fresh application if she still wishes to visit the State. However, any new application should include the applicant's employment details and evidence of any other obligations she may have which would guarantee her return home following her proposed visit.

#### Registration of Title.

227. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform if the Land Registry Office will expedite a dealing application for a person (details supplied) in County Mayo. [23903/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Registrar of Titles that this is an application for a transfer which was lodged on 23 September 2004. Dealing number D2004SM008132T refers. I am further informed that this application is receiving attention in the Land Registry and will be completed within the next few weeks.

#### Asylum Applications.

228. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform if he will report on the circumstances by which an Irish citizen has been put into care due to the unexpected arrest and imprisonment of their mother; if this mother was charged before the courts prior to imprisonment; and if he will make a statement on the matter. [23904/04]



**Minister for Justice, Equality and Law Reform (Mr. McDowell):** There is some uncertainty as to the person referred to by the Deputy. From the limited details the Deputy supplied to my Department on being contacted, it is presumed that he is referring to the person referred to below.

This person entered the State on 4 October 2002 and applied for refugee status. Her son was born in the State on 6 November 2002. An interview by the Office of the Refugee Applications Commissioner was scheduled to take place on 19 December 2002. The notification of the interview crossed over with an application by the person to withdraw from the asylum process and a request for permanent residency in the State on the basis of the birth of her Irish-born child.

Following the decision on 23 January 2003 of the Supreme Court in the cases of L and O, the separate procedure which then existed to enable persons to apply to reside in the State on the sole basis of parentage of an Irish-born child ended on 19 February 2003. The Government decided that the separate procedure would not apply to cases, which were outstanding on that date.

In accordance with section 3 of the Immigration Act 1999, as amended, the person concerned was informed on 26 February 2004 that it was proposed to make a deportation order in respect of her and she was given the following options: to make written representations within 15 working days to the Minister for Justice, Equality and Law Reform setting out reasons as to why she should not be deported; to voluntarily leave the State; or to consent to deportation.

Since the person in question did not have an alternative legal basis for remaining in the State, the issue of permission to remain was considered only in the context of the Ministerial proposal to deport her. After consideration of the range of factors set out in section 3(6) of the Immigration Act 1999, as amended, I decided to make a deportation order in respect of her. The deportation order was signed on 24 June 2004 and was served on her by registered post on 20 August 2004.

Section 5 of the Immigration Act 1999, as amended, provides for the arrest and detention of a people who fail to comply with any provision of a deportation order such as making themselves available to and co-operating with the gardaí for the purposes of ensuring their removal from the State. The person concerned evaded deportation and was recently arrested by Garda and lodged in the Dóchas Centre, Mountjoy, while arrangements were being made for her removal to Nigeria. She subsequently reclaimed asylum on 1 October 2004 and because of this was released from detention on the same day. I understand that social workers from the health board were due to reunite her with her child on her release.

#### Ministerial Appointments.

229. **Mr. Boyle** asked the Minister for Justice, Equality and Law Reform the public appointments made by his Department between 1 July and 30 September 2004. [23919/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The information requested by the Deputy is set out in the following tabular statement:

Name of Board	Public Appointments	Date of Appointment
Criminal Injuries Tribunal	Ms. Carol Fawsitt, Chairperson Ms. Olive Brennan BL, Mr. Maurice Dockrell BL, Mr. Conor Bowman BL, Ms. Sinead Behan, Solicitor Mr. Con Murphy, Solicitor Mr. Patrick F. O'Connor, Solicitor	21 July, 2004
Refugee Appeals Tribunal	Ms. Michelle O'Gorman, BL, Mr. Rory MacCabe, SC, Mr. David Andrews, SC, Mr. Ben Garvey, BL	17 July, 2004; 31 July, 2004; 3 August, 2004; 26 September, 2004 (All reappointments)
Interim Parole Board	Mr. Martin Tansey, Ms. Daisy O'Reilly, Mr. Frank McCarthy, Mr. Tim O'Donoghue, Ms. Lillian McGovern, Ms. Anne O'Gorman, Mr. Sean Lowry, Mr. Brian Purcell	All appointed 1 July, 2004 (All reappointments)
Film Censors Office	Assistant Film Censors: Mr. Peter Joseph Sheridan, Ms. Caroline Canning-Kinneen, Ms. Patricia Murphy, Mr. Mark Brennan, Ms. Dani McClafferty	All appointed 24 September, 2004 following a request by the Film Censor for additional Assistant Censors.

In addition, 43 peace commissioners have been appointed by the Department during the period specified. Peace commissioners are appointed under section 88 of the Courts of Justice Act 1924. The office of peace commissioner is an honorary appointment and peace commissioners receive no remuneration or compensation by way of fees or expenses for their services.

#### Jewish Community.

230. **Mr. Sargent** asked the Minister for Justice,

Equality and Law Reform if his attention has been drawn to the fact that many young Irish Jews are emigrating to more vibrant Jewish communities around the world; if he intends to make it easier for young Jews from eastern Europe or Israel, for example, to move here and help rejuvenate this country's Jewish community. [23933/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Significant numbers of people from all over the world, including Eastern Europe



and Israel, have legally migrated to the State for a variety of purposes, in particular for employment. Furthermore, EU citizens enjoy rights to free movement under the European treaties and many have exercised their right to work in Ireland. However, I am not aware of the religious or ethnic origin of these people.

The Irish immigration system does not make any distinction on the basis of religion or ethnic origin nor does any policy exist to encourage migration of persons of any religion or any ethnic origin to the State.

### Grant Payments.

231. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform when a decision will be made on an application for a club (details supplied) in County Mayo in respect of grant assistance for crèche development under the child care capital programme; if this application has been assessed; if funding will be made available towards this application; and if he will make a statement on the matter. [23935/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I understand that a capital grant application for more than €717, 000 was submitted by the group to my Department in December 2003. The Equal Opportunities Childcare Programme 2000 — 2006 is a seven-year development programme which aims to increase the availability and quality of child care to support parents in employment, education and training. The progress of the programme was commented upon very favourably by the mid-term evaluators of both the regional operational programmes and the National Development Plan 2000-2006 and following the mid-term review additional funding of approximately €12 million was made available for the child care measures. This brings the total funding available for the programme to €449.3 million.

There has been considerable demand from community-based groups for capital grant assistance under the programme and every county has benefited significantly from grants 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 Department, is carrying out an extensive review of the programme's capital commitments to date, which number more than 1,100 at a value of €114 million, to ensure that all the 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. 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.

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 and this has brought to €157 million the total allocation for the capital development of child care under the present programme. 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 exceeds €30 million, of which approximately €25 million is being earmarked for community-based not-for-profit child care groups, which provide services for young children to support their parents, who may be in employment, education and training.

I intend to allocate the remaining capital funding under this strand of the Government's commitment to child care to address the most immediate service gaps. As a result, all the projects in the pipeline on 30 April 2004 have been reviewed again by ADM Limited on the basis of geographical need, the range of services being offered, value for money and the capacity of the groups to complete a project before the end of the programme in 2007. Those projects which best meet the criteria will receive priority funding from the capital funding that remains unallocated at this point.

I have made inquiries and I understand that the application for capital grant assistance in respect of this project has been reviewed as part of the review process to which I have just referred. I understand that the recommendations on to the allocation of the remaining funding are in preparation. If a project is recommended for funding as part of this process, its recommendation will be conditional upon its being able to establish that it can be completed within a fixed budget and a tight time frame. If a project is not recommended for priority funding at this time, it may be considered again should additional capital resources become available and if the project has adequately demonstrated that it would merit funding under the programme during the review process. The allocation of any additional funding, which might come available to me, will also be allocated on the basis of local need, levels of service being offered and value for money.

I do not doubt but that the success of the present strand of the programme 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. Indeed, 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. In the interim, it would be premature of me to comment further on this capital grant application.

232. **Mr. Murphy** asked the Minister for Justice, Equality and Law Reform the way in which the grant aid available to the crèches in Boherbue, County Cork and the crèche in Millstreet, County Cork is dealt with; if an application for further funding has been received; his views on the crisis in funding that has closed the crèche temporarily in Ballydesmond, Mallow, County Cork; if there are outstanding applications for funding; and his views on whether the funding is adequate, considering that other crèches are closing or in financial crisis due to the inadequacy of current funding. [23936/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As the Deputy may be aware, applications for funding are assessed under the criteria of the equal opportunities child care programme and, following a recommendation made to me by the programme appraisal committee, I issue a decision on these applications for funding.

Millstreet Community Council was awarded capital and staffing funding under the Equal Opportunities Childcare Programme 2000-2006 in 2001. I understand this group may have suspended some elements of its child care services recently and the group is currently having discussions with Area Development Management Limited, which manages the day-to-day operation of the equal opportunities child care programme on behalf of my Department. I understand the issue of ongoing staffing grant assistance for this group is also under consideration at present.

A crèche, Tír na nÓg, in Ballydesmond was awarded capital funding of €1 million in 2002 and total staffing funding of €235,000 over three years. I have made inquiries and am told that this crèche has not been temporarily closed.

As the Deputy may already be aware, I approved a grant for Boherbue Educare Centre Limited of €90,000 towards staffing costs in October 2003. I understand that a capital grant application for more than €1.2 million was submitted by the group to my Department in February 2003. This capital application is in the final stages of the application process and it would be premature for me to comment further at this time.

The Equal Opportunities Childcare Programme 2000-2006 is a seven-year development programme which aims to increase the availability and quality of child care to support parents in employment, education and training. The progress of the programme was commented upon very favourably by the mid-term evaluators of both the regional operational programmes and the National Development Plan 2000-2006 and following the mid-term review additional funding of approximately €12 million was made available for the child care measures. This brings the total funding available for the programme to €449.3 million. To date, Cork county and city have been awarded capital and staffing funding of more than €25 million under the Equal Opportunities Childcare Programme 2000-2006.

There has been considerable demand from community based groups for capital grant assistance under the programme and every county has benefited significantly from grants 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 Department, is carrying out an extensive review of the programme's capital commitments to date, which number more than 1,100 at a value of €114 million, to ensure that all the 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. 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.

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 and this has brought to €157 million the total allocation for the capital development of child care under the present programme. 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 exceeds €30 million, of which approximately €25 million is being earmarked for community-based not-for-profit child care groups which provide services for young children to support their parents who may be in employment, education and training.

I intend to allocate the remaining capital funding under this strand of the Government's commitment to child care to address the most immediate service gaps. As a result, all the projects in the pipeline on 30 April 2004 have been reviewed again by ADM Limited on the basis of geographical need, the range of services being offered, value for money and the capacity of the groups to complete a project before the end of the programme in 2007. Those projects which best meet the criteria will receive priority funding from the capital funding which remains unallocated at this point.

I understand that the recommendations on the allocation of the remaining funding are currently in preparation. If a project is recommended for funding as part of this process, its recommendation will be conditional upon its being able to establish that it can be completed within a fixed budget and a tight time frame.

Should a project not be recommended for priority funding at this time, it will be considered again should additional capital resources come available, if the project has adequately demon-

strated that it would merit funding under the programme during the review process. The allocation of any additional capital funding which might come available to me will also be allocated on the basis of local need, levels of service being offered and value for money.

I do not doubt but that the success of the present strand of the programme 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 funding for this key sector. Indeed, 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.

In the interim, it would be premature of me to comment further on any remaining grant applications in the Cork area.

#### **Garda Communications.**

233. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if, in view of the existing manual administration of PULSE which has given rise to a double-entry system and inevitable loss of Garda time, consideration has been given to the recruitment of additional secretarial or support staff in all major Garda stations for this purpose; if consideration has been given to supplying gardaí with handheld computers into which they can remotely input incident reports and other data into PULSE; and if he will make a statement on the matter. [23947/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** In the time available it has not been possible to provide the information sought by the Deputy. I will correspond directly with him in the near future.

#### **Civilianisation Programme.**

234. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform, further to Question No. 196 of 30 September 2004, if the civilianisation of 496 Garda posts approved in 2001 has been carried out in full; the number of civilianisation posts remaining unfilled; the reasons such posts remain unfilled; and if he will make a statement on the matter. [23948/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Government approved programme referred to by the Deputy provided for an extensive programme of civilianisation to be introduced on a phased basis over a number of years. In addition to civilianising technical and administrative posts, the programme also provided for the transfer of finance functions from Garda district clerks to civilians, and the subsequent upgrading of the new civilian role to staff officer. The filling of these particular posts is well underway and is now nearing completion.

However, the next phase of civilianisation must be rolled out within the confines of the Govern-

ment decision of 4 December 2002. This decision places a cap on numbers across the public service. My Department is reviewing the position with both the Department of Finance and Garda management as to how we will proceed further with our civilianisation programme in the context of the overall constraints of public service numbers.

#### **Garda Communications.**

235. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the estimated cost of acquisition and roll out of the new Tetra Garda radio communications system; and if he will make a statement on the matter. [23949/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As the Deputy will be aware, a pilot digital radio system covering the Dublin north central division and traffic section, Dublin Castle has been completed by the Garda Síochána. Following its successful completion, the Garda Síochána prepared a detailed business case for the extension of the system on a nationwide basis and this was submitted to me by the Garda Commissioner for consideration. The business case contained very broad indicative costs for various procurement models.

Discussions are ongoing between officials of my Department, the Garda authorities and the Department of Finance on the various technical and implementation options, and I expect these to be concluded in the near future. The procurement model to be adopted will have a significant bearing on the overall costs. Accordingly, I expect the estimated costs to be finalised as part of this process.

#### **Strategic Management Initiative.**

236. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if the performance indicators of the Garda Síochána have been published; if not, the reason therefor; and if he will make a statement on the matter. [23950/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda Commissioner that arrangements are now being made for the publication on the Garda website of the Garda action plan under the Sustaining Progress — Social Partnership Agreement 2003 to 2005, which I understand is the focus of the Deputy’s question.

#### **Departmental Investigations.**

237. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if the departmental review of legislation requested by the Attorney General in search of Henry VIII provisions in legislation has been completed; if he will report on the findings; and if he will make a statement on the matter. [23951/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** It is assumed that the audit referred to in the Deputy’s question is that



[Mr. McDowell.]

referred to in the Taoiseach's reply to Question No. 2 of 30 March 2004. To the extent that the audit concerns areas of the statute book within my functional remit, it is ongoing at present but has not so far thrown up instances of legislation of the kind referred to which might require remedial legislative action. I am not in a position to respond regarding the many areas of the statute book not within my functional remit.

#### **Garda Strength.**

238. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the number of gardaí at 1 May 1997; the number of gardaí at 29 September 2004; and if he will make a statement on the matter. [23952/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities that the personnel strength, all ranks, of the Garda Síochána was 10,765 on 1 May 1997 and 12,136 on 29 September 2004.

239. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the number of persons who left the Garda due to ill-health, retirement, death, dismissal or otherwise in each of 2002, 2003 and 2004; and if he will make a statement on the matter. [23953/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities that the details requested by the Deputy regarding the number of persons who left the force in 2002, 2003 and 2004 due to ill-health, retirement, death, dismissal and otherwise are as follows: 406 in 2002; 417 in 2003; and 377 in 2004, up until 4 October last. One member was dismissed with effect from 5 October 2004. The projections from 5 October to 31 December 2004 are that 30 members, all ranks, will retire on compulsory grounds and one member will retire on medical grounds. In addition, 25 members have applied to retire voluntarily.

#### **Garda Training.**

240. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the number of Gardaí who completed their training and passed out of Templemore in each of 2002, 2003 and 2004; and if he will make a statement on the matter. [23954/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities that the number of recruits who graduated from the Garda College in 2002 and 2003 and up to 4 October 2004, as well as projected figures for the period between 5 October 2004 and 31 December 2004 are as follows: 485 in 2002, 475 in 2003, 363 in 2004 up to 4 October and 175 between 5 October and 31 December 2004.

#### **Probation and Welfare Service.**

241. **Mr. R. Bruton** asked the Minister for Justice, Equality and Law Reform the reason he has not produced statistics on the caseload and progression of clients of the probation and welfare service and of activity levels under different services; and if he will provide the latest data which he has for this service for the years since 1997. [23970/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Statistics for the years up to and including 1999 are available in the annual reports of the probation and welfare service. Statistics for 2000 to 2003, inclusive, are expected to be available by the end of November 2004.

#### **Prison Building Programme.**

242. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform the position regarding the proposed bridge to be built to Spike Island; and if he will make a statement on the matter. [23972/04]

243. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform the situation regarding suggestions to construct a new prison on Spike Island; and if he will make a statement on the matter. [23973/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 242 and 243 together.

Officials from the Prison Service have held a series of meetings with the Office of Public Works and professional advisers on the possible construction of a new prison complex on Spike Island to replace the existing Cork and Fort Mitchell prisons, as well as the possible construction of a new bridge to connect the island to the mainland. My officials are continuing to work on this project in conjunction with the OPW. Such facilities would address the overcrowding difficulties that arise from time to time, offer significant improvements in the areas of work, training, educational and medical services and provide predominantly single cell accommodation with in-cell sanitation facilities.

#### **Registration of Title.**

244. **Mr. Hayes** asked the Minister for Justice, Equality and Law Reform when the registration process will be completed and a folio number allocated to persons (details supplied) in County Tipperary. [23989/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Registrar of Titles the relevant application for first registration was lodged on 13 April 2004, dealing number D2004TS007290B refers. I understand that it is not yet possible to estimate the completion date, due to the complicated nature of this type of application, which requires the examination of an applicant's entitlement to the



property concerned. However, I assure the Deputy that the dealing is receiving attention in the Land Registry and will be completed as soon as possible.

### Visa Applications.

245. **Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform the reason a person (details supplied) was denied a reunification visa. [24323/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The visa application in question was made to enable the wife of a non-EEA national employed under the work permit scheme to reside with her husband in the State. A worker employed under the work permit scheme may be joined by their spouse and minor children after the worker has been in the State for a year and has been offered a contract for a further year. The worker must also be able to support the family members in question fully without recourse to public funds. The application in question was refused as the supporting documentation did not show that the worker in question was in a position to support his wife fully. When an appeal was made against the decision, the visa appeals officer re-examined the application and upheld the original decision. If the applicant makes a fresh visa application, with up-to-date supporting documentation, the matter will be considered anew.

### Water and Sewerage Schemes.

246. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government if he proposes to introduce regulations to make acceptable site suitability assessment reports from chartered engineers regarding septic tanks in order to eliminate a situation in which planners often override reports from consultant chartered engineers. [23803/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Decisions on whether to grant or refuse planning permission and the conditions, if any, to be attached to such permissions are the responsibility of the manager of the relevant planning authority, based on the relevant information including assessments from planners or other professionals.

My Department issued a circular letter to planning authorities on 31 July 2003 which dealt with groundwater quality in the context of planning decisions. The circular reminded planning authorities that in assessing planning applications they should consider relevant Government and ministerial policies, as well as the proper planning and sustainable development of the area. The attention of planning authorities was drawn to the vital importance of good siting and design of necessary development in rural areas.

They were also reminded that the current standard for domestic effluent treatment and disposal from single dwelling houses is set out in recommendation SR6 of 1991, which was drawn up by

the National Standards Authority of Ireland. Reference was also made to the Environmental Protection Agency's Manual on Treatment Systems for Single Houses, published in 2000, which is designed to help planning authorities, builders and others to deal with the complexities of on-site systems, including newer packaged systems. This manual is being revised.

The circular stated that the assessment of site conditions is critical to ensuring that new development does not adversely affect water quality, specifically groundwater quality, and that site assessors need specific training in this regard. The importance of the installation of on-site systems — conventional septic tank systems and innovative effluent treatment systems — in accordance with the specifications and instructions of manufacturers or suppliers, as well as the terms and conditions of planning permissions, was also emphasised. The circular stated that innovative effluent treatment systems should be certified by the Irish Agreement Board, or by the agreement board or equivalent of an EEA member state, where the latter certificate ensures in use an equivalent level of safety and suitability.

### Architectural Heritage.

247. **Ms Harkin** asked the Minister for the Environment, Heritage and Local Government if he will provide this Deputy with a detailed breakdown of costings of the refurbishment of Lissadell House in County Sligo as estimated by his Department. [23816/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** My Department was advised by the Office of Public Works in 2003 that additional expenditure of approximately €26.4 million would be required between 2003 and 2009 to carry out conservation works to the main buildings, development works to the demesne and other necessary works to facilitate public access and to allow the development of Lissadell House as a major visitor attraction. The costings were prepared in the context of an assessment of the total costs of acquiring, restoring and presenting the house to the public. As the house was and remains a property in private ownership, it would be inappropriate for me to divulge the professional advice provided on the costs likely to be required for the purchase and development of the house for presentation to the public without infringing on the privacy of the current owners.

### Public Service Charges.

248. **Mr. R. Bruton** asked the Minister for the Environment, Heritage and Local Government the revenue expected to be raised by the new development levies adopted by councils as a result of the direction given by his Department to them; his estimate of the increase in the total building cost that this will represent in the housing and commercial sectors; and if he is consider-

[Mr. R. Bruton.]  
ing measures to reduce the impact of these levies on first-time buyers. [23817/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Statistics on the payment of development contributions, which are used to fund the capital costs of servicing land for private development, are collected by my Department on an annual basis. Development contributions schemes were adopted by planning authorities by 10 March 2004, as required by the Planning and Development Act 2000, and once adopted all planning permissions granted subsequently were subject to the conditions of the new scheme. However, due to the lead-in time between the grant of planning permission for a development and the start of construction, it is likely that the full amount collected under the new development contribution schemes will not be measurable until 2006-07.

It is not anticipated that the contributions levied will unduly affect the price of houses or new industrial or commercial development. While the development contribution system was reformed by the 2000 Act, the system has in fact been in place since the 1963 Act. As before, development contributions are attached as a condition of planning permission and therefore paid by the person carrying out the development in advance of construction starting. They are not paid by individual house purchasers.

#### Departmental Expenditure.

249. **Ms Enright** asked the Minister for the Environment, Heritage and Local Government the amount of money paid out by his Department in public relations fees; the name of the firm that was paid the highest amount; the amount paid to a specific firm (details supplied); the amount of money paid out by the Department in other consultancy fees; the name of the firm or individual paid the highest amount for the most recent 12-month period; and if he will make a statement on the matter. [23875/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The firm specified was employed as part of a larger contract. The amount paid during 2004 in respect of this firm was €717,975.89. The remaining information requested is being compiled by my Department and will be communicated to the Deputy shortly.

250. **Ms Enright** asked the Minister for the Environment, Heritage and Local Government the total amount of money paid out by his Department in legal fees; the details of the firms paid the greatest amount of fees; the total amount of money paid out in legal settlements; the number of such settlements; the total number of claims against his Department, for the most recent 12-month period; and if he will make a statement on the matter. [23889/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Information is given in respect of the year 2003. The information requested on legal fees is set out in the attached table. The total amount of money paid in legal settlements in respect of 17 claims was €147,101.96, and the number of claims outstanding against my Department was ten.

Payments for legal services are also made by my Department on behalf of the Tribunal of Inquiry into Certain Planning Matters and Payments. Such payments totalled €2,794,615.10 in 2003.

Legal Fees — 2003

Company	Amount
	€
Phillippe Sands, B.L	318,962.53
Vaughan Lowe, B.L	209,727.58
Eoghan Fitzsimons, B.L	120,758.00
Paul Sreenan, B.L	112,288.00
State Claims Agency	84,822.20
Maurice G. Lyons & Co. Solicitors	79,989.13
O'Donnell Sweeney Solicitors	25,410.00
Philip Lee Solicitors	2,748.22
Branigan Berkery Solicitors	1,566.40
Paul Lynch & Co. Solicitors.	1,534.25
Elizabeth Cogan, B.L.	1,000.00
Micheál Máirtín Ó Sé, B.L.	975.26
Vivian Raine, Solicitor	750.00
Dermot McKeon, B.L.	441.54
Total	960,973.11

#### Local Authority Housing.

251. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government the number of persons on local authority housing lists on a yearly and local authority basis from 1997 to date. [23898/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** The results of the statutory assessment of local authority housing need, which was undertaken by local authorities in March 2002, indicated that a total of 48,413 households were in need of housing, compared with 39,176 households in March 1999. A detailed breakdown by local authority of the results of these assessments was published in my Department's housing statistics bulletins for the September quarters in 2002 and 1999, and copies are available in the Oireachtas Library. These assessments are carried out at intervals of three years, and the next comprehensive assessment of housing needs is due to be undertaken by local authorities at the end of March 2005.

#### Water and Sewerage Schemes.

252. **Mr. P. Breen** asked the Minister for the

Environment, Heritage and Local Government, further to Question No. 448 of 6 July 2004, if his Department has dealt with 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. [23899/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Carrigaholt-Labasheeda-Cooraclare sewerage scheme is included in my Department's Water Services Investment Programme 2004 to 2006 to commence construction in 2006. The preliminary report setting out the proposed scope, objectives and outputs expected from the scheme is under examination in my Department, and a response will issue to Clare County Council within the next four weeks.

#### Ministerial Appointments.

253. **Mr. Boyle** asked the Minister for the

Name of Body	Name of Person Appointed	Date of Appointment
Dublin Docklands Development Authority Council  <i>(Both nominated by Dublin City Council)</i>	Cllr. Aodhán Ó Riordáin	15 September 2004
	Cllr. Tom Stafford	15 September 2004
Environmental Protection Agency  <i>(Both appointed by the Government following an interview process by a statutory selection committee)</i>	Laura Burke	14 July 2004
	Dara Lynott	14 July 2004
Radiological Protection Institute of Ireland <i>(Nominated by the Faculty of Radiology, College of Surgeons in Ireland)</i>	Dr. Seán Darby	2 September 2004

#### Environmental Policy.

254. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government his plans to increase Ireland's contributions to UN funds to protect environmental habitats and rare species such as the tiger, panda, great ape and rainforest programmes. [23932/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** My Department contributes on an annual basis to the United Nations environment fund, or UNEP, and in 2004 contributed the sum of €317,000. That figure is above the indicative scale of contributions requested by UNEP. The fund is administered by UNEP, whose priorities include environmental monitoring, assessment, information and research, including early warning of environmental threats, co-ordination of environmental conventions and development of environment policy instruments.

My Department also contributes to the global environment facility. The facility provides funding to developing countries for projects and activities that aim to protect the global environment, including biological diversity. Responsi-

bility for implementing GEF activities is a matter for the United Nations Development Programme, or UNDP, the United Nations Environment Programme, or UNEP, and the World Bank. Ireland contributed €1,408,000 in 2004 to the facility in accordance with an agreed programme.

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** A number of different processes are involved in appointments to public bodies. In some cases statutory selection procedures must be followed or nominations sought from independent nominating panels before appointments are made by the Government or by the Minister for the Environment, Heritage and Local Government. In other cases, only particular public office holders may be appointed to certain boards. In a number of situations, only some appointments to the body concerned are made by the Minister.

In the context of the above, five appointments have been made to state bodies under the aegis of my Department since July 2004 as follows.

Furthermore, my Department has a consultative role regarding the Department of Foreign Affairs' Ireland Aid multilateral environmental trust fund for Africa. The priority areas for the trust fund, implemented by UNEP, include protection of freshwater resources, access to environmental information for decision-making, protection of coastal and marine environment and conservation of biological diversity.

#### Local Authority Funding.

255. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if his Department will not reduce financial support available to Kildare County Council arising from increased development levies or charges; if, in his compilation of Estimates for 2005, he will give an assurance that the increased charges imposed by Kildare County Council and others will not bring



[Mr. Durkan.]  
about a reduction in rate support or other grants;  
and if he will make a statement on the matter.  
[23957/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Income from development levies is not taken into consideration in determining grant support for local authorities, and I have no proposals to alter that.

256. **Mr. J. O’Keeffe** asked the Minister for the Environment, Heritage and Local Government the steps which are available to those who wish to upgrade the status of town council, formerly known as town commission, to urban council status; and if funds are available to those who would be interested in researching the pros and cons of such a move for any particular council.  
[23979/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Local Government Act 2001 was designed to provide a modern legislative framework for all local authorities. Under the Act, all town councils, including former town commissioners, may take action to promote the community interest, exercise a representational role, with an office of mayor and structured linkage to the county council; provide local amenities and raise a local community contribution; make local by-laws and have statutory input to the local development plan process under the planning code.

Certain town councils, other than former town commissioners, are under the relevant statutory service codes responsible for certain mainline functions in the housing, roads and sanitary services areas. The Oireachtas, in its comprehensive review and restatement of local government legislative powers in recent years did not extend responsibility for such mainline functions to additional town councils, and legislation would be required to amend this position.

It would not seem appropriate to provide for special grant assistance for the type of research referred to in the question.

#### **Housing Costs.**

257. **Ms Shortall** asked the Minister for the Environment, Heritage and Local Government the plans he has to introduce legislation to regulate management services companies in view of the escalating charges faced by many apartment owners; and if he will make a statement on the matter. [23988/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** An Agreed programme for Government undertook to consider the introduction of legislation to regulate the establishment and operation of apartment complex management companies. A Law Reform Commission working group is currently examining the law on condominiums. The aim is to develop proposals

to provide a mechanism for dealing with issues which are already arising, or which, it is anticipated, will arise, in existing and future multi-unit developments.

As part of its work, this group is considering potential consumer protection elements, including service charges. I understand that the group intends to produce a consultation paper early in the New Year. This should provide a basis for considering possible measures and how they should be pursued.

#### **Departmental Expenditure.**

258. **Ms Enright** asked the Minister for Community, Rural and Gaeltacht Affairs the amount of money paid out by his Department in public relations fees; the name of the firm that was paid the highest amount; the amount paid to a specific firm (details supplied); the amount of money paid out by the Department in other consultancy fees; the name of the firm or individual paid the highest amount for the most recent 12 month period; and if he will make a statement on the matter.  
[23876/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** My Department paid out a total of €98,981.53 in respect of public relations fees since its establishment in June 2002. The highest amount, €94,904 was paid to Montague Communications in respect of the National Advisory Committee on Drugs. I can confirm that no moneys were paid to the specific firm.

My Department paid out a total of €2,518,157.23 in respect of other consultancy fees awarded or continued since its establishment in June 2002. The highest amount, €550,223 was paid to Acadamh na hOllscolaíochta Gaeilge in respect of a linguistic study on the usage of Irish in the Gaeltacht as a basis for strengthening the linguistic development of the Gaeltacht as an Irish-speaking area and a basis for a review of the official Gaeltacht boundaries. The balance covers a wide range of consultancies including technical studies on piers, airstrips, etc.

259. **Ms Enright** asked the Minister for Community, Rural and Gaeltacht Affairs the total amount of money paid out by his Department in legal fees; the details of the firms paid the greatest amount of fees; the total amount of money paid out in legal settlements; the number of such settlements; the total number of claims against his Department, for the most recent 12 month period; and if he will make a statement on the matter. [23890/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** My Department has made no legal settlements in the period covered by the question. There is one claim against my Department currently before the courts; no other claims have arisen in the period. My Department has paid €51,174 in legal fees to Philip Lee Solicitors.



### Ministerial Appointments.

260. **Mr. Boyle** asked the Minister for Community, Rural and Gaeltacht Affairs the public appointments made by his Department between 1 July and 30 September 2004. [23921/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I can inform the Deputy that I made no public appointments between 1 July 2004 and 30 September 2004 to any of the bodies within the ambit of my Department. However, the Deputy may wish to note that ADM Ltd. appointed two persons nominated by me to fill vacancies on their board. In September ADM Ltd., also appointed three new members to their board who were nominated by the Government. In addition, the Deputy may also wish to note that at their meeting of 14 July 2004, the Government filled the vacancy on the Board of the Commissioners of Charitable Donations and Bequests for Ireland, which comes under the aegis of my Department.

### Housing Grants.

261. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs when a Gaeltacht housing grant of €5,100 sanctioned to a person (details supplied) in County Mayo will be awarded. [23925/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The work in question has been completed satisfactorily and the grant will be paid in the very near future.

### Offshore Islands.

262. **Mr. Kenny** asked the Minister for Community, Rural and Gaeltacht Affairs the reason there is no all encompassing policy for the islands; the plans he intends to put in place to initiate an islands policy; and if he will make a statement on the matter. [23980/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I must strongly refute that there is no overall policy in place for the development of the islands. Government policy in this regard is enunciated clearly in the Government's agreed programme and is further augmented in my Department's strategy statement, which states that promoting the sustainable development of the populated offshore islands is a key task for my Department. The relevant goal sets out a clear objective, to promote and maintain living and working populations on the islands, by helping to foster sustainable and culturally vibrant communities in those areas.

Against the context of the report of the inter-departmental committee on island development, which set the framework for future island development, my Department has achieved significant progress, particularly in regard to improving island infrastructure and developing access services. The level of dedicated funding available to my Department and its predecessor

for island development has increased from €2.5 million in 1997 to €13 million in 2004. The number of State-assisted ferry and air services has risen from seven to 17 in the same period. Funding is also available for other works and schemes, from my Department and Údarás na Gaeltachta, as well as other Departments and agencies.

The development of the islands and of island communities is a priority for me and, in this context, the following measures are either in train or being planned: the implementation of a €65 million five year capital programme for the islands over the period 2004-08; the full implementation of the Gaeltacht and islands harbours sub-measure of the National Development Plan 2000-2006; the implementation of appropriate recommendations of the recently published report on island transport services carried out for my Department by Malachy Walsh & Partners, a copy of which is available on my Department's website at [www.pobail.ie](http://www.pobail.ie); the introduction of a special fund aimed at assisting commercial enterprise on the non-Gaeltacht islands, as the Gaeltacht islands are already served in this regard by Údarás na Gaeltachta; the continued co-ordination of the provision of State services to island communities; and the provision of funding for the health, social and educational facilities where appropriate and in consultation and full co-operation with other statutory agencies and Departments.

### Departmental Expenditure.

263. **Ms Enright** asked the Minister for Social and Family Affairs the amount of money paid out by his Department in public relations fees; the name of the firm that was paid the highest amount; the amount paid to a specific firm (details supplied); the amount of money paid out by the Department in other consultancy fees; the name of the firm or individual paid the highest amount for the most recent 12 month period; and if he will make a statement on the matter. [23877/04]

**Minister for Social and Family Affairs (Mr. Brennan):** My Department has not incurred any expenditure on public relations fees over the last 12 months and no payments have been made to the company in question. The broad range of my Department's activities requires the engagement of a range of consultancy expertise, most of which is technical consultancy related to the development of information technology systems. The amount of money paid out by my Department in consultancy fees during the 12 month period from 1 October 2003 to 30 September, 2004 was €10.42 million approximately. This expenditure includes costs arising in respect of a number of strategic multi-annual work programmes aimed at enhancing the delivery of the Department's services, for example, the service delivery modernisation programme, general registrar office modernisation programme, REACH public service broker and other initiatives. In the period, the highest

[Mr. Brennan.]

amount paid to a single firm was €4.35 million approximately paid to Bearing Point in respect of consultancy assistance provided for two projects, the development of the public service broker by REACH and the service delivery modernisation programme.

264. **Ms Enright** asked the Minister for Social and Family Affairs the total amount of money paid out by his Department in legal fees; the details of the firms paid the greatest amount of fees; the total amount of money paid out in legal settlements; the number of such settlements; the total number of claims against his Department, for the most recent 12 month period; and if he will make a statement on the matter. [23891/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Legal advice and support services for my Department, in respect of court cases and legal challenges in which my Department is a named party, are supplied by the Office of the Attorney General and the Office of the Chief State Solicitor, as appropriate. During the past 12 months my Department has been involved in two legal settlements. The total cost of these settlements amounted to €162,190.90, comprising a settlement element of €110,000 and a costs element of €52,190.90. A total of four claims, involving judicial proceedings, have been initiated over the past 12 months against my Department.

*Question No. 265 withdrawn.*

#### Ministerial Appointments.

266. **Mr. Boyle** asked the Minister for Social and Family Affairs the public appointments made by his Department between 1 July and 30 September 2004; and if he will make a statement on the matter. [23922/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The five statutory agencies operating under the aegis of my Department are the Pensions Board, the Combat Poverty Agency, Comhairle, the Social Welfare Tribunal and the Family Support Agency. There was one appointment made to the board of the Combat Poverty Agency and two appointments made to the board

of Comhairle in the period between 1 July and 30 September 2004, as follows:

#### Combat Poverty Agency (CPA)

Person Appointed	Date of Appointment
Seamus Mc Aleavey	02/09/04

#### Comhairle

Persons Appointed	Date of Appointment
Mary Lyne	01/09/04
Brian Flynn	01/09/04

No appointments have been made to the Pensions Board, the board of the Family Support Agency or membership of the Social Welfare Tribunal in the period concerned.

#### Social Welfare Benefits.

267. **Mr. Durkan** asked the Minister for Social and Family Affairs the reason rent allowance has been reduced in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [23963/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Rent supplements are provided for under the supplementary welfare allowance scheme which is administered on my behalf by the health boards. They are subject to a means test and therefore any change in the level of household income may affect the amount of supplement payable. The South Western Area Health Board was contacted regarding this case and has advised that, following a periodic review, the amount of rent supplement in payment was reduced in March 2004 to take account of an increase in the level of household income. The board has further advised that the amount of supplement paid for the period from March 2004 to September 2004 was incorrect and, as a result, the person in question has been overpaid. In the circumstances the board does not intend to seek repayment of the overpayment. The revised correct amount of rent supplement is due to go into payment this month.